

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

April 9, 2002

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

Present: Supervisors Noble, Haen, Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Reed, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Koessler, Gorlinski, Smits, Elverman.

Excused: Supervisors West and Kerkman.

Present. 25. Excused. 2.

CITIZEN COMMENTS

There were no Citizen Comments

CHAIRMAN'S ANNOUNCEMENTS

Chairman Noble presented Supervisors Reed and Koessler with Plaques of Recognition for their many years of service. He thanked both supervisors for their hard work and for representing their constituents very well.

Chairman Noble stated that last week he asked Supervisor Carbone to put KABA on the Finance Committee agenda relative to KABA's position on the \$40,000 contribution to the Study on Governmental Services. Supervisors should have received a letter formalizing the commitment.

Chairman Noble reported that last night they had a 4 hour interview process for the Gateway Technical College Board. Two new people were appointed.

SUPERVISOR REPORTS

Supervisor Elverman reported the Highway & Parks Committee set a date of May 6th, which they will be having their first meeting with the consultant architect designer hired for the master plan for the west end park.

Supervisor Wisnefski reported that around Memorial Day, the Medical Examiners office will be finished and will be opened up. There is some interest from Walworth and Racine Counties to contract with us to do some autopsy work for them. Rash Construction is the low bidder for Job Center project, the work should start about the 15th of April. The locker rooms in the Safety Building will be completed next week.

Supervisor Carbone reported that last week the Finance and Administration Committees met to try to establish elected officials salary for the next term. Salary's were not set. There is an action which will come before the board tonight to suspend Policy Resolution 1 established May of 2000. Personnel & Finance were asked to put together a packet for the supervisors of information to help set the salaries for the elected officials and non-reps.

Supervisor Larsen spoke regarding the Kenosha County Heart Walk on April 20th, at Parkside, which County Executive Allan Kehl is Chairman. Anyone wishing to walk or donate money may contact Supervisor Larsen.

Supervisor Huff reported there was some confusion at the last meeting regarding the cabaret license. A copy of the Judiciary & Law Committee minutes have been provided to each of the supervisors to help clarify and answer the question.

Supervisor Johnson thanked the Board for the flowers and cards that were sent to him while he was hospitalized.

Supervisor Carey-Mielke thanked Edna Highland for giving everyone a copy of Policy Resolution #1. She also asked for a copy of the Critical Path Study. Supervisor Carbone responded she should contact the Finance Department to receive a copy.

Supervisor Ruffolo requested that since there will be new members of the Board, he would like the whole board to receive a copy of the Critical Path. He also spoke regarding concerns of the public riding the elevators in the courthouse with inmates and asked for this to be referred to a committee for review. Supervisor Ruffolo commented on the great job Fred Patrie did getting the traffic signals on Washington Rd. and 47th Ave. He would also like to see traffic signals on 47th Ave. and 52nd St. and requested this be referred to the proper committee. He also requested that the issue regarding the use of envelopes and or stationary be referred to a committee so there can be a concise form of rules on the use of these items.

Supervisor Pitts requested a workshop be conducted concerning the Board of Supervisor's responsibilities. Wisconsin Counties Association is willing to conduct a workshop for all supervisors.

OLD BUSINESS

Ordinances - Second reading, two required

ORDINANCE 56

56. From Land Use Committee regarding Creating Chapter 13 of the Municipal Code of Kenosha County relating to Nonmetallic Mining Reclamation regulations.

Create Chapter 13 of the Municipal Code of Kenosha County relating to Nonmetallic Mining Reclamation regulations per the attachment.

CHAPTER 13 KENOSHA COUNTY NON-METALLIC MINING RECLAMATION ORDINANCE

T A B L E O F C O N T E N T S

<u>I GENERAL</u>	
13.01-1	Title 1
13.01-2	Purpose 1
13.01-3	Statutory Authority..... 1
13.01-4	Restrictions Adopted Under Other Authority..... 1
13.01-5	Interpretation..... 1
13.01-6	Severability..... 1
13.01-7	Applicability..... 2-3
	(1) Overall Applicability..... 2
	(2) Exemptions 2-3
13.01-8	Administration..... 3
13.01-9	Effective Date..... 3
13.01-10	Definitions 4-8
<u>PART II - STANDARDS</u>	
13.02-1	Standards 8-12
	(1) General Standards 8
	(2) Surface Water and Wetland Protection 9
	(3) Groundwater Quality..... 9
	(4) Topsoil Management..... 9-10
	(5) Final Grading and Slopes..... 10
	(6) Topsoil Redistribution for Reclamation 10
	(7) Revegetation and Site Stabilization 10-11
	(8) Assessing Completion of Successful Reclamation 11
	(9) Intermittent Mining..... 11
	(10) Maintenance 12

PART III - PERMITTING

13.03-1	Non-Metallic Mining Reclamation Permit Application.....	12-13
	(1) Required Submittal.....	12
	(2) Existing Mines	12
	(3) New Mines	13
13.03-2	Reclamation Plan.....	13-17
	(1) Reclamation Plan Requirements.....	13-16
	(2) Existing Mines	16
	(3) New Mines	16
	(4) Existing Plans and Approvals.....	16-17
	(5) Approval of Reclamation Plan.....	17
13.03-3	Financial Assurance.....	17-21
	(1) Financial Assurance Requirements	17-21
	(2) Existing Mines	21
	(3) New Mines	21
	(4) Public Non-Metallic Mining.....	21
13.03-4	Public Notice and Right of Hearing	21-23
	(1) New Mines	21-23
	(2) Existing Mines	23
	(3) Local Transportation-Related Mines	23
13.03-5	Issuance of a Non-Metallic Mining Reclamation Permit.....	23-28
	(1) Permit Required	23
	(2) Modified Permit for Existing Mines	23-24
	(3) Evaluation of Follow-Up Submittals for Existing Mines 24-25	
	(4) Permit Issuance for New Mines.....	25
	(5) Automatic Permit for Local Transportation-Related Mines 26-27	
	(6) Expedited Review	27-28
	(7) Permit Conditions	28
13.03-6	Permit Denial.....	28-29
13.03-7	Alternative Requirements	29-30
	(1) Scope of Alternative Requirements Approvable	29-30
	(2) Procedures	30
	(3) Transmittal of Decision on Request for <u>Alternate Requirements.....</u>	30
	(4) Notice to Wisconsin Department of Natural Resources	30
13.03-8	Permit Duration.....	30
13.03-9	Permit Transfer.....	31
13.03-10	Previously Permitted Sites	31
13.03-11	Review	31

PART IV - ADMINISTRATION

13.04-1	Permit Modification.....	31-32
	(1) By Kenosha County	31
	(2) At the Operator's Option.....	32
	(3) Required by the Operator.....	32
	(4) Review	32
13.04-2	Permit Suspension or Revocation	32-33
	(1) Grounds	32
	(2) Procedures	32
	(3) Consequences	32-33
13.04-3	Annual Operator Reporting	33-34
	(1) Contents and Deadline.....	33-34
	(2) Inspection in Lieu of Report.....	34
	(3) Retention of Annual Reports.....	34
13.04-4	Plan Review Fees.....	34-35
	(1) Amount and Applicability.....	34-35
	(2) Expedited Plan Review Fee.....	35
	(3) Relation to Annual Fee.....	35
13.04-5	Annual Fees	35-37

	(1)	Areas Subject to Fees, Procedures and Deadline	35-36
	(2)	Wisconsin Department of Natural Resources Share of Fee	36-37
	(3)	Kenosha County's Share of Fee.....	37
13.04-6		Regulatory Reporting and Documentation	37-39
	(1)	Reporting	37-38
	(2)	Documentation.....	38-39
13.04-7		Completed Reclamation - Reporting, Certification and Effect	39-40
	(1)	Reporting	39
	(2)	Reporting of Interim Reclamation	39
	(3)	Certification of Completed Reclamation	39
	(4)	Effect of Completed Reclamation.....	39-40
	(5)	Effect of Inaction Following Report of Completed Reclamation.....	40
13.04-8		Permit Termination.....	40
		PART V - ENFORCEMENT	
13.05-1		Right of Entry and Inspection	40
13.05-2		Orders and Citations.....	40-41
	(1)	Enforcement Orders.....	40
	(2)	Special Orders	41
	(3)	Review of Orders	41
	(4)	Citations	41
	(5)	Enforcement	41
13.05-3		Penalties.....	41

CHAPTER 13

KENOSHA COUNTY NON-METALLIC MINING RECLAMATION ORDINANCE

I. GENERAL

13.01-1	Title.	Kenosha County Non-Metallic Mining Reclamation Ordinance.
13.01-2	Purpose.	The purpose of this chapter is to establish a local program to ensure effective reclamation, including but not limited to the control and prevention of soil erosion, the prevention of water pollution of the surface and subsurface waters, and the promotion of sound future land use, of non-metallic mining sites on which non-metallic mining takes place in Kenosha County after the effective date of this chapter, in compliance with Chapter NR 135, Wisconsin Administrative Code and Subchapter I of Chapter 295, Wisconsin Statutes.
13.01-3	Statutory Authority.	This chapter is adopted under authority of <u>Section 295.13(1), Wisconsin Statutes</u> , Section NR 135.32, Wisconsin Administrative Code, and <u>Section 59.51, Wisconsin Statutes</u> .
13.01-4	Restrictions Adopted Under Other Authority.	The purpose of this chapter is to adopt and implement the uniform statewide standards for non-metallic mining required by Section 295.12(1)(a), Stats. and contained in Chapter NR 135, Wisconsin Administrative Code. It is not intended that this chapter repeal, abrogate, annul, impair or interfere with any existing rules, regulation, ordinances or permits concerning non-metallic mining reclamation previously adopted pursuant to other Wisconsin law.
13.01-5	Interpretation.	In their interpretation and application, the provisions of this chapter shall be held to be the applicable requirements for non-metallic mining reclamation and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes outside the reclamation requirements for non-metallic mining sites required by subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code. Where any terms or requirements of this chapter may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this chapter is required by Wisconsin Statutes, or by a standard in Chapter NR 135, Wisconsin Administrative Code, and where the provision is

unclear, the provision shall be interpreted to be consistent with the Wisconsin Statutes and the provisions of Chapter NR 135, Wisconsin Administrative Code.

13.01-6 **Severability.** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

13.01-7 **Applicability.**

(1) **Overall Applicability.** The requirements of this chapter apply to all operators of non-metallic mining sites within Kenosha County operating on or commencing to operate after, August 1, 2001, except as exempted in **section 13.01-7(2)** and for non-metallic mining sites located in a city, village or town within Kenosha County Department of Planning and Development, Division of County Development that has adopted an ordinance pursuant to Section 295.14, Wisconsin Statutes, and Section NR 135.32(2), Wisconsin Administrative Code. This chapter does not apply to non-metallic mining sites where non-metallic mining permanently ceased before, August 1, 2001. This chapter applies to non-metallic mining conducted by or on behalf of the State of Wisconsin, by or on behalf of a municipality or for the benefit or use of the state or any state agency, board, commission or department, except for the waiver of financial assurance in **section 13.03-3(4)**.

(2) **Exemptions.** This chapter does not apply to the following activities:

- (a) Non-metallic mining at a site or that portion of a site that is subject to permit and reclamation requirements of the Wisconsin Department of Natural Resources under secs. 30.19, 30.195 or 30.20, Stats., and complies with Chapter NR 340, Wisconsin Administrative Code.
- (b) Excavations subject to the permit and reclamation requirements of secs. 30.30 or 30.31, Stats.
- (c) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (d) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the transportation facility.
- (e) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (f) Excavations for building construction purposes conducted on the building site.
- (g) Non-metallic mining at non-metallic mining sites that affect less than one acre of total area over the life of the mine.
- (h) Any mining operation, the reclamation of which is required in a permit obtained under ch. 293, Stats.
- (i) Any activities required to prepare, operate or close a solid waste disposal facility under ch. 289, Stats., or a hazardous waste disposal facility under ch. 291, Stats., that are conducted on the property where the facility is located, but an applicable non-metallic mining reclamation ordinance and the standards established in this chapter apply to activities related to solid waste or hazardous waste disposal that are conducted at a non-metallic mining site that is not on the property where the solid waste or hazardous waste disposal facility is located, such as activities to obtain non-metallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

(j) Non-metallic mining related to a Wisconsin Department of Transportation project.

1. Non-metallic mining conducted to obtain stone, soil, sand or gravel for construction, reconstruction, maintenance or repair of a highway, railroad, airport, or any other transportation facility or part thereof, if the non-metallic mining is subject to the requirements of the Wisconsin Department of Transportation concerning the restoration of the non-metallic mining site.
2. This exemption only applies to a non-metallic mining operation with limited purpose and duration where the Wisconsin Department of Transportation actively imposes reclamation requirements and the operator reclaims the non-metallic mining site in accordance with these requirements. The duration of the exemption shall be specific to the length of the Wisconsin Department of Transportation contract for construction of a specific transportation project.
3. If a non-metallic mining site covered under **sections 13.01-7(2)(j)1. and 2.** is used to concurrently supply materials for projects unrelated to the Wisconsin Department of Transportation project, the exemption in this paragraph still applies, provided that the site is fully reclaimed under Wisconsin Department of Transportation contract and supervision.

(k) Dredging for navigational purposes, to construct or maintain farm drainage ditches and for the remediation of environmental contamination and the disposal of spoils from these activities.

(l) Removal of material from the bed of Lake Michigan or any navigable natural inland lakes, streams, ponds, sloughs, and flowages by a public utility pursuant to a permit under s. 30.21, Stats.

13.01-8 **Administration.** The provisions of this chapter shall be administered by the Kenosha County Department of Planning and Development, Division of County Development, and referred to in this ordinance as "Kenosha County Department of Planning and Development, Division of County Development".

13.01-9 **Effective Date.** The provisions of this chapter shall take effect on, June 1, 2002.

13.01-10 **Definitions.** In this chapter:

(1) **Alternative requirement** - means an alternative to the reclamation standards of this chapter provided through a written authorization granted by Kenosha County Department of Planning and Development, Division of County Development, pursuant to **section 13.03-7**.

(2) **Applicable reclamation ordinance** - means a non-metallic mining reclamation ordinance, including this chapter, that applies to a particular non-metallic mining site and complies with the requirements of this Chapter NR 135, Wisconsin Administrative Code and subchapter I of ch. 295, Stats., unless the Wisconsin Department of Natural Resources is the regulatory authority as defined in **section 13.01-10(20)(c)**. If the Wisconsin Department of Natural Resources is the regulatory authority, "applicable reclamation ordinance" means the relevant and applicable provisions of Chapter NR 135, Wisconsin Administrative Code.

- (2m) **Borrow site** - means an area outside of a transportation project site from which stone, soil, sand or gravel is excavated for use at the project site, except the term does not include commercial sources.
- (3) **Contemporaneous reclamation** - means the sequential or progressive reclamation of portions of the non-metallic mining site affected by mining operations that is performed in advance of final site reclamation, but which may or may not be final reclamation, performed to minimize the area exposed to erosion, at any one time, by non-metallic mining activities.
- (4) **Department** - means the Wisconsin Department of Natural Resources.
- (6) **Environmental pollution** - has the meaning in s. 295.11(2), Stats.
- (7) **Existing mine** - means a non-metallic mine where non-metallic mining took place before, August 1, 2001.
- (8) **Financial assurance** - means a commitment of funds or resources by an operator to a regulatory authority that satisfies the requirements in **section 13.03-3** and is sufficient to pay for reclamation activities required by this chapter.
- (9) **Landowner** - means the person who has title to land in fee simple or who holds a land contract for the land. A landowner is not a person who owns non-metallic mineral rights to land, if a different person possesses title to that land in fee simple or holds a land contract for that land.
- (10) **Municipality** - means any county, city, town or village.
- (11) **Non-metallic mineral** - means a product, commodity or material consisting principally of naturally occurring, organic or inorganic, non-metallic, nonrenewable material. Non-metallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.
- (13) **Non-metallic mining or mining** - means all of following:
- (a) Operations or activities at a non-metallic mining site for the extraction from the earth of mineral aggregates or non-metallic minerals for sale or use by the operator. Non-metallic mining includes use of mining equipment or techniques to remove materials from the in-place non-metallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Non-metallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
 - (b) Processes carried out at a non-metallic mining site that are related to the preparation or processing of the mineral aggregates or non-metallic minerals obtained from the non-metallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or non-metallic minerals with other mineral aggregates or non-metallic minerals, blasting, grading, crushing, screening, scalping and dewatering.
- (14) **Non-metallic mining reclamation or reclamation** - means the rehabilitation of a non-metallic mining site to achieve a land use specified in a non-metallic mining reclamation plan approved under this chapter, including removal or reuse of non-metallic mining refuse, grading of the non-metallic mining site, removal, storage and replacement of topsoil,

stabilization of soil conditions, reestablishment of vegetative cover, control of surface water and groundwater, prevention of environmental pollution and if practicable the restoration of plant, fish and wildlife habitat.

- (15) **Non-metallic mining refuse** - means waste soil, rock and mineral, as well as other natural site material resulting from non-metallic mining. Non-metallic mining refuse does not include marketable by-products resulting directly from or displaced by the non-metallic mining that are scheduled to be removed from the non-metallic mining site within a reasonable period of time after extraction.
- (16) **Non-metallic mining site or site** - means all contiguous areas of present or proposed mining described in **par. (a)**, subject to the qualifications in **par. (b)**.
 - (a) Non-metallic mining site means the following:
 - 1. The location where non-metallic mining is proposed or conducted.
 - 2. Storage and processing areas that are in or contiguous to areas excavated for non-metallic mining.
 - 3. Areas where non-metallic mining refuse is deposited.
 - 4. Areas affected by activities such as the construction or improvement of private roads or haulage ways for non-metallic mining.
 - 5. Areas where grading or regrading is necessary.
 - 6. Areas where non-metallic mining reclamation activities are carried out or structures needed for non-metallic mining reclamation, such as topsoil stockpile areas, revegetation test plots, or channels for surface water diversion, are located.
 - (b) **Non-metallic mine site** - does not include any of the following areas:
 - 1. Those portions of sites listed in **par. (a)** not used for non-metallic mining or purposes related to non-metallic mining after, August 1, 2001.
 - 2. Separate, previously mined areas that are not used for non-metallic mineral extraction after, August 1, 2001, and are not contiguous to mine sites, including separate areas that are connected to active mine sites by public or private roads.
 - 3. Areas previously mined but used after, August 1, 2001, for a non-mining activity, such as stockpiles of materials used for an industrial process unrelated to non-metallic mining.
- (17) **Operator** - means any person who is engaged in, or who has applied for a permit to engage in, non-metallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.
- (18) **Registered geologist** - means a person who is registered as a professional geologist pursuant to ss. 443.037 and 443.09, Stats.
- (19) **Registered professional engineer** - means a person who is registered as a professional engineer pursuant to ss. 443.04 and 443.09, Stats.
- (20) **Regulatory authority** - means the following:
 - (a) Kenosha County Department of Planning and Development, Division of County Development, for non-metallic mine sites located within its jurisdiction, or
 - (b) A municipality in which the non-metallic mining site is located and which has adopted an applicable reclamation ordinance.

- (c) The Wisconsin Department of Natural Resources, but only if there is no applicable reclamation ordinance enacted by the municipality or the county in which the non-metallic mining site is located.
- (21) **Replacement of topsoil** - means the replacement or redistribution of topsoil or topsoil substitute material to all areas where topsoil was actually removed or affected by non-metallic for the purposes of providing adequate vegetative cover and stabilization of soil conditions needed to achieve the approved post-mining land use and as required by the reclamation plan approved pursuant to this chapter.
- (22) **Solid waste** - means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 283, Stats., or source material, special nuclear material or by-product material, as defined in s. 254.31 (1), Stats.
- (23) **Topsoil** - means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth and which can provide the plant growth, soil stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- (24) **Topsoil substitute material** - means soil or other unconsolidated material either used alone or mixed with other beneficial materials and which can provide the plant growth, site stability and other attributes necessary to meet the success standards approved in the reclamation plan.
- (25) **Unreclaimed acre or unreclaimed acres** -
- (a) means those unreclaimed areas in which non-metallic mining has occurred after, August 1, 2001, and areas where non-metallic mining reclamation has been completed but is not yet certified as reclaimed under **section 13.04-7(3)**. However the term does not include any areas described in **par. (b)**.
- (b) does not include:
1. Those areas where reclamation has been completed and certified as reclaimed under **section 13.04-7(3)**.
 2. Those areas previously affected by non-metallic mining but which are not used for non-metallic mining after, August 1, 2001.
 3. Those portions of non-metallic mining sites which are included in a non-metallic mining reclamation plan approved pursuant to this chapter but are not yet affected by non-metallic mining.
 4. Areas previously mined but used after, August 1, 2001, for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from non-metallic mining.
 5. For purposes of fees under **section 13.04-5**, those areas within a non-metallic mining site which Kenosha County Department of Planning and Development, Division of County Development has

determined to have been successfully reclaimed on an interim basis in accordance with **section 13.04-7(3)**.

II. STANDARDS

13.02-1

Standards. All non-metallic mining sites subject to this chapter shall be reclaimed in conformance with the standards contained below.

(1) General Standards.

(a) Refuse and other solid wastes. Non-metallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources adopted pursuant to chs. 289 and 291, Stats.

(b) Area disturbed and contemporaneous reclamation. Non-metallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by non-metallic mining and to provide for non-metallic mining reclamation of portions of the non-metallic mining site while non-metallic mining continues on other portions of the non-metallic mining site.

(c) Public health, safety and welfare. All non-metallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(d) Habitat restoration. When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by non-metallic mining operations.

(e) Compliance with environmental regulations. Reclamation of non-metallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

Note: Other applicable environmental, zoning or land use regulations may include Chapters NR 103, 115, 116, 117, 205, 216, 269, 105, 106, 140, 150, 340, 500-590, and 812, Wisconsin Administrative Code, chs. 30 and 91, Stats., and Section 404 of the Clean Water Act (33 USC s. 1344), which may be applicable to all or part of either an existing or proposed non-metallic mining project, so long as they do not require or directly regulate the reclamation of non-metallic mining sites as addressed under Subchapter I of Chapter 295, Stats. .

(2) Surface Water and Wetlands Protection. Non-metallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources' water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a non-metallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) Groundwater Protection.

(a) Groundwater quantity. A non-metallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters or a significant reduction in

the quantity of groundwater reasonably available for future users of groundwater.

- (b) **Groundwater quality.** Non-metallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) Topsoil Management.

- (a) **Removal** Topsoil and topsoil substitute material shall be removed, protected and redistributed to support reclamation and site stabilization. Topsoil shall be managed as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Topsoil and topsoil substitute material removal shall be performed, as required by the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation.

- (b) **Volume.** The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

Note: *Existing resources that may be used to identify the soil present on a site include the County Soil Surveys and information obtained from a soil scientist or the County Extension Agent or other available resources. Topsoil or topsoil substitute material shall be removed from areas to be affected by mining operations to the depth indicated in the reclamation plan or as determined in the field by a soil scientist, project engineer or other qualified professional.*

- (c) **Storage.** Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.

(5) Final Grading and Slopes.

- (a) All areas affected by mining shall be graded in accordance with the reclamation plan approved pursuant to this chapter to achieve a stable and safe condition consistent with the post mining land use. The reclamation plan may designate areas such as stable slopes and rock faces, which do not require final grading.

- (b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless alternative requirements are approved under **section 13.03-7**, and stable slopes can be demonstrated based on site-specific engineering analysis. The engineering analysis shall show that a minimum acceptable slope stability factor is attainable at a steeper slope and that the post-mining land use specified in the reclamation plan is not adversely affected. When the slope occurs at the edge of a body of water, this approved slope shall extend vertically 6 feet below the lowest seasonal water level.

A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

- (c) All areas in the non-metallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(6) Topsoil Redistribution for Reclamation. Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved pursuant to this chapter in a manner which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) Revegetation and Site Stabilization. Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by non-metallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) Assessing Completion of Successful Reclamation.

- (a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by the Kenosha County Department of Planning and Development, Division of County Development, or its agent;
2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photo-documentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
3. A combination of inspections and reports.

(c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.

(d) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;
2. Comparison to baseline data acquired at the mining site prior to its being affected by mining; or
3. Comparison to an approved alternate technical standard.

(e) Revegetation using a variety of plants indigenous to the area is favored.

(9) Intermittent Mining. Intermittent mining may be conducted provided that the possibility of intermittent cessation of

operations is addressed in an operator's reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance for reclamation pursuant to **section 13.03-3** is maintained covering all remaining portions of the site that have been affected by non-metallic mining and that have not been reclaimed.

- (10) **Maintenance.** During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.

III. PERMITTING

13.03-1

Non-metallic Mining Reclamation Permit Application.

- (1) **Required Submittal.** All operators of non-metallic mining sites that operated on or after, August 1, 2001, shall apply for a reclamation permit from Kenosha County Department of Planning and Development, Division of County Development. All applications for reclamation permits under this section shall be accompanied by the following information:

- (a) A brief description of the general location and nature of the non-metallic mine.
- (b) A legal description of the property on which the non-metallic mine is located or proposed, including the parcel identification number.
- (c) The names, addresses and telephone numbers of all persons or organizations who are owners or lessors of the property on which the non-metallic mining site is located.
- (d) The name, address, and telephone number of the person or organization who is the operator.
- (e) A certification by the operator of his or her intent to comply with the statewide non-metallic mining reclamation standards established by **Section II**.

- (2) **Existing Mines.** The operator of any existing non-metallic mining site who conducted or planned to conduct non-metallic mining on or after, August 1, 2001, may apply for a modified reclamation permit from Kenosha County Department of Planning and Development, Division of County Development, by providing the information set forth below no later than, August 1, 2002, to the Kenosha County Department of Planning and Development, Division of County Development.

- (a) The information required by **section 13.03-1(1)**.
- (b) The first year's annual fee, as required by **section 13.04-5**.
- (c) A certification signed by the operator that he or she will provide Kenosha County Department of Planning and Development, Division of County Development, with a complete reclamation plan required by **section 13.03-2** and financial assurance required by **section 13.03-3** no later than the times established pursuant to this chapter.

- (3) **New Mines.** The operator of any non-metallic mine site that engages in or plans to engage in non-metallic mining that will begin operations after, August 1, 2001, shall submit an application for a reclamation permit that meets the requirements specified below to Kenosha County Department of Planning and Development, Division of County Development, prior to beginning operations. This application shall be accompanied by a plan review fee as specified in **section 13.04-4**.

- (a) The information required by **section 13.03-1(1)**.

- (b) The plan review and annual fees required by **sections 13.04-4 and 13.04-5.**
- (c) A reclamation plan conforming to **section 13.03-2.**
- (d) A certification that the operator will provide, as a condition of the reclamation permit, provide financial assurance as required by **section 13.03-3** upon granting of the reclamation permit and before mining begins.
- (e) To avoid duplication, the permit application and submittals required under this subsection may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.

13.03-2

Reclamation Plan.

(1) Reclamation Plan Requirements. All operators of non-metallic mining sites subject to this chapter shall prepare and submit a reclamation plan that meets the following requirements.

- (a) **Plan required.** An operator who conducted or plans to conduct non-metallic mining on or after, August 1, 2001, shall submit to Kenosha County Department of Planning and Development, Division of County Development, a reclamation plan that meets the requirements of this section and complies with the standards of **section 13.02**. To avoid duplication, the reclamation plan may, by reference, incorporate existing plans or materials that meet the requirements of this chapter.
- (b) **Site information.** The reclamation plan shall include information sufficient to describe the natural and physical conditions of the site prior to any non-metallic mining, including, but not limited to:

1. Maps of the non-metallic mining site including the general location, property boundaries, the aerial extent, geologic composition and depth of the non-metallic mineral deposit, the distribution, thickness and type of topsoil, the approximate elevation of ground water, the location of surface waters and the existing drainage patterns.

Note: Topsoil or topsoil substitute material required to support revegetation needed for reclaiming the site to approved post-mining land use can be identified using soil surveys or other available information.

2. Information available to the mine operator on biological resources, plant communities, and wildlife use at and adjacent to the proposed or operating mine sites.
3. Existing topography as shown on contour maps of the site at two foot intervals.
4. Location of manmade features on or near the site.
5. For existing mines, a plan view drawing showing the location and extent of land previously affected by non-metallic mining, including the location of stockpiles, wash ponds and sediment basins.

Note: Some of or all of the information required above may be shown on the same submittal, i.e. the site map required by par. (1) may also show topography required by par. (3).

(c) Post mining land use.

1. The reclamation plan shall specify a proposed post-mining land use for the non-metallic mine site. The proposed post-mining land use shall be consistent with local land use plans and local zoning at the time the plan is submitted, unless

a change to the land use plan or zoning is proposed. The proposed post-mining land use shall also be consistent with all applicable local, state, or federal laws in effect at the time the plan is submitted.

2. A proposed post-mining land use is necessary to determine the type and degree of reclamation needed to correspond with that land use. The post mining land use will be key in determining the reclamation plan. Final slopes, drainage patterns, site hydrology, seed mixes and the degree of removal of mining-related structures, drainage structures, and sediment control structures will be dictated by the approved post-mining land use.
3. Land used for non-metallic mineral extraction in areas zoned under an exclusive agricultural use ordinance pursuant to s. 91.75, Stats., shall be restored to agricultural use.

Note: Section 91.75(9), Stats., contains this requirement. Section 91.01(1), Stats., defines the term "agricultural use".

(d) **Reclamation measures.** The reclamation plan shall include a description of the proposed reclamation, including methods and procedures to be used and a proposed schedule and sequence for the completion of reclamation activities for various stages of reclamation of the non-metallic mining site. The following shall be included:

1. A description of the proposed earthwork and reclamation, including final slope angles, high wall reduction, benching, terracing and other structural slope stabilization measures.
2. The methods of topsoil or topsoil substitute material removal, storage, stabilization and conservation that will be used during reclamation.
3. A plan or map which shows anticipated topography of the reclaimed site and any water impoundments or artificial lakes needed to support the anticipated future land use of the site.
4. A plan or map which shows surface structures, roads and related facilities after the cessation of mining.
5. The estimated cost of reclamation for each stage of the project or the entire site if reclamation staging is not planned.
6. A revegetation plan which shall include timing and methods of seed bed preparation, rates and kinds of soil amendments, seed application timing, methods and rates, mulching, netting and any other techniques needed to accomplish soil and slope stabilization.
7. Quantifiable standards for revegetation adequate to show that a sustainable stand of vegetation has been established which will support the approved post-mining land use. Standards for revegetation may be based on the percent vegetative cover, productivity, plant density, diversity or other applicable measures.
8. A plan and, if necessary, a narrative showing erosion control measures to be employed during reclamation activities. These shall address how reclamation activities will be conducted to

minimize erosion and pollution of surface and groundwater.

9. A description of any areas which will be reclaimed on an interim basis sufficient which will be subsequently disturbed prior to final reclamation. Descriptions shall include an identification of the proposed areas involved, methods of reclamation to comply with the standards in **section 13.02** and timing of interim and final reclamation.

Note: *Some of the information required by this subsection may be combined to avoid duplication, e.g. a single map may show anticipated post-mining topography required by par. 3. as well as structures and roads as required by par. 4..*

(e) The reclamation plan shall contain criteria for assuring successful reclamation in accordance **section 13.02-1(8)**.

(f) Certification of reclamation plan.

1. The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. The landowner and lessee, if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, except as provided in **par. 2..**

2. For the following situations, the landowner and lessee, if different from the mine operator, are not required to submit a written certification in accordance with **par. 1..** The operator shall provide written evidence that the landowner and lessee, if different from the operator, have been provided with a written copy of the reclamation plan, and that:

- a. The mine operator has submitted a reclamation plan for an existing mine in accordance with **section 13.03-1(2)**, or

- b. The operator has submitted a reclamation plan for a new or reopened mine in accordance **section 13.03-1(3)** which is located on land for which a lease agreement or memorandum of lease between the landowner and applicant was recorded prior to, August 1, 2001.

(g) Approval. The operator shall keep a copy of the reclamation plan required by this section, once approved by Kenosha County Department of Planning and Development, Division of County Development, under this chapter, at the mine site or, if not practicable, at the operator's nearest office or place of business.

(2) **Existing Mines.** The operator of any non-metallic mining site that submits a modified reclamation permit application in conformance with **section 13.03-1(2)** shall submit the reclamation plan required by **section 13.03-2(1)** by, September 1, 2003.

(3) **New Mines.** The operator of any non-metallic mining site not in operation that applies for a permit in conformance with **section 13.03-1(3)** shall submit the reclamation plan required by **section 13.03-2(1)** with its application for a reclamation permit.

(4) **Existing Plans and Approvals.** To avoid duplication of effort, the reclamation plan required by **section 13.03-2(1)** may, by reference, incorporate existing plans or materials that meet

the requirements of this chapter. Previous approvals for non-metallic mining sites in operation before, August 1, 2001, shall satisfy the requirements of **section 13.03-2(1)** if they meet the following requirements:

- (a) The document has been approved by a county or municipality; and
 - (b) Kenosha County Department of Planning and Development, Division of County Development, finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.
- (5) **Approval of Reclamation Plan.** Kenosha County Department of Planning and Development, Division of County Development, shall approve, conditionally approve or deny the reclamation plan submitted under this section in writing in accordance with **section 13.03-5(3)(c)** for existing mines and **section 13.03-5(4)** for mines that apply for a reclamation permit in conformance with **section 13.03-1(3)**. Conditional approvals of reclamation plans shall be made according to **section 13.03-5(7)** and denials of reclamation plans shall be made pursuant to **section 13.03-6**. The operator shall keep a copy of the reclamation plan approved under this subsection at the mine site or, if not practicable, at the operator's nearest place of business.

13.03-3

Financial Assurance.

- (1) **Financial Assurance Requirements.** All operators of non-metallic mining sites in Kenosha County shall prepare and submit a proof of financial assurance that meets the following requirements:
- (a) **Notification.** The regulatory authority shall provide written notification to the operator of the amount of financial assurance required under **sub. (c)**.
 - (b) **Filing.** Following approval of the non-metallic mining reclamation permit, and as a condition of the permit, the operator shall file financial assurance with Kenosha County Department of Planning and Development, Division of County Development. The financial assurance shall provide that the operator shall faithfully perform all requirements in this chapter, an applicable reclamation ordinance and the reclamation plan. Financial assurance shall be payable exclusively to Kenosha County Department of Planning and Development, Division of County Development. In cases where one or more other regulatory authorities regulate a non-metallic mining site, all financial assurance shall be made payable to Kenosha County Department of Planning and Development, Division of County Development, only if it currently has primary regulatory responsibility.
 - (c) **Amount and duration of financial assurance.** The amount of financial assurance shall equal as closely as possible the cost to Kenosha County Department of Planning and Development, Division of County Development, of hiring a contractor to complete either final reclamation or progressive reclamation according to the approved reclamation plan at the time of the proposed reclamation. The amount of financial assurance shall be determined by estimating the present day cost of implementing the reclamation plan to be approved and applying to such cost an inflationary factor based upon an historical analysis of the cost of living for a period of time equal to the time proposed until reclamation is to be commenced. The amount of financial assurance shall be reviewed periodically by Kenosha County Department of Planning and Development, Division

of County Development, to assure it equals outstanding reclamation costs. Any financial assurance filed with Kenosha County Department of Planning and Development, Division of County Development, shall furthermore be in an amount equal to the estimated cost for reclaiming all sites the operator has under project permits. Kenosha County Department of Planning and Development, Division of County Development, may accept a lesser initial amount of financial assurance provided that the permittee initiates a process to continuously increase the amount of financial assurance until it is adequate to effect reclamation. An escrow account may be established that is based on production gross sales and serves to provide regular payments to an account that is designed to grow to the amount necessary to guarantee performance of reclamation by the expected time of final reclamation. The period of the financial assurance is dictated by the period of time required to establish the post mining land use declared and approved of in the reclamation plan. This may extend beyond the permit if required to accomplish successful and complete implementation of the reclamation plan.

(d) Form and management. Financial assurance shall be provided by the operator and shall be by a bond or an alternate financial assurance. Financial assurance shall be payable to Kenosha County Department of Planning and Development, Division of County Development, and released upon successful completion of the reclamation measures specified in the reclamation plan. Alternate financial assurances may include, but are not limited to cash, certificates of deposits, irrevocable letters of credit, irrevocable trusts, established escrow accounts, demonstration of financial responsibility by meeting net worth requirements, or government securities. Any interest from the financial assurance shall be paid to the operator. Certificates of deposit shall be automatically renewable or other assurances shall be provided before the maturity date. Financial assurance arrangements may include, at the discretion of Kenosha County Department of Planning and Development, Division of County Development, a blend of different options for financial assurance including a lien on the property on which the non-metallic mining site occurs or a combination of financial assurance methods.

(e) Multiple Projects. Any operator who obtains a permit from Kenosha County Department of Planning and Development, Division of County Development, for two (2) or more non-metallic mining sites may elect, at the time the second or subsequent site is approved, to post a single financial assurance in lieu of separate financial assurance instruments for each non-metallic mining site. When an operator elects to post a single financial assurance in lieu of separate financial assurances for each mining site, no financial assurances previously posted on individual mining sites shall be released until the new financial assurance has been accepted by Kenosha County Department of Planning and Development, Division of County Development.

(f) Multiple Jurisdictions. In cases where more than one regulatory authority has jurisdiction, a cooperative financial security arrangement may be developed and implemented by the regulatory authorities to avoid

requiring the permittee to prove financial assurance with more than one regulatory authority for the same non-metallic mining site. Financial assurance is required for each site and two (2) or more sites of less than one acre by the same operator, except that governmental units are not required to obtain financial assurance.

(g) Certification of completion and release.

1. The operator shall notify the regulatory authority, by filing a notice of completion, at the time that he or she determines that reclamation of any portion of the mining site or the entire site is complete. Kenosha County Department of Planning and Development, Division of County Development, shall inspect the mine site or portion thereof that was the subject of the notice of completion to determine if reclamation has been carried out in accordance with the approved reclamation plan. Kenosha County Department of Planning and Development, Division of County Development, may partially release the financial assurance if it determines that compliance with a portion of the reclamation plan has been achieved and requires no waiting period. After determining that reclamation is complete Kenosha County Department of Planning and Development, Division of County Development, shall issue a certificate of completion and shall release the financial assurance or appropriately reduce the financial assurance in the case of reclamation of a portion of the mining site.
2. Kenosha County Department of Planning and Development, Division of County Development, shall make a determination of whether or not the certification in **par. (1)** can be made within 60 days that the request is received.
3. Kenosha County Department of Planning and Development, Division of County Development, may make a determination under this subsection that:
 - a. Reclamation is not yet complete;
 - b. It is not possible to assess whether reclamation is complete due to weather conditions, snow cover or other relevant factors;
 - c. Reclamation is complete in a part of the mine; or
 - d. Reclamation is fully complete.

(h) Forfeiture. Financial assurance shall be forfeited if any of the following occur:

1. A permit is revoked under **section 13.04-2** and the appeals process has been completed.
2. An operator ceases mining operations and fails to reclaim the site in accordance with the reclamation plan.

(i) Cancellation. Financial assurance shall provide that it may not be canceled by the surety or other holder or issuer except after not less than a 90 day notice to Kenosha County Department of Planning and Development, Division of County Development, in writing by registered or certified mail. Not less than 30 days prior to the expiration of the 90-day notice of cancellation, the operator shall deliver to Kenosha County Department of

Planning and Development, Division of County Development, a replacement proof of financial assurance. In the absence of this replacement financial assurance, all mining shall cease until the time it is delivered and in effect.

(j) Changing methods of financial assurance. The operator of a non-metallic mining site may change from one method of financial assurance to another. This may not be done more than once a year unless required by an adjustment imposed pursuant to **sub. (1)**. The operator shall give Kenosha County Department of Planning and Development, Division of County Development, at least 60 days notice prior to changing methods of financial assurance and may not actually change methods without the written approval of Kenosha County Department of Planning and Development, Division of County Development.

(k) Bankruptcy notification. The operator of a non-metallic mining site shall notify the regulatory authority by certified mail of the commencement of voluntary or involuntary proceeding under bankruptcy code, 11 USC, et seq., naming the operator as debtor, within 10 days of commencement of the proceeding.

(1) Adjustment of financial assurance. Financial assurance may be adjusted when required by Kenosha County Department of Planning and Development, Division of County Development. Kenosha County Department of Planning and Development, Division of County Development, may notify the operator in writing that adjustment is necessary and the reasons for it. Kenosha County Department of Planning and Development, Division of County Development, may adjust financial assurance based upon prevailing or projected interest or inflation rates, or the latest cost estimates for reclamation.

(m) Net worth test.

1. Only an operator that meets the definition of "company" in s. 289.41 (1) (b), Stats., may use the net worth method of providing financial assurance.
2. The operator shall submit information to Kenosha County Department of Planning and Development, Division of County Development, in satisfaction of the net worth test requirements of s. 289.41 (4), Stats. The criteria in secs. 289.41 (6) (b), (d), (e), (f), (g), (h) and (i), Stats., shall apply.
3. An operator using the net worth test to provide financial assurance for more than one mine shall use the total cost of compliance for all mines in determining the net worth to reclamation cost ratio in accordance with s. 289.41 (6), Stats.
4. Determinations under the net worth test shall be done in accordance with s. 289.41 (5), Stats.
5. In addition, the operator shall submit a legally binding commitment to faithfully perform all compliance and reclamation work at the mine site that is required under this chapter.

(2) Existing Mines. The operator of any non-metallic mining site that submits a modified reclamation permit application in conformance with **section 13.03-1(2)** shall submit the financial assurance required by **section 13.03-3(1)** by, September 1, 2003.

(3) New Mines. The operator of any non-metallic mining site that applies for a reclamation permit in conformance with **section**

13.03-1(3) shall submit the proof of financial assurance required by **section 13.03-3(1)** as specified in the reclamation permit issued to it under this chapter.

- (4) **Public Non-metallic Mining.** The financial assurance requirements of this section do not apply to non-metallic mining conducted by the State of Wisconsin, a state agency, board, commission or department, or a municipality.

13.03-4

Public Notice and Right of Hearing.

- (1) **New Mines.** Kenosha County Department of Planning and Development, Division of County Development, shall, except as provided in **section 13.03-4(2)**, provide public notice and the opportunity for a public informational hearing as set forth below:

(a) **Public Notice.**

1. Except as provided in **section 13.04(2)(c)** for existing mines, when Kenosha County Department of Planning and Development, Division of County Development, receives an application to issue a reclamation permit, it shall publish a public notice of the application no later than 30 days after receipt of a complete application that satisfies **section 13.03-1(3)**.
2. The notice shall briefly describe the mining and reclamation planned at the non-metallic mining site. The notice shall be published as a class 2 notice pursuant to s. 985.07(2), Stats., in the official newspaper of Kenosha County Department of Planning and Development, Division of County Development. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application and all supporting materials including the reclamation plan.
3. Copies of the notice shall be forwarded by Kenosha County Department of Planning and Development, Division of County Development, to the applicable local zoning board, the applicable local planning organization, the applicable land conservation officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located.

- (b) **Hearing.** Except as provided in **section 13.04(2)(c)** for existing mines, Kenosha County Department of Planning and Development, Division of County Development, shall provide for an opportunity for a public informational hearing, before the Kenosha County Land Use Committee, on an application or request to issue a non-metallic mining reclamation permit as follows:

1. If it conducts a zoning-related hearing on the non-metallic mine site, Kenosha County Department of Planning and Development, Division of County Development, shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a non-metallic mining reclamation permit required by this section. Kenosha County Department of Planning and Development, Division of County Development, shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

2. If there is no opportunity for a zoning-related hearing on the non-metallic mine site as described in **par. (1)**, opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the non-metallic mining site is located or proposed may request a public informational hearing. Kenosha County Department of Planning and Development, Division of County Development, shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under **section 13.03-4(1)(a)**. This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation.
3. The subject matter and testimony at this informational hearing shall be limited to reclamation of the non-metallic mine site.

(2) Existing Mines.

- (a) No public notice or informational hearing is required for a non-metallic mining reclamation permit issued pursuant to **section 13.03-5(2)** for an existing mine, except as provided in **section 13.04(2)(c)**.
- (b) If the regulatory authority accepts a previously approved reclamation plan for that mine as provided in **section 13.03-5(3)(b)1.**, no further public notice or informational hearing is required.
- (c) If Kenosha County Department of Planning and Development, Division of County Development, requires the submittal of a new reclamation plan, public notice and the opportunity for public informational hearing shall be provided following the receipt of the reclamation plan in accordance **section 13.03-4(1)**. In this case, the subject matter and testimony at that hearing, if held, shall be limited to the new reclamation plan.

- (3) Local Transportation-Related Mines.** No public notice or informational hearing is required for a non-metallic mining reclamation permit issued to a local transportation-related mine pursuant to **section 13.03-5(5)**.

13.03-5

Issuance of a Non-metallic Mining Reclamation Permit.

- (1) Permit Required.** Every operator of a non-metallic mining site in Kenosha County who engages in or plans to engage in non-metallic mining after, September 1, 2001, shall obtain a reclamation permit issued under this section, except for non-metallic mining sites that are exempt from this chapter under **section 13.01-7(2)**. No person may engage in non-metallic mining or non-metallic mining reclamation after, September 1, 2001, without a reclamation permit issued pursuant to this chapter.
- (2) Modified Permit for Existing Mines.** Kenosha County Department of Planning and Development, Division of County Development, shall issue a modified reclamation permit to the operator of a non-metallic mining site that submits an application meeting the requirements of **section 13.03-1(2)**, according to the following provisions:

- (a) The permit shall be issued within 30 days of such application..
 - (b) Existing mines that are granted a reclamation permit pursuant to this subsection shall, within one (1) year, submit to Kenosha County Department of Planning and Development, Division of County Development, the following:
 - 1. A reclamation plan that meets the requirements of **section 13.03-2**; and
 - 2. Financial assurance required pursuant to **section 13.03-3**.
 - (c) Kenosha County Department of Planning and Development, Division of County Development, may grant a reasonable extension to the deadline in **section 13.03-5(2)(b)** when it finds extenuating circumstances exist.
- (3) **Evaluation of Follow-Up Submittals for Existing Mines.** Mines covered by a modified reclamation permit issued under **section 13.03-5(2)** shall submit a reclamation plan in accordance with **section 13.03-2(2)** and proof of financial assurance in accordance with **section 13.03(2)** by, September 1, 2003. Reasonable extensions to these deadlines may be granted in writing by Kenosha County Department of Planning and Development, Division of County Development, where extenuating circumstances exist. These follow-up submittals shall be evaluated as set forth below:
- (a) The reclamation plan and financial assurance shall meet the requirements of **section 13.03-5(2)(b)**.
 - (b) Kenosha County Department of Planning and Development, Division of County Development, shall accept, as satisfaction of the requirement for submittal of a reclamation plan pursuant to **section 13.03-5(2)(b)1.**, submittal of a previously-completed document that includes plans for reclamation so long as:
 - 1. The document has been approved by a county or municipality; and
 - 2. Kenosha County Department of Planning and Development, Division of County Development, finds that the document designates a post-mining land use and describes reclamation measures that meet the reclamation standards of this chapter.
 - (c) If Kenosha County Department of Planning and Development, Division of County Development, determines that a document with reclamation plans previously approved meets some, but not all of, the requirements of this chapter, it shall request the supplemental information needed to satisfy the reclamation plan requirements of this section. In that case, Kenosha County Department of Planning and Development, Division of County Development, shall determine whether or not to provide public notice and opportunity for public hearing pursuant to **section 13.03-4(2)(c)**, depending on the nature and extent of the supplemental information.
 - (d) Within 30 days of receipt of the reclamation plan and evidence of financial assurance as required under **section 13.03-5(2)(b)**, Kenosha County Department of Planning and Development, Division of County Development, shall affirm in writing its decision whether to approve these submittals and continue the non-metallic mining reclamation permit issued pursuant to **section 13.03-5(2)**. A reclamation permit with this written affirmation shall satisfy the requirements of this chapter without further action, submittal or approval.

(4) **Permit Issuance for New Mines.** Applications for reclamation permits for non-metallic mining sites in operation after, September 1, 2001, that satisfy **section 13.03-1(3)** shall be issued a reclamation permit or otherwise acted on as provided below.

(a) Unless denied pursuant to **section 13.03-6**, Kenosha County Department of Planning and Development, Division of County Development, shall approve in writing a request that satisfies the requirements of **section 13.03-1(3)** to issue a non-metallic mining reclamation permit for a non-metallic mine where mining has not yet taken place before, August 1, 2001, or an existing non-metallic mine where mining is not taking place on or after, August 1, 2001.

(b) Kenosha County Department of Planning and Development, Division of County Development, may not issue an approval without prior or concurrent approval of the reclamation plan that meets the requirements of **section 13.03-2**. The regulatory authority may issue a reclamation permit subject to conditions in **section 13.03-5(7)** if appropriate. The permit decision shall be made no sooner than 30 days nor later than 90 days following receipt of the complete reclamation permit application and reclamation plan pursuant to this subchapter, unless a public hearing is held pursuant to **section 13.03-4**. If a public hearing is held, the regulatory authority shall issue the reclamation permit, subject to conditions pursuant to **section 13.03-5(7)** if appropriate, or shall deny the permit as provided in **section 13.03-6**, no later than 60 days after completing the public hearing.

(c) Permits issued pursuant to this subsection shall require compliance with a reclamation plan that has been approved and satisfies the requirements of **section 13.03-2s**, and provision by the applicant of financial assurance required under **section 13.03-3** and payable to Kenosha County Department of Planning and Development, Division of County Development, prior to beginning mining.

(5) **Automatic Permit for Local Transportation-Related Mines**

(a) Kenosha County Department of Planning and Development, Division of County Development, shall automatically issue an expedited permit under this subsection to any borrow site that:

1. Will be opened and reclaimed under contract with a municipality within a period not exceeding 36 months;
2. Is a non-metallic mine which is intended to provide stone, soil, sand or gravel for the construction, reconstruction, maintenance or repair of a highway, railroad, airport facility or other transportation facility under contract with the municipality;
3. Is regulated and will be reclaimed under contract with the municipality in accordance with the requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mining sites;
4. Is not a commercial source;
5. Will be constructed, operated and reclaimed in accordance with applicable zoning requirements, if any and;

6. Is not otherwise exempt from the requirements of this chapter under **section 13.01-7(2)(j)**.
- (b) In this subsection, "municipality" has the meaning defined in s.299.01(8), Stats.
- (c) Automatic permits shall be issued under this subsection in accordance with the following provisions:
1. The applicant shall notify Kenosha County Department of Planning and Development, Division of County Development, of the terms and conditions of the contract with respect to reclamation of the proposed borrow site.
 2. The applicant shall provide evidence to Kenosha County Department of Planning and Development, Division of County Development, to show that the borrow site and its reclamation will comply with applicable zoning requirements, if any.
 3. Kenosha County Department of Planning and Development, Division of County Development, shall accept the contractual provisions incorporating requirements of the Wisconsin Department of Transportation in lieu of a reclamation plan under **section 13.03-2**.
 4. Kenosha County Department of Planning and Development, Division of County Development, shall accept the contractual provisions in lieu of the financial assurance requirements in **section 13.03-3**.
 5. The public notice and hearing provisions of **section 13.03-5** do not apply to non-metallic mining sites that are issued automatic permits under this subsection.
Note: Local public notice and hearing requirements, if any, regarding zoning decisions still apply.
 6. Mines permitted under this subsection shall pay an annual fee to Kenosha County Department of Planning and Development, Division of County Development, as provided in **section 13.04-5**, but shall not be subject to the plan review fee provided in **section 13.04-4**.
 7. Kenosha County Department of Planning and Development, Division of County Development, shall issue the modified permit within 7 days of the receipt of a complete application.
 8. If the borrow site is used to concurrently supply materials for other than the local transportation project, the automatic permitting in this subsection still applies provided the site will be reclaimed under a contractual obligation with the municipality in accordance with the Wisconsin Department of Transportation requirements.
 9. Notwithstanding **section 13.04-3**, the operator of a borrow site under this subsection is required to submit only the information in an annual report necessary to identify the borrow site and to determine the applicable annual fee.
Note: A reclamation permit is not required under this chapter for non-metallic mining sites that are operated to provide materials for construction, maintenance and repair of transportation facilities that are subject to the Wisconsin Department of Transportation concerning

restoration of the non-metallic mining site, as provided by s. 295.16(1)(c), Stats.

(6) **Expedited Review.** Any operator of a nonmetallic mining site may request expedited review of a reclamation permit application under **section 13.03-5(6)(a)** or **(b)** as follows:

- (a) The operator may submit a request for expedited permit review with payment of the expedited review fee specified in **section 13.04(2). 26.20.** This request shall state the need for such expedited review and the date by which such expedited review is requested.
- (b) The operator may submit a request for expedited review under this subsection if the applicant requires a reclamation permit to perform services under contract with a municipality. This request for expedited review shall state the need for expedited review and shall include a copy of the applicable sections of the contract and the date by which the expedited review is requested.
- (c) Following receipt of a request under this subsection, Kenosha County Department of Planning and Development, Division of County Development, shall inform the applicant of the estimated date for decision on issuance of the permit. If the applicant then elects not to proceed with the expedited review, the fee paid under **section 13.03-5(6)(a)** shall be returned.
- (d) Expedited review by Kenosha County Department of Planning and Development, Division of County Development, under this subsection shall not waive, shorten or otherwise affect the public notice and right of hearing pursuant to **section 13.03-5.** This subsection does not impose an obligation upon the regulatory authority to act upon a permit application under this subsection by a specific date.

(7) **Permit Conditions.** Any decision under this section may include conditions as provided below:

- (a) Kenosha County Department of Planning and Development, Division of County Development, may issue a reclamation permit or approve a reclamation plan subject to general or site-specific conditions if needed to assure compliance with the non-metallic mining reclamation requirements of this chapter.
- (b) One required condition of the issued permit shall be that the new mine obtain financial assurance pursuant to **section 13.03-3** prior to beginning mining.

13.03-6

Permit Denial. An application for a non-metallic mining reclamation permit shall be denied as set forth below:

(1) An application to issue a non-metallic mining reclamation permit shall be denied, within the time frame for permit issuance specified in **section 13.03-5**, if Kenosha County Department of Planning and Development, Division of County Development, finds any of the following:

- (a) The applicant has, after being given an opportunity to make corrections, failed to provide to Kenosha County Department of Planning and Development, Division of County Development, an adequate permit application, reclamation plan, financial assurance or any other submittal required by Chapter NR 135, Wisconsin Administrative Code or this chapter.
- (b) The proposed non-metallic mining site cannot be reclaimed in compliance with the reclamation standards contained in this chapter, Chapter NR 135, Wisconsin Administrative Code or sub. ch. I. of ch. 295, Stats.
- (c) A pattern of serious violations exists.

1. The applicant, or its agent, principal or predecessor has, during the course of non-metallic mining in Wisconsin within 10 years of the permit application or modification request being considered shown a pattern of serious violations of this chapter or of federal, state or local environmental laws related to non-metallic mining reclamation.
2. The following may be considered in making this determination of a pattern of serious violations:
 - a. Results of judicial or administrative proceedings involving the operator or its agent, principal or predecessor.
 - b. Suspensions or revocations of non-metallic mining reclamation permits pursuant to this chapter, other reclamation ordinances or Chapter NR 135, Wisconsin Administrative Code.
 - c. Forfeitures of financial assurance.

(d) A denial under this subsection shall be in writing and shall contain documentation of reasons for denial.

- (2) A decision to deny an application to issue a reclamation permit may be reviewed under **section 13.03-11.**

13.03-7

Alternative Requirements.

(1) **Alternative Requirements Approval.** An operator of a non-metallic mining site may request an alternative requirement to the reclamation standard established in **section 13.02-1.** Kenosha County Department of Planning and Development, Division of County Development, may approve an alternative requirement to the reclamation standards established in this chapter if the operator demonstrates and Kenosha County Department of Planning and Development, Division of County Development, finds that all of the following criteria are met:

- (a) The non-metallic mining site, the surrounding property or the mining plan or reclamation plan has a unique characteristic, which requires an alternative requirement.
- (b) Unnecessary hardship which is peculiar to the non-metallic mining site or plan will result unless the alternative requirement is approved.
- (c) Reclamation in accordance with the proposed alternative requirement will achieve the planned post-mining land use and long term site stability in a manner that will not cause environmental pollution or threaten public health, safety or welfare.

(2) Procedures.

- (a) The operator of a non-metallic mining site requesting an alternate requirement in **section 13.03-7(1)** shall demonstrate all the criteria in **section 13.03-7(1).** This shall be submitted in writing to the Kenosha County Department of Planning and Development, Division of County Development, for review. If the Kenosha County Department of Planning and Development, Division of County Development, determines that the operator has met the three criteria in **section 13.03-7(1),** then the proposed alternative requirement may be placed on the agenda for the next available public hearing meeting of the Kenosha County Land Use Committee. Public Notice requirements of sub. 15.10(1) shall be followed.
- (b) A request for an alternative requirement may be incorporated as part of an application to issue or modify a non-metallic mining reclamation permit.

(3) Transmittal of Decision on Request for Alternative Requirement.

The decision on a request for alternate reclamation requirements shall be in writing to the applicant and shall include documentation of why the alternate requirement was or was not approved.

(4) Notice to Wisconsin Department of Natural Resources. Kenosha County Department of Planning and Development, Division of County Development, shall provide notice to the Wisconsin Department of Natural Resources as set forth in this subsection. Written notice shall be given to the Wisconsin Department of Natural Resources at least 10 days prior to any public hearing held under **section 13.03-7(2)** on a request for an alternate requirement under this section. A copy of any written decision on alternative requirements shall be submitted to the Wisconsin Department of Natural Resources within 10 days of issuance.

13.03-8 Permit Duration.

(1) A non-metallic mining reclamation permit issued under this chapter shall last through operation and reclamation of the non-metallic mining site, unless suspended or revoked pursuant to **section 13.05-1**.

(2) If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to **section 13.03-9**.

13.03-9 Permit Transfer. A non-metallic mining reclamation permit issued under this chapter shall be transferred to a new owner or operator upon satisfaction of the following conditions:

(1) A non-metallic mining reclamation permit may be transferred to a new operator upon submittal to Kenosha County Department of Planning and Development, Division of County Development, of proof of financial assurance and a certification in writing by the new permit holder that all conditions of the permit will be complied with.

(2) The transfer is not valid until financial assurance has been submitted by the new operator and accepted by Kenosha County Department of Planning and Development, Division of County Development, and Kenosha County Department of Planning and Development, Division of County Development, makes a written finding that all conditions of the permit will be complied with. The previous operator shall maintain financial assurance until the new operator has received approval and provided the financial assurance under this section.

13.03-10 Previously Permitted Sites. For any non-metallic mining site which had a reclamation permit previously issued by another regulatory authority pursuant to Chapter NR 135, Wisconsin Administrative Code that becomes subject to reclamation permitting authority of Kenosha County Department of Planning and Development, Division of County Development, the terms and conditions of the previously-issued municipal reclamation permit shall remain in force until modified by Kenosha County Department of Planning and Development, Division of County Development, pursuant to **section 13.04-1(1)**

13.03-11 Review. Any permitting decision or action made by Kenosha County Department of Planning and Development, Division of County Development, under this chapter may be reviewed as set forth in this section. Notwithstanding ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats., any person who meets the requirements of s. 227.42 (1), Stats., may obtain a contested case hearing under s. 68.11, Stats., on Kenosha County Department of Planning and Development, Division of County Development's, decision to issue, deny or modify a non-metallic mining reclamation permit.

IV. ADMINISTRATION

13.04-1

Permit Modification.

- (1) **By Kenosha County Department of Planning and Development, Division of County Development.** A non-metallic mining reclamation permit issued under this chapter may be modified by Kenosha County Department of Planning and Development, Division of County Development, if it finds that, due to changing conditions, the non-metallic mining site is no longer in compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter. Such modification shall be by an order modifying the permit in accordance with **section 13.05-2**. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with Chapter NR 135, Wisconsin Administrative Code or this chapter.
- (2) **At the Operator's Option.** If operator of any non-metallic mine that holds a reclamation permit issued under this chapter desires to modify such permit or reclamation plan approved under this chapter, it may request such modification by submitting a written application for such modification to Kenosha County Department of Planning and Development, Division of County Development. The application for permit or plan modification shall be acted on using the standards and procedures of this chapter.
- (3) **Required by the Operator.** The operator of any non-metallic mine that holds a reclamation permit issued under this chapter shall request a modification of such permit if changes occur to the area to be mined, the nature of the planned reclamation, or other aspects of mining required by the reclamation plan approved pursuant to this chapter. Such application for permit modification shall be acted on using the standards and procedures of this chapter.
Note: Modification of the permit must be requested by the operator in such circumstances under s. NR 135.27, Wis. Adm. Code.
- (4) **Review.** All actions by Kenosha County Department of Planning and Development, Division of County Development, on permit modifications requested or initiated under this section are subject to review under **section 13.03-11**.

13.04-2

Permit Suspension and Revocation.

- (1) **Grounds.** Kenosha County Department of Planning and Development, Division of County Development, may suspend or revoke a non-metallic mining reclamation permit issued pursuant to this chapter if it finds the operator has done any of the following:
 - (a) Failed to submit a satisfactory reclamation plan within the time frames specified in this chapter.
 - (b) Failed to submit or maintain financial assurance as required by this chapter.
 - (c) Failed on a repetitive and significant basis to follow the approved reclamation plan.
- (2) **Procedures.** If Kenosha County Department of Planning and Development, Division of County Development, finds grounds for suspending or revoking a non-metallic mining reclamation permit set forth in **section 13.04-2(1)**, it may issue a special order suspending or revoking such permit as set forth in **section 13.05-2**.
- (3) **Consequences.**
 - (a) If Kenosha County Department of Planning and Development, Division of County Development, makes any of the findings in **section 13.04-2(1)**, it may suspend a non-metallic mining reclamation permit for up to 30 days. During the time of suspension, the operator may

not conduct non-metallic mining at the site, except for reclamation or measures to protect human health and the environment as ordered by the regulatory authority pursuant to **section 13.05-2**.

- (b) If Kenosha County Department of Planning and Development, Division of County Development, makes any of the findings in **section 13.04-2(1)**, it may revoke a non-metallic mining reclamation permit. Upon permit revocation, the operator shall forfeit the financial assurance it has provided pursuant to this chapter to Kenosha County Department of Planning and Development, Division of County Development. Kenosha County Department of Planning and Development, Division of County Development, may use forfeited financial assurance to reclaim the site to the extent needed to comply with this chapter and the applicable reclamation ordinance.

13.04-3

Annual Operator Reporting.

(1) Contents and Deadline. Annual reports that satisfy the requirements of this section shall be submitted by the operators of non-metallic mining sites.

(a) Contents. The annual report required by this section shall include all of the following:

1. The name and mailing address of the operator.
2. The location of the non-metallic mining site, including legal description, tax key number or parcel identification number if available.
3. The identification number of the applicable non-metallic mining permit, if assigned by Kenosha County Department of Planning and Development, Division of County Development.
4. The acreage currently affected by non-metallic mining extraction and not yet reclaimed.
5. The amount of acreage that has been reclaimed to date, on a permanent basis and the amount reclaimed on an interim basis.
6. A plan, map or diagram accurately showing the acreage described in **pars. 4. and 5..**
7. The following certification, signed by the operator:

"I certify that this information is true and accurate, and that the non-metallic mining site described herein complies with all conditions of the applicable non-metallic mining reclamation permit and Chapter NR 135, Wisconsin Administrative Code."

(a) Deadline. The annual report shall cover activities for a calendar year and be submitted by, March 1st of the following year.

(b) When reporting may end. Annual reports shall be submitted by an operator for all active and intermittent mining sites to Kenosha County Department of Planning and Development, Division of County Development, for each calendar year until non-metallic mining reclamation at the site is certified as complete pursuant to **section 13.04-7(3)** or at the time of release of financial assurance pursuant to **section 13.03-3(1)(g)**.

(2) Inspection in Lieu of Report. Kenosha County Department of Planning and Development, Division of County Development, may, at its discretion, obtain the information required in **section 13.04-3(1)** for a calendar year by written documentation of an inspection it completes during a calendar year, as set forth in this subsection. If Kenosha County Department of Planning and

Development, Division of County Development, obtains and documents the required information, the annual report need not be submitted by the operator. If Kenosha County Department of Planning and Development, Division of County Development, determines that the operator need not submit an annual report pursuant to this subsection, it shall advise the operator by, November 30th, of that year. In that case, Kenosha County Department of Planning and Development, Division of County Development, shall require the operator to submit the certification required in **section 13.04-3(1)(a)7..**

- (3) **Retention of Annual Reports.** Annual reports submitted under **section 13.04-3(1)** or inspection records that replace them under **section 13.04-3(2)** shall be retained by Kenosha County Department of Planning and Development, Division of County Development, at 19600 75th Street, PO Box 520, Bristol, WI 53104, for at least 10 years after the calendar year to which they apply. These records, or complete and accurate copies of them, shall be made available to the Wisconsin Department of Natural Resources upon written request or during its inspection or audit activities carried out pursuant to Chapter NR 135, Wisconsin Administrative Code.

13.04-4

Plan Review Fees.

(1) Amount and Applicability.

- (a) A person who intends to operate a non-metallic mining site for which a permit application has been submitted under **section 13.03-1(3)** shall submit a non-refundable plan review fee to Kenosha County Department of Planning and Development, Division of County Development, equal to the amount specified in Table "5" of Attachment "A".
- (b) No plan review fee may be assessed under this section for any existing non-metallic mine site for which an application for a modified reclamation permit is submitted that meets the requirements of **section 13.03-1(2)** or for any local transportation-related mining receiving an automatic permit under **section 13.03-5(5)**. A separate plan review fee shall be paid under this section for any modification to an existing reclamation plan submitted pursuant to **section 13.04-1**.
- (c) Plan review fees shall be set in accordance with **section 13.04-4(1)**.

Note: The prohibition on plan review fees for existing and local transportation-related mines is required under ss. NR 135.23(1)(g) and NR 135.39(5)(a), Wis. Adm. Code.

- (2) **Expedited Plan Review Fee.** A person who intends to operate a nonmetallic mining site for which a permit application has been submitted under **section 13.03-1(3)** may obtain expedited reclamation plan review by paying a fee of \$300. Such fee shall be in addition to that required in **section 13.04-4(1)**.
- (3) **Relation to Annual Fee.** Any reclamation plan review fee collected under this section shall be added to and collected as part of the first annual fee collected under **section 13.04-5**.

13.04-5

Annual Fees.

(1) Areas Subject to Fees, Procedures and Deadline.

- (a) Operators of all non-metallic mining sites subject to reclamation permits issued under this chapter shall pay annual fees to Kenosha County Department of Planning and Development, Division of County Development, at 19600 75th Street, PO Box 520, Bristol, WI 53104. Fees paid under this section shall include both a share for the Wisconsin Department of Natural Resources under **section 13.04-5(2)** and a share for Kenosha County Department of

Planning and Development, Division of County Development, under **section 13.04-5(3)**.

(b) Fees paid under this section shall be calculated based on the unreclaimed acres of a non-metallic mining site, as defined below:

1. "Unreclaimed acre" or "unreclaimed acres" means those unreclaimed areas in which non-metallic mining has occurred after, August 1, 2001, and areas where non-metallic mining reclamation has been completed but is not yet certified as reclaimed under **section 13.03-3(1)(g)**. However the term does not include any areas described in **section 13.04-5(1)(b)2..**

2. "Unreclaimed acre" or "unreclaimed acres" does not include:

a. Those areas where reclamation has been completed and certified as reclaimed under **section 13.03-3(1)(g)**.

b. Those areas previously affected by nonmetallic mining but which are not used for nonmetallic mining after August 1, 2001.

c. Those portions of nonmetallic mining sites, which are included in an approved nonmetallic mining reclamation plan, but are not yet affected by nonmetallic mining.

d. Areas previously mined but used after August 1, 2001 for a non-mining activity, such as stockpiling of materials used for an industrial activity such as an asphalt plant, concrete batch plant, block and tile operation or other industry that uses products produced from nonmetallic mining.

e. Those areas within a nonmetallic mining site which the regulatory authority has determined to be successfully reclaimed on an interim basis in accordance with **section 13.04-7(2)** and **13.04-7(3)**.

f. Those areas defined as not included in a nonmetallic mining site under **section 13.01-10(16)(b)**.

(c) Fees assessed pursuant to this section shall be based on unreclaimed acres at the end of the year. Such fees apply to a calendar year or any part of a year in which non-metallic mining takes place, until final reclamation is certified as complete under **section 13.04-7**. Fees shall be paid no later than, January 31st, of each year.

(d) For new or reopened mines that submit a reclamation permit application under **section 13.03-1(3)**, the first year's annual fee shall be based upon the unreclaimed acres which are anticipated at the end of that calendar year.

(e) If reclamation has already occurred on portions of a non-metallic mining site, the fees for such portions may be submitted with a request that they be held by Kenosha County Department of Planning and Development, Division of County Development, pending certification of completed reclamation pursuant to **section 13.03-3(1)(g)**. Upon such certification Kenosha County Department of Planning and Development, Division of County Development, shall refund that portion of the annual fee that applies to the reclaimed areas. If Kenosha County Department of Planning and Development, Division of

County Development, fails to make a determination under **section 13.03-3(1)(g)** within 60 days of the request, it shall refund that portion of the annual fee that applies to the reclaimed areas.

(2) **Wisconsin Department of Natural Resources Share of Fee.** Fees paid under this section shall, except where provided in **section 13.04-5(2)(a)**, include a share for the Wisconsin Department of Natural Resources equal to the amount specified in Table "1" of Attachment "A".

(a) For non-metallic mining sites at which no non-metallic mining will take place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.

(b) Kenosha County Department of Planning and Development, Division of County Development, shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by, March 31st, of the year for which they were collected.

Note: This is required by s. NR 135.39(2)(c).

(3) **Kenosha County Department of Planning and Development, Division of County Development's, Share of Fee.**

(a) Fees paid under this section shall also include an annual fee due to Kenosha County Department of Planning and Development, Division of County Development, which shall be equal to the amount in Table "2", "3", and "4" of Attachment "A".

(b) Fees are hereby established herein and shown initially as attachment "A". Amendments to the attachment "A" fee schedule may be made with approval by the Kenosha County Land Use Committee and furthermore are hereby incorporated as part of the separate fee schedule of the Department of Planning and Development, Division of County Development, as established in Policy Resolution No. 1 adopted by the Kenosha County Board of Supervisors on, August 9, 1994.

(c) Fees shall be paid no later than, January 31st, of each year.

13.04-6

Regulatory Reporting and Documentation.

(1) **Reporting.** Kenosha County Department of Planning and Development, Division of County Development, shall send an annual report to the Wisconsin Department of Natural Resources by, May 31st, of each calendar year. The reports shall include the following information for the previous year's non-metallic mining reclamation program:

(a) The total number of non-metallic mining reclamation permits in effect.

(b) The number of new permits issued within the jurisdiction of Kenosha County Department of Planning and Development, Division of County Development.

(c) The number of acres approved for non-metallic mining and the number of acres newly approved in the previous year.

(d) The number of acres being mined.

(e) The number of acres that have been reclaimed and have had financial assurance released pursuant to **section 13.03-3(1)(g)**.

(f) The number of acres that are reclaimed and awaiting release from the financial assurance requirements of this subchapter pursuant to **section 13.04-7(1)** and (2).

(g) The number and nature of alternative requirements granted, permit modifications, violations, public hearings, enforcement actions, penalties that have been assessed and bond or financial assurance forfeitures.

(2) **Documentation.** Kenosha County Department of Planning and Development, Division of County Development, shall, to the best of its ability, maintain the information set forth below, and make it available to the Wisconsin Department of Natural Resources for that agency's audit of Kenosha County Department of Planning and Development, Division of County Development's, reclamation program pursuant to Chapter NR 135, Wisconsin Administrative Code:

- (a) Documentation of compliance with Chapter NR 135, Wisconsin Administrative Code and this chapter.
- (b) The procedures employed by Kenosha County Department of Planning and Development, Division of County Development, regarding reclamation plan review, and the issuance and modification of permits.
- (c) The methods for review of annual reports received from operators.
- (d) The method and effectiveness of fee collection.
- (e) Procedures to accurately forward the Wisconsin Department of Natural Resources' portion of collected fees in a timely fashion.
- (f) Methods for conducting on-site compliance inspections and attendant reports, records and enforcement actions.
- (g) Responses to citizen complaints.
- (h) The method of and accuracy in determining the amount of the financial assurance obtained from the operator to guarantee reclamation performance.
- (i) The maintenance and availability of records.
- (j) The number and type of approvals for alternative requirements issued pursuant to **section 13.03-7**.
- (k) The method of determining the success of reclamation in meeting the criteria contained in the reclamation plan and subsequently releasing the financial assurance pursuant to **section 13.04-3(1)(g)**.
- (l) Any changes in local regulations, ordinances, funding and staffing mechanisms or any other factor which might affect the ability of Kenosha County Department of Planning and Development, Division of County Development, to implement its non-metallic mining reclamation program under this chapter.
- (m) The amount of fees collected in comparison to the amount of money actually expended for non-metallic mining reclamation program administration.
- (n) Any other performance criterion necessary to ascertain compliance with Chapter NR 135, Wisconsin Administrative Code.

13.04-7

Completed Reclamation - Reporting, Certification and Effect.

- (1) **Reporting.** The operator of a non-metallic mining site may certify completion of reclamation for a portion or all of the non-metallic mining site pursuant to a reclamation plan prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Certification shall be filed with the Kenosha County Department of Planning and Development, Division of County Development.
- (2) **Reporting of Interim Reclamation.** The operator of a non-metallic mining site may report completion of interim reclamation as specified in the reclamation plan for the site prepared and approved pursuant to this chapter and Chapter NR 135, Wisconsin Administrative Code. Reporting of interim reclamation shall be done according to the procedures in **section 13.04-7(1)**.
- (3) **Certification of Completed Reclamation.** Kenosha County Department of Planning and Development, Division of County Development, shall inspect a non-metallic mining site for which

reporting of reclamation or interim reclamation has been submitted pursuant to this subsection within 60 days of receipt, and make a determination in writing in accordance with **section 13.03-3(1)(g)3..** If it is determined that interim or final reclamation is complete, including revegetation as specified in a reclamation plan that conforms with **section 13.03-2**, Kenosha County Department of Planning and Development, Division of County Development, shall issue the mine operator a written certificate of completion.

(4) **Effect of Completed Reclamation.** If reclamation is certified by Kenosha County Department of Planning and Development, Division of County Development, as complete under **section 13.04-7(3)** for part or all of a non-metallic mining site, then:

(a) No fee shall be assessed under **section 13.04-5** for the area so certified.

(b) The financial assurance required by **section 13.03-3** shall be released or appropriately reduced in the case of completion of reclamation for a portion of the mining site.

(5) **Effect of Inaction Following Report of Completed Reclamation.** If no written response as required by **section 13.04-7(3)** for an area of the mine site reported as reclaimed or interim reclaimed is given within 60 days of receiving such request, any annual fee paid to Kenosha County Department of Planning and Development, Division of County Development, for it under **section 13.04-5** shall be refunded.

13.04-8

Permit Termination. When all final reclamation required by a reclamation plan conforming to **section 13.03-2** and required by this chapter is certified as complete pursuant to **section 13.03-3(1)(g)** and **13.04-7(3)**, Kenosha County Department of Planning and Development, Division of County Development, shall issue a written statement to the operator of the non-metallic mining site, thereby terminating the reclamation permit.

V. ENFORCEMENT

13.05-1

Right of Entry and Inspection. For the purpose of ascertaining compliance with the provisions of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, or this chapter, any authorized officer, agent, employee or representative of Kenosha County Department of Planning and Development, Division of County Development, may inspect any non-metallic mining site subject to this chapter as provided below:

(1) No person may refuse entry or access onto a non-metallic mining site of a duly authorized officer, employee or agent of Kenosha County Department of Planning and Development, Division of County Development, or the Wisconsin Department of Natural Resources who presents appropriate credentials to inspect the site for compliance with the non-metallic mining reclamation permit, this chapter, Chapter NR 135, Wisconsin Administrative Code or subchapter I of ch. 295, Stats.

(2) Any person who enters the site under this right of inspection shall obtain training and provide their own safety equipment needed to comply with any federal, state or local laws or regulations controlling persons on the non-metallic mining site.

13.05-2

Orders and Citations.

(1) **Enforcement Orders.** Kenosha County Department of Planning and Development, Division of County Development, may issue orders as set forth in Section 295.19(1)(a), Stats., to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **section 13.03-2** and a permit issued under this chapter. A violation of this chapter, an order or permit issued pursuant

to this chapter or a reclamation plan required by **section 13.03-2** and a permit issued under this chapter shall be considered a violation of Subchapter I of Chapter 295, Wisconsin Statutes and Chapter NR 135, Wisconsin Administrative Code.

- (2) **Special Orders.** Kenosha County Department of Planning and Development, Division of County Development, may issue a special order as set forth in Sections 295.19(1)(b) and (c), Wisconsin Statutes suspending or revoking a non-metallic mining reclamation permit pursuant to **section 13.04-2**, or directing an operator to immediately cease an activity regulated under Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code or this chapter until the necessary plan approval is obtained.
- (3) **Review of Orders.** A person holding a reclamation permit who is subject to an order pursuant this section shall have the right to review the order in a contested case hearing under s. 68.11, Stats., notwithstanding the provisions of ss. 68.001, 68.03 (8) and (9), 68.06 and 68.10 (1) (b), Stats.
- (4) **Citations.** Kenosha County Department of Planning and Development, Division of County Development, may issue a citation, under s. 66.119, Stats. and pursuant to the Uniform Citation Ordinance of the Municipal Code of Kenosha County to collect forfeitures to enforce Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **section 13.03-2** and a permit issued under this chapter. The issuance of a citation under this subsection shall not preclude proceeding under any other ordinance or law relating to the same or any other matter.
- (5) **Enforcement.** Kenosha County Department of Planning and Development, Division of County Development, may submit any order issued under **section 13.05-2** to abate violations of this chapter to a district attorney, corporation counsel, municipal attorney or the attorney general for enforcement. The district attorney, corporation counsel, municipal attorney or the attorney general may enforce those orders.

13.05-3

Penalties. Any violation of Subchapter I of Chapter 295, Wisconsin Statutes, Chapter NR 135, Wisconsin Administrative Code, this chapter, a permit issued pursuant to this chapter or a reclamation plan required by **section 13.03-2** and a permit issued under this chapter may result in forfeitures as provided in Section 295.19(3), Wisconsin Statutes, as follows:

- (1) Any person who violates Chapter NR 135, Wisconsin Administrative Code or an order issued under **section 13.05-2** may be required to forfeit not less than \$25 nor more than \$1,000 for each violation. Each day of continued violation is a separate offense. While an order issued under **section 13.05-2** is suspended, stayed or enjoined, this penalty does not accrue.
- (2) Except for the violations referred to in **section 13.05-3(1)**, any person who violates subchapter I of ch. 295, Stats., Chapter NR 135, Wisconsin Administrative Code, any reclamation plan approved pursuant to this chapter or an order issued pursuant to **section 13.05-2** shall forfeit not less than \$10 nor more than \$5,000 for each violation. Each day of violation is a separate offense. While an order issued under **section 13.05-2** is suspended, stayed or enjoined, this penalty TABLE 1:

**ANNUAL FEES COLLECTED BY KENOSHA COUNTY
FOR THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES**

Mine Size in Unreclaimed Acres
(rounded to the nearest whole acre)

1 to 5 acres	
(does not include mines < 1 acre)	\$ 30
6 to 10 acres	\$ 60
11 to 15 acres	\$ 90
16 to 25 acres	\$ 120
26 to 50 acres	\$ 140
51 acres or larger.....	\$ 150

NOTE: These fees are over and above the fees collected by Kenosha County Department of Planning and Development, Division of County Development, as shown in Tables 2 thru 5.

For nonmetallic mining sites at which no nonmetallic mining will take place during a calendar year, the share for the Wisconsin Department of Natural Resources shall be \$15.

Kenosha County Department of Planning and Development, Division of County Development, shall forward fees collected under this subsection to the Wisconsin Department of Natural Resources by, March 31st, of the year for which they were collected.

TABLE 2:
ANNUAL FEES FOR AUTOMATICALLY PERMITTED
LOCAL TRANSPORTATION PROJECT RELATED MINES

Mine Size in Unreclaimed Acres (rounded to the nearest whole acre)	
1 to 5 acres	
(does not include mines < 1 acre)	\$ 150
6 to 10 acres	\$ 300
11 to 15 acres	\$ 450
16 to 25 acres	\$ 600
26 to 50 acres	\$ 700
51 acres or larger.....	\$ 750

Kenosha County Department of Planning and Development, Division of County Development, shall collect the above fee and the DNR fee (Table 1) by, January 31st, of each year.

TABLE 3:
ANNUAL FEES FOR EXISTING MINES
(BETWEEN JUNE 1, 2002 AND DECEMBER 31, 2003)

Annual Fee Mine Size in Unreclaimed Acres (rounded to the nearest whole acre)	
1 to 5 acres	
(does not include mines < 1 acre)	\$ 450
6 to 10 acres	\$ 600
11 to 15 acres	\$ 750
16 to 25 acres	\$ 1000
26 to 50 acres	\$ 1100
51 acres or larger.....	\$ 1250

Kenosha County Department of Planning and Development, Division of County Development, shall collect the above fee and the DNR fee (Table 1) by, January 31st, of each year.

TABLE 4:
ANNUAL FEES FOR NEW MINES (EFFECTIVE JANUARY 1, 2003)
AND EXISTING MINES (EFFECTIVE AFTER JANUARY 1, 2004)

Annual Fee Mine Size in Unreclaimed Acres (rounded to the nearest whole acre)
1 to 5 acres (does not include mines < 1 acre) \$ 150
6 to 10 acres\$ 300
11 to 15 acres\$ 450
16 to 25 acres\$ 600
26 to 50 acres\$ 700
51 acres or larger.....\$ 750

Kenosha County Department of Planning and Development, Division of County Development, shall collect the above fee and the DNR fee (Table 1) by, January 31st, of each year.

TABLE 5:
PLAN REVIEW FEES FOR NEW MINES
(EFFECTIVE JUNE 1, 2002)

One-Time Plan Review Fee Mine Size (total) in Acres (rounded to the nearest whole acre)
1 to 25 acres\$ 900
26 to 50 acres\$ 1200
51 acres or larger.....\$ 1500

Kenosha County Department of Planning and Development, Division of County Development, shall collect the above fee and the DNR fee (Table 1) by, January 31st, of each year. does not accrue.

Submitted by:

LAND USE COMMITTEE
Donald Smitz
Mark Molinaro, Jr.
Thomas J. Gorlinski
Gordon West
Irving Larsen

It was moved by Supervisor Smitz to adopt Ordinance 56. Seconded by Supervisor Molinaro.
Motion carried.

ORDINANCE 57

57. From Land Use Committee regarding Proposed amendment to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance providing for the creation of zoning & topographic maps in digital format. The Kenosha County Board of Supervisors does hereby ordain that Chapter 12 of the Municipal Code of Kenosha County entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" be and hereby is changed by the following additions, deletions and amendments and is amended to read as per the attachment marked Exhibit A.

EXHIBIT A
PROPOSED AMENDMENT TO THE KENOSHA COUNTY GENERAL
ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE
PROVIDING FOR THE CREATION OF
ZONING & TOPOGRAPHIC MAPS IN DIGITAL FORMAT

1. Repeal Sections 12.02-10 through 12.02-14 which currently reads as follows:

12.02-10 ZONING MAPS

A certified copy of the Zoning Maps shall be adopted and approved with the text as part of this ordinance and shall bear upon its face the attestation of the County Board Chairman, County Clerk and the Director of Planning and Zoning for Kenosha County, Wisconsin and shall be available to the public for inspection in the Office of Planning and Zoning Administration.

12.02-11 ZONING MAP AMENDMENTS-EFFECTIVE DATE

(a) Amendments to the Zoning Maps shall become effective upon adoption by the Kenosha County Board of Supervisors, notification of the Town Clerk of all Towns affected by the amendment, the filing of proof of publication thereof in the Office of Planning and Zoning Administration, and the expiration of any time limit imposed by section 59.97 of the Wisconsin Statutes within which Townships may veto the action and amendment of the County Board. It shall be the duty of the Office of Planning and Zoning Administration to enter all zoning map amendments and the date of the latest amendment upon the certified copy of the Zoning Map and secure any required certifications or attestations.

(b) Amendments to the FPO, Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay District, and FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall not become effective until approved by the Wisconsin Department of Natural Resources, (DNR). (3/1/94)

12.02-12 INTERPRETATION OF DISTRICT BOUNDARIES

(a) Boundaries of the districts set forth in section 12.20 to 12.26 are hereby established as shown on a series of eight (8) maps entitled, "Kenosha County Zoning Map" numbered, "Kenosha County - 1" through "Kenosha County - 8"; bearing the date of final county board approval of this ordinance and as hereafter properly amended and revised. These maps accompany and are herewith made a part of this ordinance and shall constitute the official zoning map of Kenosha County, Wisconsin until such time as the information contained therein is transferred to a series of 72 aerial photographs at a scale of one inch equals 400 feet entitled "Kenosha County Zoning Map" numbered "Kenosha County - 1" through "Kenosha County - 72", and adopted by the Kenosha County Board of Supervisors. Upon completion of the 72 maps and before their adoption by the county board, the maps shall be transmitted to each town for review and comment. No change in a zoning boundary shall be made except after petition, review and approval pursuant to the requirements of section 12.38 of this ordinance. The Office of Planning and Zoning Administration may publish additional zoning maps at scales other than the aforementioned official scale for informational purposes.

(b) Boundaries of the basic zoning districts shall be construed to follow Corporate Limits; U.S. Public Land Survey section lines; lot or property lines; centerlines of streets, highways, alleys, easements, navigable bodies of water, and railroad rights-of-way, or such lines extended. Lines which appear to be parallel to any of the aforementioned boundaries of specified distance shall be construed to be parallel as noted. Where the above rules cannot be readily applied, the location of district boundary lines shall be determined by use of the scale shown on the official zoning map.

(c) Boundaries of the floodplain overlay district shall be determined as follows:

1. Except for the Pike River Watershed, the boundaries of the FPO Floodplain Overlay District shall be determined through the use of flood profiles published in the Flood Insurance Study-Kenosha County, Wisconsin (Unincorporated Areas) by the Federal Emergency Management Agency (FEMA), Flood Insurance Administration and dated August 17, 1981. The information contained in the flood insurance study is further illustrated on the FEMA Flood Insurance Rate Maps and Floodway and Flood Boundary Maps, dated February 17, 1982. Boundaries of the floodplain overlay district within the Pike River watershed--including the Pike River, Kenosha Branch, Sorenson Creek, Nelson Creek, Pike Creek, Somers Branch, Airport Branch, Lamparek Creek, Chickory Creek, Waxdale Creek, Tributary to Waxdale Creek, and Bartlett Branch--shall be determined through the use of the flood profiles published in SEWRPC Planning Report No. 35, A Comprehensive Plan for the Pike River Watershed, dated June, 1983. The profiles are found in Figures G-1 through G-16 and the regulatory profile is

labeled "Flood Stage-Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval". (3/1/94)

2.The boundaries of the FWO Camp Lake/Center Lake Floodway Overlay District shall be determined by use of the scale contained on the large-scale topographic maps prepared by Kenosha County. The boundaries of the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be determined through the use of the flood profiles in Appendix F of the November 5, 1992, letter report prepared by the Southeastern Wisconsin Regional Planning Commission titled Hydrologic and Hydraulic Analysis of an Unnamed Tributary to the Fox River Chain of Lakes. The flood stages, under floodway conditions were developed from technical data contained in the aforereferenced letter report. The floodlands are illustrated on large scale topographic maps for the Camp Lake/Center Lake area. (3/1/94)

3.The boundaries of the FPO Floodplain Overlay District, the FWO Camp Lake/Center Lake Floodway Overlay District, and the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District are further depicted on the large-scale topographic mapping of Kenosha County. The boundaries of unnumbered A zones shall be determined by use of the scale contained on the "Kenosha County Zoning Map" dated May 3, 1983, which accompanies and is made a part of the Ordinance. Where a conflict exists between the floodland limits of the FPO, FWO, or FFO districts as shown on the appropriate map and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the Flood Insurance Study, the Comprehensive Plan for the Pike River Watershed, or the November 5, 1992, letter report referenced in Section 12.02-12(c)(2) above, whichever is appropriate, shall be the governing factor in the regulatory floodland limits. (3/1/94)

(d)Boundaries of the C-1 Lowland Resource Conservancy District and ~~the C-3 Natural and Scientific Area Resource Conservancy District~~ are shown on the maps referred to in Section 12.02-12(a) and boundary locations were determined by the criteria set forth in Sections 12.25-1(b) ~~and 12.25-3(b)~~. ~~The boundaries of the C-3 District are further shown on the 1" = 400" scale Supplementary Zoning Map for the Chiwaukee Prairie-Carol Beach Area of the Town of Pleasant Prairie, dated _____, 19____. (11/5/86)~~

12.02-13 ANNEXED LANDS

(a)Pursuant to Wisconsin Statute 59.97(7), whenever any area which has been subject to the Kenosha County Zoning ordinance petitions to become part of a village or city, the regulations imposed by this ordinance shall continue in effect, without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the County Zoning Ordinance shall prevail and the County shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(b)When any lands previously under the jurisdiction of this ordinance have been finally removed from the jurisdiction of this ordinance by reason of annexation to an incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in subsection (a), the County Board may pursuant to Wisconsin Statute section 59.97(5)(e)7, on the recommendation of its Office of Planning and Zoning Administration, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided for amendment or change to the ordinance as noted in Wisconsin Statute 59.97(5)(e)1 through 6, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the County Clerk to the Clerk of each town in which the lands affected were previously located. Nothing in this section shall be construed to nullify or supersede those provisions set forth in Wisconsin Statute section 80.64.

12.02-14 DEFINITIONS

For the purpose of this ordinance, the definitions listed in Appendix "A" shall be used unless otherwise specified. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not

directory. Words not defined in Appendix "A" shall be construed according to any applicable definition set forth in either the State Statutes, Administrative Code or County Ordinance or in lieu thereof, shall be construed according to accepted land use, scientific, or architectural definition or in lieu thereof, according to their customary dictionary definition.

Create a new Section 12.10-11, and Recreate Sections 12.02-10 and Sections 12.02-12 through 12.02-15 to read as follows:

12.02-10 ZONING MAPS

A certified copy of the Zoning Maps shall be adopted and approved with the text as part of this ordinance and shall bear upon its face the attestation of the County Board Chairman, County Clerk and the Director of Planning and Development for Kenosha County, Wisconsin and shall be available to the public for inspection in the Kenosha County Department of Planning and Development. (see Section 12.02-11)

12.02-11

12.02-12 ZONING MAPS IN DIGITAL FORMAT

Kenosha County zoning maps in digital format developed with geographic information systems software first incorporated into the zoning ordinance on _____ and updated from time to time shall replace the hard copy zoning maps, described in Section 12.02-10 and Section 12.02-13(a), and shall be maintained in the Kenosha County Department of Planning and Development. Copies of the zoning maps in digital format shall be made available to the public for inspection, at cost, by the Kenosha County Department of Planning and Development.

12.02-12 ZONING MAP AMENDMENTS-EFFECTIVE DATE

(a) Amendments to the Zoning Maps shall become effective upon adoption by the Kenosha County Board of Supervisors, notification of the Town Clerk of all Towns affected by the amendment, the filing of proof of publication thereof in the Kenosha County Department of Planning and Development office, and the expiration of any time limit imposed by section 59.97 of the Wisconsin Statutes within which Townships may veto the action and amendment of the County Board. It shall be the duty of the Kenosha County Department of Planning and Development to enter all zoning map amendments and the date of the latest amendment upon the certified copy of the Zoning Map and secure any required certifications or attestations.

(b) Amendments to the FPO, Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay District, and FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall not become effective until approved by the Wisconsin Department of Natural Resources, (DNR). (3/1/94)

12.02-13 INTERPRETATION OF DISTRICT BOUNDARIES

(a) Boundaries of the districts set forth in section 12.20 to 12.26 are hereby established as shown on a series of eight (8) maps entitled, "Kenosha County Zoning Map" numbered, "Kenosha County - 1" through "Kenosha County - 8"; bearing the date of final county board approval of this ordinance and as hereafter properly amended and revised. These maps accompany and are herewith made a part of this ordinance and shall constitute the official zoning map of Kenosha County, Wisconsin until such time as the information contained therein is transferred to a series of 72 aerial photographs at a scale of one inch equals 400 feet entitled "Kenosha County Zoning Map" numbered "Kenosha County - 1" through "Kenosha County - 72", and adopted by the Kenosha County Board of Supervisors. Upon completion of the 72 maps and before their adoption by the county board, the maps shall be transmitted to each town for review and comment. Beginning in Year 2002, the zoning aerial photographs shall be replaced by digital zoning maps as described in Section 12.02-11. No change in a zoning boundary shall be made except after petition, review and approval pursuant to the requirements of section 12.38 of this ordinance. The Kenosha County Department of Planning and Development may publish additional zoning maps at scales other than the aforementioned official scale for informational purposes.

(b) Boundaries of the basic zoning districts shall be construed to follow Corporate Limits; U.S. Public Land Survey section lines; lot or property lines; centerlines of streets, highways, alleys, easements, navigable bodies of water, and railroad rights-of-way, or such lines extended. Lines which appear to be

parallel to any of the aforementioned boundaries of specified distance shall be construed to be parallel as noted. Where the above rules cannot be readily applied, the location of district boundary lines shall be determined by use of the scale shown on the official zoning map.

(c) Boundaries of the floodplain overlay district shall be determined as follows:

1. Except for the Pike River Watershed, the boundaries of the FPO Floodplain Overlay District shall be determined through the use of flood profiles published in the Flood Insurance Study-Kenosha County, Wisconsin (Unincorporated Areas) by the Federal Emergency Management Agency (FEMA), Flood Insurance Administration and dated August 17, 1981. The information contained in the flood insurance study is further illustrated on the FEMA Flood Insurance Rate Maps and Floodway and Flood Boundary Maps, dated February 17, 1982 and revised, July 5, 1983 and December 5, 1996. Boundaries of the floodplain overlay district within the Pike River watershed-including the Pike River, Kenosha Branch, Sorenson Creek, Nelson Creek, Pike Creek, Somers Branch, Airport Branch, Lamparek Creek, Chickory Creek, Waxdale Creek, Tributary to Waxdale Creek, and Bartlett Branch--shall be determined through the use of the flood profiles published in SEWRPC Planning Report No. 35, A Comprehensive Plan for the Pike River Watershed, dated June, 1983. The profiles are found in Figures G-1 through G-16 and the regulatory profile is labeled "Flood Stage-Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval". The flood profiles were amended and published by SEWRPC in An Amendment to the Pike River Watershed Plan, dated March 1996. Flood profiles are found in Exhibit K through Z. (3/1/94)

2. The boundaries of the FWO Camp Lake/Center Lake Floodway Overlay District shall be determined by use of the scale contained on the large-scale topographic maps prepared by Kenosha County. The boundaries of the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be determined through the use of the flood profiles in Appendix F of the November 5, 1992, letter report prepared by the Southeastern Wisconsin Regional Planning Commission titled Hydrologic and Hydraulic Analysis of an Unnamed Tributary to the Fox River Chain of Lakes. The flood stages, under floodway conditions were developed from technical data contained in the aforereferenced letter report. The floodlands are illustrated on large scale topographic maps for the Camp Lake/Center Lake area. (3/1/94)

3. The boundaries of the FPO Floodplain Overlay District, the FWO Camp Lake/Center Lake Floodway Overlay District, and the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District are further depicted on the large-scale topographic mapping of Kenosha County. The boundaries of unnumbered A zones shall be determined by use of the scale contained on the "Kenosha County Zoning Map" dated May 3, 1983, which accompanies and is made a part of the Ordinance. Where a conflict exists between the floodland limits of the FPO, FWO, or FFO districts as shown on the appropriate map and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the Flood Insurance Study, the Comprehensive Plan for the Pike River Watershed, or the November 5, 1992, letter report referenced in Section 12.02-12(c)(2) above, whichever is appropriate, shall be the governing factor in the regulatory floodland limits. (3/1/94)

(d) Boundaries of the C-1 Lowland Resource Conservancy District are shown on the maps referred to in Section 12.02-13(a) and boundary locations were determined by the criteria set forth in Sections 12.25-1(b).

12.02-14 ANNEXED LANDS

(a) Pursuant to Wisconsin Statute 59.97(7), whenever any area which has been subject to the Kenosha County Zoning ordinance petitions to become part of a village or city, the regulations imposed by this ordinance shall continue in effect, without change, and shall be enforced by such village or city until such regulations have been changed by official action of the governing body of such village or city, except that in the event an ordinance of annexation is contested in the courts, the County Zoning Ordinance shall prevail and the County shall have jurisdiction over the zoning in the area affected until ultimate determination of the court action.

(b)When any lands previously under the jurisdiction of this ordinance have been finally removed from the jurisdiction of this ordinance by reason of annexation to an incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in subsection (a), the County Board may pursuant to Wisconsin Statute section 59.97(5)(e)7, on the recommendation of its Office of Planning and Zoning Administration, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided for amendment or change to the ordinance as noted in Wisconsin Statute 59.97(5)(e)1 through 6, and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the County Clerk to the Clerk of each town in which the lands affected were previously located. Nothing in this section shall be construed to nullify or supersede those provisions set forth in Wisconsin Statute section 80.64.

12.02-15 DEFINITIONS

For the purpose of this ordinance, the definitions listed in Appendix "A" shall be used unless otherwise specified. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory. Words not defined in Appendix "A" shall be construed according to any applicable definition set forth in either the State Statutes, Administrative Code or County Ordinance or in lieu thereof, shall be construed according to accepted land use, scientific, or architectural definition or in lieu thereof, according to their customary dictionary definition.

Submitted by:

LAND USE COMMITTEE
Donald Smitz
Mark Molinaro, Jr.
Thomas J. Gorlinski
Gordon West
Irving Larsen

It was moved by Supervisor Smitz to adopt Ordinance 57. Seconded by Supervisor Gorlinski.

Motion carried.

NEW BUSINESS

Policy Resolution - First reading, two required.

POLICY RESOLUTION 4

4. From Administration and Finance Committees regarding suspending Policy Resolution 1, established May of 2000. (Rules may be suspended allowing vote after one reading)

WHEREAS, the Kenosha County Board of Supervisors adopted Policy Resolution 1 on May 16, 2000 implementing a formula for establishing the salaries of elected officials, and

WHEREAS, current economic conditions have rendered the application of said formula impractical for determining the salaries of elected officials for the two-year and four-year terms commencing November, 2002, and

NOW, THEREFORE BE IT RESOLVED, that Policy Resolution 1 be suspended until re-instated by the Kenosha County Board of Supervisors, and

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Administration and Finance Committees of the Kenosha County Board of Supervisors present a resolution to the Kenosha County Board of Supervisors establishing salaries for the 2003-2004 terms of the Clerk of Courts, County Clerk, Register of Deeds and Treasurer and the 2003 - 2006 term of the Sheriff.

Submitted by:

ADMINISTRATION COMMITTEE
David Singer
John Ruffolo
Robert Pitts

FINANCE COMMITTEE
Robert Carbone
Darrel Haen
Richard Kessler

Ava Marrelli
Mark Modory

John O'Day
Terry Rose

It was moved by Supervisor Singer to Suspend the rules regarding policy resolutions requiring two readings. Seconded by Supervisor Carbone.
Roll call vote passed unanimously.

It was moved by Supervisor Singer to adopt Policy Resolution 4. Seconded by Supervisor Carbone.
Motion carried.

Resolutions - One reading.

RESOLUTION 189

189. 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 County Board must act on all bills over \$5,000.00, and

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

Date: 04/09/02

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	\$450,615.85
PERSONNEL I	\$163,467.76
PERSONNEL II	\$689,173.74
DISABILITY SERVICES	\$ 45,898.00
TOTAL OF PAYMENT GROUPS:	\$1,349,155.35

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Darrel Haen

Richard Kessler

John O' Day

It was moved by Supervisor Carbone to adopt Resolution 189. Seconded by Supervisor Rose.

Motion carried.

RESOLUTION 190

190. From Human Services regarding Division of Children & Family Services: Resolution for Leave of Absence for an Ongoing Unit Social Worker.

WHEREAS, Louise Gagliano, Ongoing Unit Social Worker, has requested a leave of absence for approximately 1-1/2 years; and

WHEREAS, Ms.Gagliano is attending school on a part-time basis in a Masters of Social Work Program through Loyla University-Chicago at Carthage College;

WHEREAS, after graduation , Ms. Gagliano 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. Gagliano's vacant position with a full-time employee; and

WHEREAS, the Division of children & Family Services may rehire Louise Gagliano 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 Louise Gagliano from 5/13/02 through 9/1/03 is approved.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Gordon West

Don Smitz

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 190. Seconded by Supervisor Bergo.

Motion carried.

RESOLUTION 191

191. From Human Services regarding the Re-appointment of Edo Maccari to the Veterans Commission.

WHEREAS, pursuant to County Executive Appointment 2001/02-40, the County Executive has appointed Edo Maccari to serve on the Kenosha County Veterans Commission, and

WHEREAS, the Human Service Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Veterans Commission 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 Edo Maccari to the Kenosha County Veterans Commission. Mr. Maccari's appointment shall be effective immediately and continuing until the 31st day of December, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Maccari 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

Anne Bergo

John O'Day

Donald Smitz

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 191. Seconded by Supervisor O'Day.

Motion carried.

CLAIMS

- 45. Helen Krueger - Fell in bathroom.
- 46. Norman Cappellina - mailbox damage.
- 47. Tina Spittle - fell off sidewalk.
- 48. Paul Perks - car damage.
- 49. Dr. Brian Glaeser - mailbox damage

Chairman Noble referred claims 45 thru 49 to Corporation Counsel.

It was moved by Supervisor Huff to approve the March 19th, 2002 minutes. Seconded by Supervisor Molinaro.

Motion carried.

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

Motion carried.

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 7, 2002

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, Haen, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Excused: Supervisor Marrelli, Ruffolo, Gorlinski.

Present. 25. Excused. 3.

CITIZEN COMMENTS

John (Jack) Swartz, 555-13th Avenue, Town of Somers, stated that about seven years ago Mr. Gleasen, a Racine resident bought some farm land which was mostly nine acres of floodplain near the corner of 7th Street and 13th Avenue in the Town of Somers. In 1997 he applied for and received a stipulated shoreland use permit to grow cranberries. He was to build bogs. What he has done instead is create a contractor yard to store construction equipment on and strip the top soil from the floodplain and sell it commercially. After one year because he did not abide by the conditions of the permit, the permit was modified. He refused the modifications and went on to an appeals hearing. He lost that hearing and was ordered to conform. There is currently concrete dumping going on and top soil still being removed. Mr. Swartz asked the County Board for their help in putting an end to this action.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that the County Board received a thank-you card from Supervisor West for the flowers sent for his mother's funeral.

Chairman Kessler stated that Supervisor Pitts was re-elected to the County Homes Board.

Chairman Kessler announced that the first meeting of the 7-County Districts since the election will be on Monday, May 13th at 3:00 p.m. in the Waukesha County Board Meeting Room.

Chairman Kessler announced that there will be a County Official's Workshop on Wednesday, May 22nd in Jefferson County. This is a one day workshop. Those interested in attending are Supervisors Clark, Faraone, Ekornaas, Larsen.

Chairman Kessler stated that if anyone wanted a 8 x 10 picture of the County Board that was taken in March please let the clerk know tonight.

SUPERVISOR REPORTS

Supervisor Wisnefski thanked the board for the flowers sent to him while he was in the hospital and he will be having surgery on the 21st of May. Also, Building & Grounds and Health & Human Services Committees will be having a joint meeting on Tuesday, May 14th to tour the on going construction.

Supervisor Huff stated that he received the State of Wisconsin Annual Inspection Report of the Pre-Trial Facility. He will give the report to everyone.

Supervisor Elverman reported on Highway & Parks Committee. The golf courses are open and in great shape. Progress is being made as far as the planning for the new west-end park. A firm has been chosen to do the master plan. The schedule for planning events will be available soon. Highway & Parks Committee received the 2002 County Highway Paving Plan. 15.55 miles will be paved and 3.42 miles are in the chip projects which are matched funds.

Supervisor Kerkman stated that supervisors compensation has been a big issue in the paper. He is a county board supervisor seven days a week, 24 hours a day. All issues need to be taken into consideration when talking about compensation as to having or not having health insurance. The whole picture never comes out.

NEW BUSINESS

County Executive Appointments

APPOINTMENT 1

1. Karen Lockwood to serve on the Kenosha County Specialized Transportation Commission.
Chairman Kessler referred Appointment 1 to the Human Services Committee.

APPOINTMENT 2

2. Robert Riedl to serve on the Board of Directors of Kenosha Health Care Partners, Inc.

Placing special trust in his judgment and based upon his qualifications, I hereby submit to the honorable Kenosha County Board of Supervisors for its review and approval the name of Mr. Robert Riedl, Personnel Analyst, to serve on the Board of Directors of Kenosha Health Care Partners, Inc., beginning immediately upon confirmation of the County Board and continuing until the 30th day of June 2005 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Riedl will serve without additional pay. Mr. Riedl will be succeeding Brooke Koons.

Submitted by:

Allan K. Kehl

Kenosha County Executive

APPOINTMENT 3

3. George E. Melcher to serve as Director of the Kenosha County Planning & Development Department.

Placing special trust in his judgment and based upon his qualifications, I hereby submit to the honorable Kenosha County Board of Supervisors for its review and approval the name of Mr. George E. Melcher, to serve as Director of the Kenosha County Planning & Development Department. Mr. Melcher possesses a strong background in the field of zoning, planning and development and has guided the well-ordered development of the unincorporated sections of this County as it transitioned over the years from agricultural use to the present day mix of rural and urban uses. He has successfully let the Planning & Development Department as Director for 25 years, overseeing a complete revision of the zoning ordinance and many other projects. He will continue at his present salary. He will also serve as needed in such other capacities as may be required from time to time, at no additional compensation. Mr. Melcher will be succeeding himself.

Submitted by:

Allan K. Kehl

Kenosha County Executive

APPOINTMENT 4

4. Frederick J. Patrie to serve as Director of the Kenosha County Public Works Department.

Placing special trust in his judgment and based upon his qualifications, I hereby submit to the honorable Kenosha County Board of Supervisors for its review and approval the name of Mr. Frederick J. Patrie to serve as Director of the Kenosha County Public Works Department. Mr. Patrie possesses a strong background in the field of public works and has held a number of positions influencing transportation on a statewide basis. He has successfully led the Public Works Department as Director for 10 years, completing many substantial building projects and other significant contributions. He will continue at his present salary. He will also serve as needed in other capacities at no extra compensation, including but not limited to, Highway Commissioner and Kenosha County Representative on the Southeastern Wisconsin Regional Planning Commissions (SEWRPC) Transportation Improvement Planning Committee.

Submitted by:

Allan K. Kehl

Kenosha County Executive

5. Dennis Schultz to serve as Director of the Kenosha County Human Services

Department.

Placing special trust in his judgement and based upon his qualifications, I hereby appoint and submit to the honorable Kenosha County Board of Supervisors for its review and approval the name of Mr. Dennis Schultz to serve as Director of the Kenosha County Human Services Department. Mr. Schultz possesses a strong background in the field of human services and has held a number of supervisory positions within the Department. He has successfully led the Human Services Department as Director for the past several years. He will continue at his present salary. Mr. Schultz will be succeeding himself.

Submitted by:

Allan K. Kehl

Supervisor Singer moved to suspend the rules to vote on Appointments 2 thru 5. These individuals are currently employed by the county. Seconded by Supervisor Carbone.

Motion carried.

It was moved by Supervisor Singer to approve Appointments 2 thru 5. Seconded by Supervisor Carbone.

Motion carried.

NEW BUSINESS.

Ordinance - first reading, two required.

ORDINANCE 1

1. From Legislative Committee regarding Creating Section 3.65 of the Municipal Code of Kenosha County entitled, "Administrative Appeals".

Ordinance - one reading.

ORDINANCE 2

2. From Land Use Committee regarding E. Frayer and William Deaton, requesting rezoning from A-2 general Agricultural District to R-5 Urban Single-family Residential District and PR-1 Park Recreational 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 #80-4-222-233-0300 located in the southwest quarter of Section 23, Township 2 North, Range 22 East, Town of Somers be changed from A-2 General Agricultural District to R-5 Urban Single-Family Residential District and PR-1 Park-Recreational District. For informational purposes only, this property is located west of the intersection of 47th Avenue and 30th Street.

E. Frayer and William Deaton - (Owners)

Descriptions: A-2 General Agricultural District to R-5 Urban Single-Family

Residential District: Part of the southwest quarter of Section 23, Township 2 North, Range 22 East, being more particularly described as follows: Commencing at the southeast corner of said southwest quarter of Section 23 as occupied by a standard concrete monument; thence south 89°12'27" west along the south line of said quarter section a distance of 1034.85 feet, said point being the point of beginning; thence continue south 89°12'27" west along said south line 278 feet; thence northeasterly 464 feet along an arc of a curve to the right with a radius of 300 feet and a chord which bears north 44°39'31" east 419 feet; thence north 89° east 83 feet; thence southwesterly 239 feet along an arc of a curve to the right with a radius of 180 feet and a chord which bears south 6°30'47" west 222 feet; thence south 44°48'49" west 106 feet, to the point of beginning. All lands within the shoreland area. Said land lying and being in Somers Township, Kenosha County, Wisconsin. Said land containing 2.09 acres of land, more or less.

A-2 General Agricultural District to PR-1 Park-Recreational District: Part of the southwest quarter of Section 23, Township 2 North, Range 22 East, being more particularly described as follows: Commencing at the southeast corner of said southwest quarter of Section 23 as occupied by a standard concrete monument; thence south 89°12'27" west along the south line of said quarter section a distance of 1034.85 feet, said point being the point of beginning; thence north 44°48'49" east 106 feet; thence northeasterly 239 feet along an arc of a curve to the left with a radius of 180 feet and a chord which bears north 6°30'47" east 222 feet; thence north 89° east 210 feet; thence south

72°30' east 228 feet; thence south 38° east 200 feet; thence south 28° west 73 feet; thence south 89°12'27" west 616 feet to the point of beginning. All lands within the shoreland area. Said land lying and being in Somers Township, Kenosha County, Wisconsin. Said land containing 3.13 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

Gordon West

Irving Larsen

It was moved by Supervisor Smitz to adopt Ordinance 2. Seconded by Supervisor Larsen.

Motion carried.

Resolutions - one reading.

RESOLUTION 1

1. 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 County Board must act on all bills over \$5,000.00, and

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

Date: 5/07/02

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

BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

DIVISIONS	PAYMENT GROUPS
FINANCE GROUPING #1	\$ 835,270.90
PERSONNEL GROUPING #1	\$ 49,859.95
DISABILITY GROUPING #1	\$ 91,490.33
PAYMENT GROUPS GRAND TOTAL:	\$ 976,621.18

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O' Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 1. Seconded by Supervisor Rose. Supervisor Clark abstained voting on Woman's Horizons due to conflict of interest.

Motion carried.

CLAIMS

1. Tamara F. Hargis - injured on bus.
2. David Whitrock - auto accident.

Chairman Kessler referred Claims 1 & 2 to the Corporation Counsel.

It was moved by Supervisor Bergo to approve the April 16th & 18th, 2002 minutes. Seconded by Supervisor Singer.

Supervisor Molinaro corrected the April 18th minutes to reflect that the April 18th meeting had no motion to adjourn. Corporation Counsel stated that the members left after committee assignments and the minutes should reflect it.

It was moved by Supervisor Bergo to approve the April 16th minutes as presented and the April 18th minutes as corrected. Seconded by Supervisor Singer.

Motion carried.

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

Meeting adjourned at 8:00 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

May 21, 2002

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

Excused: Supervisor Wisnefski.

Present. 27. Excused. 1.

Supervisor Pitts introduced Joe Andrea, James Fonk and Gene Bilotti former County Board Supervisors.

CITIZEN COMMENTS

Richard Guenther, 7320 Pershing Blvd., Kenosha, Co-President of the Kenosha County Chapter of the Alliance for the Mentally Ill. All new requests are on a waiting list unless the person has been hospitalized, services ordered by the courts or a drastic change in the present support system. New services are going to only those people that are in emergency situations. This is a short sided solution to the budget problems. People have to wait until their situation becomes critical and then the treatment is more costly. Early treatment should come first and makes more sense. Kenosha does not place a high priority on mental health services.

Eileen Zywiciel, 315 W. Main Street, Twin Lakes and is the other Co-President of the National Alliance for the Mentally Ill. Her son is served by CSP and he receives medical insurance through Medicaid. He lives in a group home in Kenosha and has a Social Worker that works with him. Before CSP she was paying about \$450.00 month for his medicine. There is no safety net for mentally ill people unless you receive services through public agencies. Kenosha needs more services and additional funds.

David Wagner, 8743 Sheridan Road, representing Bridges Community Center and is concerned about the lack of services in Kenosha County for people with mental illness. Bridges Center services approximately 50 people on a regular basis.

Dean Barbian, 815-57th Street, Director of Community Support Program that has been in existence since 1980 and contracts with Disability Services. They serve people with severe and persistent mental illness. There is a staff of 12 and five consulting psychiatrists. They are trying to let people live in the least restrictive setting they can. Most live in their own apartments.

Michael Meternan, O'Connor & Williams S.C., speaking on behalf of the petition on tonight's agenda regarding rezoning for the Thompson Strawberry Farm. This involves rezoning of a 61 acre parcel. In order to accommodate a golf course owned and maintained by the developer and so rezoning is needed to accommodate the development.

Bob Cowhey, with the firm of Cowhey, Gudmundson & Leder stated that there were several meetings with the Land Use Committee and they have been working approximately two years with SEWRPC and the DNR regarding shoreland zoning.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler thanked the past supervisors for showing up for the meeting tonight.

Chairman Kessler stated that Supervisor Wisnefski was operated on this morning.

Chairman Kessler appointed Supervisor West to replace Supervisor Molinaro on the Kemper Center Board of Directors. Supervisor Larsen to replace Supervisor Koessl on the Wisconsin Utilities Tax Association Board. Supervisor Johnson, Modory and Carey-Mielke to the Land & Water conservation Committee.

Chairman Kessler stated that the County Official's Workshop is Wednesday, May 22nd in Jefferson County. This is a one day workshop. Attending will be Supervisors Larsen, Faraone, Clark, Ekornaas.

SUPERVISOR REPORTS

Supervisor Elverman said hello to Mr. Bilotti who was his high school Spanish Teacher. Last year when he was in the Dominican Republic he could not say ice or olive.

Supervisor Ruffolo asked if those that are attending the workshop will bring back any extra copy of any information given them. It would be greatly appreciated. A few weeks ago he had asked about a locking system for the Courthouse elevator and he would appreciate some information on this.

Supervisor Rose stated that recently in an article in the Kenosha News regarding Tax Equity Tax Study stated that \$25,000.00 was being authorized by the County Administration. The resolution passed by the County Board authorized \$15,000.00 and if there was additional funding needed it would return to the board for a decision. The County Boards authority should not be circumvented. This is not part of the Critical Path Project. He wants this issue referred to the Finance Committee.

Supervisor O'Day thanked the Director of the History Center for the opening today. There will be a family grand opening on June 8th from 10 a.m. - 5 p.m. and there will be things going on in the parking lot.

Supervisor Carbone stated that four reports were included in everyone's packet from the Human Services Committee to show where they are financially. One of the reports from Division of Disability Services. New/Additional Revenues do not match up to Expense Reduction. State revenue did not materialize. Any questions please contact the person's name at the top of the report.

Supervisor Huff stated that Courthouse security is currently being looked into.

Supervisor Molinaro asked that Ron Frederick, Director of Disability Services be at the next meeting with a report.

COUNTY EXECUTIVE APPOINTMENTS

All to serve on the Kenosha County Traffic Commission.

6. Frieda Jacobson
7. Kenn Scott Yance
8. James F. Kracmer
9. Don Smitz
10. Gerald C. Sorensen
11. Keith Wynstra

Chairman Kessler stated that since all of the appointments will be succeeding themselves they do not need to be referred to committee.

It was moved by Supervisor O'Day to accept County Executive Appointments 6 thru 11. Seconded by Supervisor Huff.

It was moved and seconded that Appointment 10 did not have any back up work in the packet and that the appointment of Mr. Sorensen be removed until the information is received.

Motion carried.

Appointments 6-9 & 11 were accepted.

OLD BUSINESS

Ordinance - second reading, two required.

1. From Legislative Committee regarding Creating Section 3.65 of the Municipal Code of Kenosha County entitled, "Administrative Appeals".

It was moved by Supervisor Johnson to adopt Ordinance 1. Seconded by Supervisor Kerkman.

Motion carried.

NEW BUSINESS

Ordinances - one reading.

From the Land Use Committee regarding:

ORDINANCE 3

3. Leonard A. Jr. and Jorja L. Gilardi, requesting rezoning from R-4 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District and from A-1 Agricultural Preservation District and R-4 Urban Single Family Residential 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 Tax Parcel #95-4-119-061-0261 and part of Tax Parcel #95-4-119-061-0410 located in the northeast quarter of Section 6, Township 1 North, Range 19 East, Town of Wheatland be changed from R-4 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District (#95-4-119-061-0261); and from A-1 Agricultural Preservation District and R-4 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District on part of (#95-4-119-061-0410). For informational purposes only, this property is located on the south side of State Trunk Highway "50" (60th Street) approximately 0.1 mile west of the intersection of 396th Avenue.

Leonard A. Jr. and Jorja L. Gilardi - (Owners)

Descriptions: R-4 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District:

Part of the northeast quarter of Section 6, Township 1 North, Range 19 East, more particularly described as follows: Beginning 36 rods and 12 feet west of the northeast corner of the northwest quarter of the northwest quarter of said section; thence south 8 rods on the west line of land now or formerly owned by Robert Stoehr; thence west 7 rods and 2 feet; thence north 8 rods; thence east 7 rods and 2 feet to the place of beginning. Said land being in the Town of Wheatland, County of Kenosha and State of Wisconsin.

A-1 Agricultural Preservation District and R-4 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District:

Part 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 northeast corner of the northwest quarter of the northeast quarter of said Section 6; thence south 88°10'18" west along the north line of said northeast quarter, 723.50 feet to the place of beginning of a parcel of land hereinafter described; thence south 01°45'40" east, 132.00 feet; thence north 88°10'18" east, 117.50 feet; thence south 01°45'40" east 124.00 feet; thence south 88°10'18" west 150.09 feet; thence north 01°58'58" west, 256.00 feet to the north line of said northeast quarter; thence north 88°10'18" east along said north line, 33.58 feet to the place of beginning. Subject to the rights of the public over the north 33 feet thereof for road purposes (60th Street). Containing 23,040 square feet of land more or less.

In addition: Part 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 northeast corner of the northwest quarter of the northeast quarter of said Section 6; thence south 88°10'18" west along the north line of said northeast quarter, 757.08 feet; thence south 01°58'58" east, 256.00 feet to the place of beginning of a parcel of land hereinafter described; thence north 88°10'18" east, 150.09 feet; thence south 01°45'40" east, 43.00 feet; thence south 88°10'18" west, 149.92 feet; thence north 01°58'58" west, 43.00 feet to the place of beginning. Containing 6,450 square feet 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

ORDINANCE 4

4. Charlotte A. Dyson and First Banking Center Burlington Trustee of Wayne O. Dyson Trust (Owners)/Matthew Burke (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 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 #95-4-219-283-0201 located in the southwest quarter of Section 28, Township 2 North, Range 19 East, Town of Wheatland 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 east side of 376th Avenue approximately 1 mile north of the intersection of State Trunk Highway "50".

**Charlotte A. Dyson and First Banking Center Burlington
Trustee of Wayne O. Dyson Trust - (Owners)
Matthew Burke - (Agent)**

Description: Part of the southwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 28, 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 southwest corner of said southwest $\frac{1}{4}$ section; thence north 01°01'38" west along the west line of said southwest $\frac{1}{4}$ section 788.65 feet; to the southwest corner of Lot 1 of Certified Survey Map No. 1371; thence north 89°13'50" east along the south line of said Lot 1, 233.00 feet; thence north 01°01'38" west along the east line of said Lot 1, 200.00 feet; thence south 89°13'50" west along the north line of said Lot 1, 233.00 feet to a point on the west line of said southwest $\frac{1}{4}$ section; thence north 01°01'38" west along said west line 329.03 feet; thence north 88°52'13" east 1314.90 feet; thence south 00°58'01" east 1317.96 feet to a point on the south line of said southwest $\frac{1}{4}$ section; thence south 88°52'56" west along said south line 1313.52 feet to the place of commencement. Containing 38.69 acres of land more or less. Subject to rights of the public over the east 33 feet thereof for road purposes (376th Avenue).

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 5

5. Town of Salem (Sponsor), John E. Bozena Pyrzynski (Owners), requesting rezoning from B-2 Community Business District to R-2 Suburban 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 #66-4-120-262-0340 located in the northwest quarter of Section 26, Township 1 North, Range 20 East, Town of Salem be changed from B-2 Community Business 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 0.5 mile west of the intersection of State Trunk Highway "83" (Antioch Road).

Town of Salem - (Sponsor)

John E. and Bozena Pyrzynski - (Owners)

Description: Part of the northwest $\frac{1}{4}$ of Section 26, Town 1 North, Range 20 East of the Fourth Principal Meridian and more particularly described as follows, to-wit: Begin at the southwest corner of the northwest $\frac{1}{4}$ of Section 26; thence north

along the west line of the northwest $\frac{1}{4}$ of said section, 440.3 feet; thence south 26°24' east 419.85 feet to the northerly line of public highway; thence south 56°27' west along the northerly line of said highway 111.87 feet to the south line of the northwest $\frac{1}{4}$ of Section 26; thence west along the south line of the northwest $\frac{1}{4}$ of Section 26, 95.3 feet to the point of beginning, also including all area obtained by extending side lines of above described parcel southeasterly to the northerly line of County Highway "C" (before widening), excepting therefrom that part conveyed for highway purposes recorded April 5, 1956 in Volume "415" Deeds, page 262-63, Document Number 374196, lying and being in the Town of Salem, 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 6

6. Richard A. Karow, requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family 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 #95-4-119-073-0205 located in the southwest quarter of Section 7, Township 1 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural 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 north side of County Trunk Highway "F" (Bloomfield Road) approximately a $\frac{1}{4}$ mile west of the intersection of County Trunk Highway "P" (400th Avenue).

Richard A. Karow - (Owner)

Description: Part of the northeast $\frac{1}{4}$ and northwest $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 7, Township 1 North, Range 19 East, Town of Wheatland, County of Kenosha, State of Wisconsin and described as follows: Commence at the west $\frac{1}{4}$ corner of Section 7; thence north 87°35'34" east along the north line of said $\frac{1}{4}$ section, 691.00 feet to the point of beginning of land to be described; thence continue north 87°35'34" east along said north line, 1186.86 feet; thence south 02°24'26" east, 383.19 feet; thence north 87°35'34" east parallel to the north line of said $\frac{1}{4}$ section, 200.00 feet; thence south 41°41'47" west 169.09 feet; thence south 57°00'00" west 220.00 feet; thence north 01°38'46" west, 140.00 feet; thence south 87°45'44" west, 355.76 feet; thence south 01°38'46" east, 390.09 feet; thence north 59°54'26" west, 100.05 feet; thence north 68°42'36" west, 195.56 feet; thence north 79°03'02" west, 449.54 feet; thence north 10°56'58" east, 25.29 feet; thence north 01°43'06" west, 138.83 feet; thence south 87°35'34" west, parallel to the north line of said $\frac{1}{4}$ section, 233.00 feet; thence north 01°43'06" west, 200.00 feet; thence north 87°35'34" east, parallel to said north line, 200.00 feet; thence north 01°43'06" west, 266.00 feet 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

Gordon West

Irving Larsen

It was moved by Supervisor Smitz to adopt Ordinances 3 thru 6. Seconded by Supervisor Gorlinski.

Motion carried.

ORDINANCE 7

7. An Ordinance to amend Chapter 12 of the Municipal Code of Kenosha County, Wisconsin with reference to Zoning.

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

WHEREAS, Kenosha County has received a petition from Strawberry Creek of Kenosha, LLC to re-zone part of parcel # 35-4-121-023-0310 from A-1 Agricultural Preservation District to PR-1 Park and Recreational District and R-6 Urban, Single Family Residential District, excluding that portion of the Shoreland District that is currently zoned C-1 Lowland Conservancy District, and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission was asked to study the proposed re-zoning and to make recommendations regarding such re-zoning, and whereas the proposed development is to be located along Center Creek and Unnamed Tributaries 4 and 5 to Center Creek north of STH 50 and east of CTH MB in U.S. Public Land Survey Sections 2 and 3, Township 1 North, Range 21 East, Town of Bristol, and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission has reviewed the above proposed re-zoning petition and other pertinent documentation and has assisted Kenosha County in the review of the stormwater and floodland management aspects of the proposed Strawberry Creek golf course and residential development and has made certain findings and recommendations pertaining thereto and which are incorporated herein, and

- * Storm Drainage Analysis for Strawberry Creek, October 18, 2001.
- * Preliminary Engineering Drawings, sheets 1 through 11 of 11, October 8, 2001.
- * Preliminary Compensatory Storage Design Calculations for Strawberry Creek, December 21, 2001.
- * Strawberry Creek Floodplain Cross-Sections, sheets 1 through 5 of 5, December 28, 2001.
- * January 22, 2002, letter clarifying issues related to cut and fill calculations, transmitting average end-area floodplain cut and fill calculations, and clarifying the locations of proposed detention basin outlets relative to the Center Creek streambed.
- * February 14, 2002, memorandum from Mr. Gary Hoerth.
- * February 14, 2002, memorandum to Mr. William Kohel, of the City of Kenosha engineering Department, From Mr. Hoerty.

WHEREAS, the Southeastern Regional Planning Commission's findings, and recommendations are accepted, approved and adopted by the Kenosha County Land Use Committee and the Kenosha County Board of Supervisors,

NOW THEREFORE IT IS HEREBY ORDAINED BY THE KENOSHA COUNTY BOARD OF SUPERVISORS THAT the map referred to in Section 12.02-10 of the Kenosha County General Zoning and Shoreland / Floodplain Zoning Ordinance be amended as follows: That Parcel # 35-4-121-023-0310 located on the north side of State Trunk Highway 50 and east of CTH "MB" in the Town of Bristol, County of Kenosha, Wisconsin be re-zoned from A-1 Agricultural Preservation District to PR-1 Park and Recreational District and R-6 Urban, Single Family Residential District, excluding that portion of the Shoreland District that is currently zoned C-1 Lowland Conservancy District in accordance with the delineations set forth in the attached Exhibit "B", which is incorporated herein as if fully set forth. This re-zoning is conditional and shall take effect only when the following restrictions set forth in paragraph 4 below are irrevocably placed in deed restrictions approved by the Kenosha County Corporation Counsel's Office and recorded against the subject property. The effective date of the re-zoning is the date a certified copy of the recorded deed restrictions is delivered to the County Department of the Planning and Development. This re-zoning is based upon the following assumptions and representations:

1. No Shoreland permit will be issued until such time as there has been project approval by any Federal, State or Local regulating authority having jurisdiction over this project. Approval of a Drainage Plan by the City of Kenosha that is consistent with the conditions hereinafter set forth.
2. Approval of a Drainage Plan by City of Kenosha that is consistent with the conditions hereinafter set forth.

3. Approval and Execution of Drainage Easements by the City of Kenosha to be recorded with the Kenosha County Register of Deeds consistent with the Drainage Plan set forth above.

4. As a condition of re-zoning and in order to control off-site flows and inundation so as to protect certainty and predictability in the location of ordinary high water marks for shoreland management purposes, as well as to avoid upstream and downstream flooding impacts the following measures for controlling runoff from and onto the site are required and are to be incorporated as a deed restriction on the property described in the attached legal description labeled Exhibit "A" which is attached hereto and incorporated herein as if fully set forth for the benefit of County shoreland areas and downstream and upstream property owners; said deed restrictions may not be altered, amended or removed without the consent of Kenosha County:

a. Runoff from the project site shall be limited based upon conditions at the culverts under STH 50 at the downstream end of the site. Consistent with the ongoing Des Plaines River Watershed Study and to provide a sound basis for establishing discharge limits for the proposed development, the following performance standard must be adhered to:

i. The peak flow in Center Creek on the upstream side of STH 50 during a two-year recurrence interval flood shall not exceed 117 cfs, the peak flow during a 10-year flood shall not exceed 351 cfs, and the peak flow during a 100-year flood shall not exceed 788 cfs. Detention facilities shall be provided to detain stormwater runoff from the site. The allowable release rate for each facility shall not exceed 0.025 cfs per acre for the two-year event, 0.073 cfs per acre for the 10-year event, and 0.173 cfs per acre for the 100-year event. The County reserves the right to evaluate the effects of the proposed project within the context of the U. S. Environmental Protection Agency HSPF model developed under the Des Plaines River watershed study.

b. Up-stream standard: the pre-development flow rate as determined by SEWRPC shall be the minimum flow that must be accepted onto the subject site.

c. All County Shoreland performance standards and provisions as set forth in 12.18 of the Municipal Code of Kenosha County and amendments thereto shall remain in effect [unless superceded by more restrictive provisions enacted by the City of Kenosha] and shall apply to all shoreland areas and be enforced by the City of Kenosha.

5. As the project design proceeds, stormwater and floodland management aspects related to Center Creek and the two tributaries shall be submitted to the Kenosha County Department of Planning and Development concurrently with being submitted to the City of Kenosha for the City of Kenosha's review and approval.

6. The hydraulic review of the culvert and bridge crossings is deferred to the Wisconsin Department of Natural Resources (WDNR). The City of Kenosha has regulatory authority over floodplains through its zoning ordinance and will review the crossings in the context of the requirements of the City of Kenosha ordinance. In addition to the WDNR reviewing the hydraulic aspects of the project as part of a Chapter 30 permit application, the WDNR, depending upon the timing of the proposed project, will also be involved in the review of the project if project components affect the 100-year flood profile and delineation that the County intends to submit to the WDNR as part of the process of adopting detailed floodplain delineations along Center Creek and Unnamed Tributaries 4 and 5 to Center Creek. It is understood that the WDNR staff may independently require that the developer submit analyses related to the regulatory floodplain for their review and approval.

7. A hydraulic analysis must be performed to evaluate the effect on the 100-year flood profile of the proposed filling in the floodways of Center Creek and Unnamed Tributaries 4 and 5. The project cannot create increases of 0.01 foot or more in the 100-year flood stage at any upstream, off-site locations. The basis for such an analysis shall be the U.S. Army Corps of Engineers (USCOE) HEC-2 water surface profiles models that were developed by SEWRPC staff pursuant to its watershed study. Those models shall be revised as necessary to adequately represent the extent of filling in the floodways and to include any pertinent proposed hydraulically significant bridges, culverts, or storm sewers. Impacts may be evaluated using flows computed with the USCOE HEC-1 flood hydrograph package model, but the effects on the regulatory floodplain must be evaluated

using the buildout land use condition flows developed under the watershed study. The Developer shall reference SEWRPC Technical Report No. 40, *Rainfall Frequency in the Southeastern Wisconsin Region*, April 2000.

8. The boundaries of the 100-year recurrence interval floodplain were delineated along Center Creek and Unnamed Tributaries 4 and 5 to Center Creek under the ongoing Des Plaines River Watershed Study which SEWRPC is preparing for Kenosha and Racine Counties. Copies of large-scale topographic maps showing the 100-year floodplain boundaries under planned buildout land use and existing channel conditions along with hydrologic and hydraulic data used for the floodplain analyses have been provided to the Developer.

9. SEWRPC floodflows and profile data for all studied streams in the Des Plaines River watershed to be adopted by the County for zoning purposes shall be used as the basis for all future submissions to the City and all future reviews and approvals. Based upon the utilization of such data, the following requirements shall be adhered to in addressing floodplain issues: 1) the project design must treat the Center Creek floodplain that was delineated under the watershed study according to the requirements of the City Floodplain Zoning Ordinance, 2) the project design must consider flood data for the Unnamed Tributaries 4 and 5 to Center Creek, and 3) the project design must be accomplished to avoid adverse downstream flooding impacts during events with recurrence intervals between two and 100 years. Specifically, the project should be designed to:

a. Avoid increases of 0.01 foot or more in the 100-year flood stage at any off-site locations upstream, or downstream, of Center Creek or Unnamed Tributaries 4 and 5,

b. Avoid increases in the existing condition 100-year flood flow in Center Creek, at and downstream from, STH 50, and, avoid increases in two- and 10-year flood flows in Center Creek,

c. Provide adequate compensatory floodplain storage volume along Center Creek in accordance with the requirements of all applicable ordinances.

d. Ensure that post-development conditions in the areas draining to Unnamed Tributaries 4 and 5 do not create adverse downstream flooding impacts during events with recurrence intervals between two and 100 years. The avoidance of such impacts shall be accomplished through the provision of facilities to adequately control peak rates of runoff from the entire area draining to each tributary.

Whether or not the development is completed, floodplains along all three streams will be adopted and recognized for local zoning purposes and also for Federal flood insurance purposes.

12. The Wisconsin Department of Natural Resources (WDNR) has affirmed that Unnamed Tributaries 4 and 5 to Center Creek are not navigable. That classification permits more flexibility in the design of the development along the tributaries. County shoreland zoning regulations will not apply to the areas along the Unnamed Tributaries that are outside the Center Creek shoreland zone. The main issues to be addressed along the tributaries relate to their floodplains and to the provision of an adequate stormwater management system.

13. The City of Kenosha intends to transfer the site of the proposed development into the City under the May 9, 2000, cooperative agreement between the City and the Town of Bristol. City stormwater management requirements will apply. Review of the preliminary stormwater management information is primarily limited to issues that could impact areas upstream and downstream of the site following development. Strawberry Creek of Kenosha, LLC or its assigns will provide Kenosha County Department of Planning and Development with copies of all floodplain and stormwater correspondence and analysis contemporaneously with submissions to the City of Kenosha and WDNR and City of Kenosha and WDNR approvals of any such analysis.

14. SEWRPC comments on the October 18, 2001, Storm Drainage Analysis shall be addressed by the developer. The project shall be modified to provide a volume of compensatory floodplain storage along the main stem of Center Creek that is at least equal to the volume of floodplain filling, regardless of whether additional storage volume was provided elsewhere on the site. That modification is one necessary component of a plan to avoid increases in the peak 100-year flood flow downstream from the site. The December 21, 2001, *Preliminary Compensatory Storage Design Calculations for Strawberry Creek* and the December 28, 2001, *Strawberry*

Creek Floodplain Cross-Sections shall be used as the basis for all future reviews and approvals.

The one-foot contour interval topographic map of the site prepared by the developer shall be used for the compensatory storage analysis and the site design. The Center Creek floodplain delineation by the developer is acceptable for the compensatory storage analysis.

The City of Kenosha's final large-scale topographic mapping, compiled to National Map Accuracy Standards, at a scale of one inch equals 100 feet and a contour interval of one foot over an area of approximately 17.25 square miles, and which includes the project site, shall be used to delineate the 100-year floodplains for local zoning purposes.

16. The compensatory floodwater storage areas shall be configured to provide approximately equal compensation for any filling in the two- and 10- year flood inundation areas as well as the 100-year floodplain. That approach shall not change the total compensatory volume needed, and will distribute the volume vertically so that it is provided throughout that range of flows. The only requirement in the County Zoning Ordinance is that compensatory floodwater storage volume be provided for filling in the 100-year floodplain; the developer's engineer is encouraged to take advantage of opportunities to provide compensating volumes within the two- and 10- year flood inundation areas during the final project design.

17. With respect to the December 21, 2001, preliminary compensatory storage analysis, the December 28 floodplain cross-sections, and the January 22, 2002, clarifications of the cut and fill calculations:

a. The Developer analysis assumes there will be no filling in the floodplain upstream from cross-section 29-F. If that assumption is changed later in the design process, offsetting compensatory storage volume must be provided.

b. The Developer analysis relies on estimated wet detention basin 100-year high water levels that would be attained for stormwater management purposes. A significant amount of the compensatory floodwater storage volume is provided above the "stormwater management" high water level. This analysis is acceptable subject to final verification that 1) City stormwater management requirements can be met with the estimated high water levels and 2) that the hydraulic components of the detention basins will function adequately to enable the basins to detain stormwater runoff considering tailwater levels in Center Creek and to permit the compensating floodwater storage volume to be utilized through an adequate hydraulic connection with Center Creek.

c. All compensatory floodwater storage areas must be hydraulically connected to Center Creek and must be able to drain freely by gravity between runoff events.

d. The compensatory floodwater storage volume must be provided above the seasonal high groundwater level. This condition should be considered, reviewed and verified as the project design proceeds.

e. The County Floodplain Zoning Ordinance requires that the compensating floodplain area be equal to the floodplain area that is filled. The developer must provide additional calculations to demonstrate that this condition is met, or the project must be reconfigured to meet this requirement.

f. The final computation of the compensatory storage volume in the Center Creek floodplain must be based on a comparison of the pre-development 100-year floodplain volume to the post-development volume based on the final post-development 100-year flood profile, computed as set forth in Item 18 below.

g. Subject to satisfaction of the conditions listed under Items 17 a. through f. and of Item 16, the preliminary plan for the provision of compensatory floodwater storage volume provides a compensatory volume that is slightly larger than the volume of floodplain fill; however, it must still be demonstrated that the area of the floodplain that would be created is equal to the area that is proposed to be filled. To assure the provision of adequate compensatory floodwater storage, Strawberry Creek of Kenosha, LLC or its assigns will provide Kenosha County Department of Planning and Development with copies of any change in grading plans contemporaneously with submissions to the City of Kenosha and WDNR and City of Kenosha and WDNR approvals of any such changes.

18. A hydraulic analysis must be performed to evaluate the effect on the 100-year flood profile of the proposed filling in the floodways of Center Creek and Unnamed Tributaries 4 and 5. As noted above, the project cannot create increases

of 0.01 foot or more in the 100-year flood stage at any upstream, off-site locations. The basis for such an analysis shall be the U.S. Army Corps of Engineers HEC-2 water surface profiles models developed by SEWRPC staff under the watershed study. Those models shall be revised as necessary to adequately represent the extent of filling in the floodways and to include any pertinent proposed hydraulically significant bridges, culverts, or storm sewers.

In 1998, the WDNR approved flood flows developed by SEWRPC staff for Center Creek and Unnamed Tributary No. 4 to Center Creek under the Des Plaines River Watershed Study. Those flood flows were determined using the U. S. Environmental Protection Agency HSPF continuous simulation model. In 2000, SEWRPC staff revised the HSPF model to reflect an expansion of the planned urban service area for the City of Kenosha to include the project site. At that time, the flood flows for Unnamed Tributary 4 were revised to reflect an increase in the amount of planned urban land in its tributary area, and flood flows and water surface profiles were developed for Unnamed Tributary 5 for the first time. The effects of the changes in planned land use on the Center Creek flood flows approved by the WDNR in 1998 were evaluated as part of the 2000 analysis and it was determined that no change to the approved flows was needed. The Center Creek flood flows are unchanged from those approved by the WDNR in 1998 and the basis for determination of the flood flows for the two tributaries as set forth in the SEWRPC HEC-2 model for buildout land use and existing channel conditions is consistent with the flows approved by the WDNR.

19. Lots 21 and 22 in Neighborhood 6 in the southern portion of the proposed development and portions of the proposed golf course would be located outside the approximate 100-year floodplain currently in force under the County zoning ordinance but within the adopted shoreland zone. Under the detailed, but as-yet unadopted, Center Creek floodplain as determined for the Des Plaines River Watershed Study, Lots 15 through 20, 27, and 28 in Neighborhood 6 and the associated road along with additional parts of the golf course would be in the 100-year floodplain. The developer proposes to place fill to remove the lots from the detailed floodplain and to elevate portions of the golf course. The floodplain fill shall be compensated for through the provision of floodwater storage on the golf course.

20. It is anticipated that Chapter NR 151, "Runoff Management," of the *Wisconsin Administrative Code* will be promulgated this year. That code includes non-agricultural performance standards for control of nonpoint source pollution. At this time, it is unclear under what conditions Chapter NR 151 will be applicable to municipal approval of land developments. In the case of the subject development, the City of Kenosha may be required to apply the standards.

21. The County shall provide the Developer and the City of Kenosha with hydrologic and hydraulic information regarding existing condition flood flows at the project outlet on Center Creek at STH 50. Flood flows previously provided to the Developer were for buildout land use, existing drainage and channel conditions for Center Creek and tributaries and are appropriate for 100-year floodplain delineation under local and State requirements. Flows provided to the City are for existing land use, drainage, and channel conditions, and are appropriate for use in establishing limits on runoff from the development site.

22. The terms and conditions set forth herein may be enforced by Kenosha County by seeking injunctive relief or other appropriate remedy either at law or in equity.

23. The Kenosha County Department of Planning and Development shall be contemporaneously provided with a copy of all documentation filed with the City of Kenosha and provided with timely notice of all hearings held by the City of Kenosha regarding this project. Verification of compliance with the conditions set forth herein may be made by the Kenosha County Department of Planning and Development.

24. In the event that this project is not completed within 10 years of the commencement of site development, the Developer and any assignees shall be responsible for the reclamation of the project site so as to insure that the requirements of this ordinance are complied with. Developer or its assignees shall post a bond or letter of credit in an amount determined by the City of Kenosha to guarantee such reclamation. Said amount shall be reviewed and increased or decreased each year by the City of Kenosha in order to insure

sufficient funds are available for such reclamation. The requirement of this paragraph shall be waived by the Kenosha County Department of Planning and Development if a similar requirement is imposed by the City of Kenosha.

25. Severability. All subsections and provisions of this ordinance have an independent existence, and should any subsection or provision be declared invalid or unconstitutional by any court of competent jurisdiction, it is the intent of the Kenosha County Board to sever such subsections and provisions so declared and further that this shall not affect the validity of the remainder of the ordinance.

Dated this 21st Day of May, 2002 at Kenosha, Wisconsin.

(Exhibit B is on file in the County Clerk Office)

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas Gorlinski

Fred Ekornaas

Mark Molinaro Jr.

Irv Larsen

It was moved by Supervisor Smitz to adopt Ordinance 7. Seconded by Supervisor Larsen.

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

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Larsen, Carey-Mielke, Noble, West, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Haen, Huff, Molinaro, Singer, Ruffolo, Montemurro, Clark, Kerkman.

Ayes. 19. Nays. 8

Motion carried.

Roll call vote on Ordinance 7

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

Nays: Supervisor Kerkman.

Motion carried.

Resolutions - one reading.

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 County Board must act on all bills over \$5,000.00, and

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

Date: 5/21/02

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	\$1,453,340.89
PERSONNEL GROUPING #1	\$ 125,364.45
PERSONNEL GROUPING #1	\$ 24,705.40
DISABILITY GROUPING #1	\$1,076.873.81
PAYMENT GROUPS GRAND TOTAL:	\$2,680,284.55

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 invoices for Community Impact Program, Professional Services Group, Spanish Center, Women's Horizons and Windy Oaks Group Home.

Supervisor Molinaro moved to exclude the invoice for Pheasant Run for \$13,696.92. The motion was seconded by Supervisor Singer.

Motion carried.

Motion carried on Resolution 2 excluding Pheasant Run.

RESOLUTION 3

3. From Finance Committee Resolution Accepting a Federal Emergency Management Agency Hazard Mitigation Grant Program Award: FEMA-1369-DR-WI.

WHEREAS, the Kenosha County Board of Supervisors adopted Resolution No. 113 on November 13, 2001, authorizing the preparation and filing of a Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP) application for the purpose of continuing the buyout of floodprone properties in the 100-year recurrence interval floodplain of the Fox River in the Towns of Wheatland and Salem and the Village of Silver Lake; and

WHEREAS, Kenosha County was notified on May 1, 2002, that FEMA had approved a FEMA-1369-DR-WI grant in the amount of \$371,977.50 for Kenosha County; and

WHEREAS, Kenosha County will be providing funds for operating expenses, with FEMA reimbursing the County with HMGP funds as County funds are expended; and

WHEREAS, no property tax levy dollars will be used or budgeted for this grant program.

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors does hereby accept the FEMA-1369-DR-WI grant for Kenosha County in the amount of \$371,977.50 and authorizes the Kenosha County Executive and Kenosha County Clerk, on behalf of the County, to enter into a contractual agreement with the Wisconsin Division of Emergency Management (WEM) for the purpose of securing these funds; and

BE IT FURTHER RESOLVED, that the Kenosha County Housing Authority, with the contracted services of the Southeastern Wisconsin Regional Planning Commission, is designated as the County's administrative agent for the HMGP award; and

BE IT FURTHER RESOLVED, that the County Director of Finance is authorized to establish the following revenue and expense accounts on the County books for the grant award:

240.76994.442321	FEMA-1369-DR-WI Revenue	\$371,977.50
240.76994.582130	Floodplain Acq/Relo/Demo	\$362,687.50
240.76994.529590	HMGP Administration	\$ 9,290.00

BE IT FURTHER RESOLVED, that the authorization to spend grant funds authorized by this resolution be carried over into future years to complete this project, with the grant funds to be disbursed in accordance with all Federal and State regulations of the program and in compliance with generally accepted accounting principles; and

BE IT FURTHER RESOLVED, that the accounts and balances for said Housing Authority accounts will continue to be maintained on Kenosha County's books. Note: This resolution uses \$0 from the General Fund.

Submitted by:

FINANCE COMMITTEE

Robert R. Carbone

Terry W. Rose

Robert W. Pitts

Gordon West

John J. O'Day

Recommended for approval by the Kenosha County Housing Authority this 15th day of May 2002.

Earl W. Hollister, Chairman

Kenosha County Housing Authority

It was moved by Supervisor Carbone to adopt Resolution 3. Seconded by Supervisor O'Day.
Motion carried unanimously.

RESOLUTION 4

4. From Extension Education and Finance Committees regarding UW-Extension 2002 budget modification.

WHEREAS, Kenosha County UW-Extension currently has a .75 county funded 4-H staff assistant position and a fulltime 4-H Youth Development faculty position, and

WHEREAS, this 4-H Staff Assistant position will be redesigned into a fulltime academic staff position, "4-H Community Club Advisor", and

WHEREAS, the "4-H Youth Development Educator" faculty position will be shared with Racine County UW-Extension, and

WHEREAS, county levy remains unaffected by this budget amendment,

NOW, THEREFORE, BE IT RESOLVED that the 2002 Kenosha County UW-Extension budget be amended as follows:

Decrease:	67100 511500	Salaries-Temporary	\$14,877
	67100 515100	FICA	1,138
	67100 515200	Retirement	1,503
	67100 515500	Life Insurance	107

Increase: 67100 521900 Other Professional Services \$17,625

*Note: These figures will change contingent upon when the academic staff position is actually filled.

Submitted by:

EXTENSION EDUCATION COMMITTEE

Mark Modory

Brenda Carey-Mielke

Joe Montemurro

Ava Marrelli

Joseph Clark

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Modory to adopt Resolution 4. Seconded by Supervisor Pitts.

Motion carried unanimously.

RESOLUTION 5

5. From Extension Education and Finance Committees regarding UW-Extension 2002 budget modification - Youth Quest.

WHEREAS, Kenosha County UW-Extension has received \$10,000 from the City of Kenosha Community Development Block Grant Program for Youth Quest, and

WHEREAS, Kenosha County UW-Extension has received \$15,551 from the Greater Area Kenosha Foundation for Youth Quest, 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 2002 Kenosha County UW-Extension budget be amended as follows:

Fund: 100 Business Unit # 67400	Youth Quest Project	
Other Professional Services	521900	\$22,000
Office Supplies	531200	\$ 2,551
Mileage	533900	\$ 1,000

Fund: 100 Business Unit# 67400 Youth Quest Revenue

Youth Quest Revenue Object Code: 446620 \$25,551

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 5. Seconded by Supervisor West.

Motion carried unanimously.

RESOLUTION 6

6. From Human Services and Finance Committees to increase the 2002 Division of Aging Services budget to reflect increases in the COP allocation and the AHEC grant.

WHEREAS, The Kenosha County Department of Human Services Division of Aging Services has received grants from the Community Options Program and the Area Health Education Center for long term care worker recruitment, retention, and training, 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 \$29,977 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
Darrel Haen
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 6. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 7

7. From Judiciary & Law and Finance Committees regarding the Medical Examiner Office 2001 Budget Closeout.

WHEREAS, there was an unforeseen increase in overall expenses in the Medical Examiner's Office, primarily resulting from having to contract pathology services during the Medical Examiner's time off and,

WHEREAS, the Medical Examiner's Office is responsible for payment of bills incurred for such services and,

WHEREAS, there were sufficient funds within the Medical Examiner's budget to cover the cost of the increase in services and,

WHEREAS, there will be no transfer from the General Fund needed for the Medical Examiner's Office 2001 closeout.

BE IT NOW THEREFORE RESOLVED, that a transfer of funds, as outlined in the attached budget modification form, which is attached and incorporated by reference, is hereby approved

Submitted by:

FINANCE COMMITTEE

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

It was moved by supervisor Huff to adopt Resolution 7. Seconded by Supervisor Rose.

Roll call vote.

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

Nays: Supervisor Molinaro.

Ayes. 26. Nays. 1.

Motion carried.

RESOLUTION 8

8. From Judiciary & Law Enforcement Committee regarding the Appointment of Max Hekmat to Serve as a Member of the Local Emergency Planning Committee.

WHEREAS, pursuant to County Executive Appointment #2001/02-35, the County Executive has appointed Max Hekmat to serve as a member of the Local Emergency Planning Committee, and;

WHEREAS, the Judiciary & Law Enforcement Committee has reviewed the County Executive's request for review and approval of his appointment of the above named

to serve on this Committee and is recommending to the County Board the approval of this appointment, and;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the appointment of Max Hekmat to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Terry Rose

Joe Montemurro

RESOLUTION 9

9. From Judiciary & Law Enforcement Committee regarding the Appointment of Samantha Starzyk to Serve as Member of the Local Emergency Planning Committee.

WHEREAS, pursuant to County Executive Appointment #2001/02-37, the County Executive has appointed Samantha Starzyk to serve as a member of the Local Emergency Planning Committee, and;

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

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the appointment of Samantha Starzyk to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Terry Rose

Joe Montemurro

RESOLUTION 10

10. From Judiciary & Law Enforcement Committee regarding the Appointment of Ed VanTine to Serve as a Member of the Local Emergency Planning Committee.

WHEREAS, pursuant to County Executive Appointment #2001/02-39, the County Executive has appointed Ed VanTine to serve as a member of the Local Emergency Planning Committee, and;

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

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the appointment of Ed VanTine to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Terry Rose

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolutions 9 thru 11. Seconded by Supervisor Carey-Mielke.

Motion carried.

RESOLUTION 11

11. From Land Use committee regarding Final Plat of Hawk's Run Subdivision, Summerhill Development Corp. located in the Town of Salem.

It was moved by Supervisor Smitz to adopt Resolution 11. Seconded by Supervisor Gorlinski.

Supervisor Clark abstained.

Motion carried.

RESOLUTION 12

12. From Land Use Committee regarding Resolution to Approve waiving Kenosha County's requirements to conduct environment reviews for the construction of 90 low-income homes in southeast Wisconsin

It was moved and seconded to look into where construction of 90 low-income homes will be and come back to the board as Old Business at the next meeting.

COMMUNICATIONS

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

Chairman Kessler referred Communication 1 to Land Use Committee.

It was moved by Supervisor Carbone to approve the May 7th, 2002 minutes. Seconded by Supervisor Faraone. Supervisor Clark amended the minutes by asking that it be printed exactly what invoices he is abstaining on regarding Bills over \$5,000.00.

Motion carried as amended.

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

Motion carried and meeting adjourned at 10:30 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

June 4, 2002

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

Excused: Supervisor Wisnefski, Modory.

Present. 26. Excused. 2.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that he had spoken with Supervisor Wisnefski over the week-end and he was released from the hospital the day after Memorial Day. Everything is going well. The staples were removed and he will be starting treatments and hopes to be back soon.

Chairman Kessler stated that Supervisor Modory called him yesterday afternoon. Supervisor Modory had a heart attack and drove himself to the hospital. Angioplasty was performed and all is well and he hopes to attend the next meeting.

County Executive Allan Kehl introduced Bill Whyte, Personnel Director of Snap-On Corp., in charge of Workforce Development Local Board and the Tri-County Board that includes Racine, Walworth and Kenosha Counties. His responsibility is to take the workforce development and establish economic growth and development which leads to the Economic Summit. This is a marathon and a great deal of work needs to be done because economic development and growth is paramount because at some point in time we have reached some degree of complacency. The primary goal is to bring people together within the community. Education, manufacturing, business and labor working together for harmonious growth.

Bill Whyte highlighted a few things in the report. There are seven focus groups with 200 participants. The first presentation was to the County Board on November 20, 2001. Since that time they have made 26 presentations throughout the County. Critical issues to the County came out at the Summit Meeting. The report that everyone received was organized by high, medium and low priority. Priority was established by the Workforce Development Members. Some issues have been referred to committees. If anyone has questions or needs clarification please contact Mr. Whyte. Kenosha does not have an image and one is needed.

Chairman Kessler congratulated Supervisor Clark on having a baby girl born this past week-end.

SUPERVISOR REPORTS

Supervisor Carbone asked Mary Beier, Director of Juvenile Intake Services to report on Habitual School Truancy and Secure Detention. Truancy is usually a symptom of some other serious problem that is occurring in the students life. Ms. Beier stated that Kenosha County approved a three year contract with Racine County at the current rate of \$105.00 per day. Without the contract it would be \$130.00 per day. Kenosha County is not allowed to sub-let any un-used beds to other counties.

Supervisor Carbone gave an explanation for a \$15,000.00 expenditure that was questioned at a prior meeting. The bill was for office supplies to Corporate Express and it covered all departments not just the County Board. The bill for the Silver Lake clean-up to Waste Management was definitely for

hazardous waste materials and not covered in the contract with Waste Management.

Supervisor Carbone reported on the use of cell phones and 911. There is no address and phone number that comes up on the dispatchers screen. It is still important to keep your standard home phone.

Supervisor Kerkman reminded everyone about the annual Dairy Breakfast on June 15th in the Town of Brighton at Mighty Grand Dairy Farm on 18th Street. Please park at Central High School Parking Lot.

Supervisor Kerkman spoke regarding the Study going on between the City, County and Pleasant Prairie regarding where the tax money goes. An example is to just look at the truancy report. He is not a fan of putting money into the study and KABA should stay out of it. This is tax dollar money. The study is worthless.

Supervisor Gorlinski stated that his request for the truancy report was to see how effective detention is.

Supervisor Gorlinski announced that he is a grandfather for the second time.

Supervisor Ruffolo asked if someone from the Legislative Committee could contact Racine County regarding their push for e-government. Maybe we could get a copy.

Supervisor Clark stated that he was in a car accident in November in the middle of nowhere but he knew exactly where he was when he used his cell phone.

Supervisor Clark stated that the Supervisors workshop was informative. Grants are ranked. Kenosha County was 51 out of 89 applications. We need to work with other municipalities in the area. The assessments have come out and there is a 15% increase and everybody is pointing at the assessors. It's a game played in government. Also, why is there 17 Alderman in the City and 17 Supervisors when other counties have reduced their numbers.

COUNTY EXECUTIVE APPOINTMENTS

APPOINTMENT 12

12. Edward Grey to serve on the Kenosha City/County Joint Services Board.

It was moved by Supervisor Huff to suspend the rules and vote on Appointment 12 tonight. Seconded by Supervisor Carey Mielke. Motion carried.

It was moved by Supervisor Huff to accept Appointment 12. Seconded by Supervisor Carey-Mielke. Motion carried.

APPOINTMENT 13

13. James C. Foster, M.D. to serve on the Kenosha County Board of Health.

Chairman Kessler referred Appointment 13 to Human Services Committee.
OLD BUSINESS
County Executive Appointment.

APPOINTMENT 10

10. Gerald C. Sorensen to serve on the Kenosha County Traffic Commission. Referred May 21st for more information.

It was moved by Supervisor Gorlinski to table Appointment 10 for Statement of Financial Interest and Appointment Profile. Seconded by Supervisor Molinaro.

Motion carried.

Resolution -

RESOLUTION 12

12. Regarding Approving Waiving Kenosha County's Requirements to Conduct Environment Reviews for construction of 90 Low-Income Homes in Southeast Wisconsin. Referred May 21st for more information.

WHEREAS, the Wisconsin Association of Self-Help Executive Directors has received a grant entitled SHOP (Self-Help Homeownership Opportunity Program) from the U.S. Department of Housing and Urban Development to build and/or rehab 90 single-family homes for low-income families throughout Wisconsin; and

WHEREAS, a requirement of receiving these grant funds is that local units of government perform environmental reviews in accordance with federal environmental regulations; and

WHEREAS, local units of government are not familiar with these environmental regulations and the Milwaukee office of HUD (U.S. department of Housing and Urban Development) has volunteered to provide this type of environmental review if the local units of government formally declines to perform the environmental review function; and

WHEREAS, Racine County and Walworth County have also declined to perform the federal environmental review function; and

NOW, THEREFORE, BE IT RESOLVED, that Kenosha County declines to perform environmental reviews for the SHOP grant program; and

BE IT FURTHER RESOLVED, that the Kenosha County Executive be authorized to contact the Milwaukee office of HUD and provide a letter indicating Kenosha County's declining of performing the federal environmental review function as required for SHOP grant funds.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro Jr.

Thomas Gorlinski

Irving Larsen

Fred Ekornaas

It was moved by Supervisor Smitz to adopt resolution 12. Seconded by Supervisor Gorlinski.

Motion carried.

NEW BUSINESS.

Resolutions - one reading.

RESOLUTION 13

13. 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 County Board must act on all bills over \$5,000.00, and

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

Date: 6/04/02

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00 APPROVAL
BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

DIVISIONS	PAYMENT GROUPS
FINANCE GROUPING #1	\$ 756,222.94
FINANCE GROUPING #2	\$ 13,696.92
PERSONNEL GROUPING #1	\$ 677,970.92
PAYMENT GROUPS GRAND TOTAL:	\$ 1,447,890.78

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O' Day

Gordon West

It was moved by Supervisor Carbone to adopt resolution 13. Seconded by Supervisor Rose.

Motion carried.

RESOLUTION 14

14. From Human Services regarding Approving the Appointment of Karen Lockwood to the Kenosha County Specialized Transportation Commission.

WHEREAS, pursuant to County Executive appointment 2002/03-01, the County Executive has appointed Karen Lockwood to serve on the Kenosha County Specialized Transportation Commission; 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 Specialized transportation Commission 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 Karen Lockwood to the Kenosha Count

Specialized Transportation Commission. Ms. Lockwood's appointment shall be effective immediately and continuing until the 31st day of December, 2004 or until a successor is appointed by the County Executive and confirmed by the County board of Supervisors. Ms. Lockwood will serve without pay as defined under resolution 65 (1982-83) and will be filling an open position on the board.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

Darrel Haen

It was moved by Supervisor Boyer to adopt Resolution 14. Seconded by Supervisor Bergo.

Motion carried.

It was moved by Supervisor Johnson to approve the May 21st, 2002 minutes.

Seconded by Supervisor Carey-Mielke.

Motion carried.

It was moved by Supervisor O'Day 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

June 18, 2002

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

Excused: Supervisor Wisnefski, Haen, Ruffolo, Marrelli.

Present. 24. Excused. 4.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that he had spoken with Supervisor Wisnefski today and after a set-back from his surgery everything is going well.

Chairman Kessler stated that on everyone's desk is a copy of the County Reserve Reduction Plan. The Finance Committee will be reviewing the plan at the June 27th meeting. All over-site committees should review their respective section of the plan and communicate any recommendations or comments to the Finance Committee in writing by Thursday June 27th. A resolution will be on the July 2nd County Board Meeting Agenda.

Chairman Kessler expressed his condolences to Supervisor Clark on the passing of his mother-in-law.

SUPERVISOR REPORTS

Supervisor Modory thanked the board for sending him flowers following his recent heart attack. Everything is going well. He has pictures, before and after.

Supervisor Larsen reported on his attending the Wisconsin Counties Utility Tax Association Meeting on Friday. The Association is backing Assembly Bill 584 referring to maintaining the revenue sharing.

Supervisor Smitz stated that Central High baseball team won the state championship this year.

Supervisor Molinaro reported on Building & Grounds Committee touring the Medical Examiners Office that has just been completed. The project had a budget of \$250,000.00 and to date we have spent \$247,000.00.

Supervisor Molinaro stated that the Silver Lake Garage property has finally received the DNR closure letter indicating that the property is clean and ready for sale. A resolution will be coming from the Committee. The job center is on schedule.

Supervisor Elverman spoke about the Revolutionary War Reenactment. Hundreds of people attended. The park land was greatly appreciated for this event.

Supervisor Noble asked to have the minutes from all the standing committees be given to the County Clerk to distribute to all the supervisors so that if a supervisor is unable to attend a meeting they can at least review the minutes. Chairman Kessler stated that was a good idea.

Supervisor Carey-Mielke stated that Judge Wilk met with Judiciary & Law Enforcement Committee and presented a briefing of Court House Security with a price tag of \$100,000.00 to meet the Security needs of the Courthouse. The proposal will go to Judiciary & Law enforcement sometime in the future.

Supervisor Singer stated that last night at the Administration Committee Meeting the non-represented employee pay plan was discussed and changes were made. The plan will be going to the Finance Committee and then presented to the County Board.

COUNTY EXECUTIVE APPOINTMENTS

APPOINTMENT 14

14. David Geertsens to serve as a representative of Kenosha County on the Joint Review Board for the purpose of reviewing a Project Plan.

It was moved by Supervisor Carbone to suspend the rules and vote on appointment 14 tonight. Seconded by Supervisor Rose.
Motion carried.

It was moved by Supervisor Carbone to adopt Appointment 14. Seconded by Supervisor Rose.
Motion carried.

NEW BUSINESS.

Ordinances - one reading.

From Land Use Committee regarding:

ORDINANCE 8

8. Santosh F. and Doris Krinsky (Owners)/Robert J. Heilgeist (Agent), requesting rezoning from R-1 Rural Residential 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 part of Tax Parcel #60-4-119-352-0121 located in the northwest quarter of Section 35, Township 1 North, Range 19 East, Town of Randall 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 south side of County Trunk Highway "HM" (116th Street) approximately 240 feet west of the intersection of County Trunk Highway "KD" (368th Avenue).

Santosh F. & Doris Krinsky - (Owners)

Robert J. Heilgeist - (Agent)

Description: R-1 and R-2 to R-2

Lot 3 of Rolling Hills Subdivision and part of the northeast ¼ of the northwest ¼ of Section 35, Township 1 North, Range 19 East of the Fourth Principal Meridian in the Town of Randall, County of Kenosha and State of Wisconsin and being more particularly described as follows: Commence at the northeast corner of the northwest quarter of said Section 35; thence south 88°32'34" west along the north line of said northwest ¼, 599.18 feet; thence south 01°27'25" east, 65.00 feet to the northwest corner of Lot 3 of Rolling Hills Subdivision and the place of beginning of a parcel of land here in after described: thence north 88°32'34" east, (recorded as south 89°42'00" east), 175.00 feet along the north line of said Lot 3; thence south 01°27'25" east (recorded as south 00°18'00" west), 416.98 feet; thence south 88°32'34" west, 174.63 feet; thence north 01°35'04" west, 166.98 feet to the southwest corner of said Lot 3; thence north 01°27'25" west (recorded as north 00°18'00" east) along the west line of said Lot 3, 250.00 feet to the place of beginning. Containing 1.67 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 Ordinance 8. Seconded by Supervisor Gorlinski.
Motion carried.

ORDINANCE 9

9. Christian H. and Peggy M. Jorgensen, 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 #60-4-119-133-0100 located in the southwest quarter of Section 13, Township 1 North, Range 19 East, Town of Randall be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District. For informational purposes only, this property is located on the east side of County Trunk Highway "JI" (328th Avenue) approximately 0.35 mile north of the intersection of County Trunk Highway "F".

Christian H. and Peggy M. Jorgensen - (Owners)

Description: That part of the north half of the southwest quarter of Section 13, Town 1 North, Range 19 East of the Fourth Principal Meridian, lying and being in the Town of Randall, County of Kenosha and State of Wisconsin, described as follows: Commencing at the northwest corner of the southwest quarter of said Section 13; thence south 01°29'52" east along the west line of the southwest quarter of said Section 13, a distance of 996.21 feet to the point of beginning; thence north 87°52'13" east along a line parallel with the south line of the north half of the southwest quarter of said Section 13, a distance of 2656.79 feet to the east line of the southwest quarter of said Section 13; thence south 01°35'21" east along the east line of the southwest quarter of said Section 13, a distance of 332.05 feet to the south line of the north half of the southwest quarter of said Section 13; thence south 87°52'13" west along the south line of the north half of the southwest quarter of said Section 13, a distance of 2657.32 feet to the west line of the southwest quarter of said Section 13; thence north 01°29'52" west along the west line of the southwest quarter of said Section 13, a distance of 332.05 feet to the point of beginning. Said parcel containing 20.2530 acres, reserving the west 33.00 feet thereof for highway purposes. Containing 20.0015 acres excluding right of way.

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 9. Seconded by Supervisor Larsen.

Motion carried.

ORDINANCE 10

10. Genevieve F. Dooley, requesting rezoning from PR-1 Park-Recreational 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 Parcel #67-4-120-343-0101 located in the southwest quarter of Section 34, 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 on the east side of Rock Lake Road at the intersection of 124th Street.

Genevieve F. Dooley - (Owner)

Description: Part of the northwest ¼ of the southeast ¼ and the northeast ¼ of the southwest ¼ of Section 34, Township 1 North, Range 20 East, commencing at the northwest corner of said southwest ¼; thence west 1881.32 feet to the centerline of Rock Lake Road; thence south 27 feet to an angle point; thence south 50°26' east along centerline 800.00 feet to an angle point; thence south 50°26' east 286.38 feet to the point of beginning; thence north 39°37' east 163.82 feet to Rock Lake; thence south 43°56' east 120.61 feet; thence south 39°21' west 142.54 feet to the east line southwest ¼ of said point being 19.56 feet south of meander corner of Rock Lake; thence south 10.25 feet to the centerline of Rock Lake Road; thence north 50°26' west 127.36 feet to 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 11

11. Crosswinds Development LLC/Frank Heister (Agent), requesting the application of a PUD Planned Unit Development Overlay 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 #80-4-222-124-0203, #80-4-222-124-0438 thru #80-4-222-124-0456 (consecutively) and #80-4-222-124-0465 all located in the southeast quarter of Section 12, Township 2 North, Range 22 East, Town of Somers having existing R-8 Urban Two-Family Residential District have a Planned Unit Development Overlay District applied. The petitioner requests the development of two-unit (duplex) buildings for the Somers Estates Condominium Project. For informational purposes only, these properties are located between County Trunk Highway "Y" (22nd Avenue) and County Trunk Highway "G" (30th Avenue) approximately 450 feet north of the intersection of County Trunk Highway "E" (12th Street)

This property is owned by Crosswinds Development LLC, Frank Heister is the agent and employed by the development company.

The petitioners would be responsible for compliance with their testimony given at the June 12, 2002 public hearing, whereby assurances were given, exhibits were presented, information explained, all which are now part of the record, along with complying with the application and various site plans 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 June 12, 2002 public hearing. These conditions are hereby referenced to as Exhibit 1, and are made part of this ordinance (which are on file in the Department of Planning and Development).

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 June 12, 2002 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 Planned Unit Development Overlay District for Somers Estates Condominium project by the Land Use Committee on the property as described below.

The proposed condominium project and PUD Planned Unit Development Overlay District is a revised concept from the previously approved Preliminary Plat and Final Plat approvals of Somers Estates Subdivision granted by the Land Use Committee on April 11, 2001 (Preliminary Plat) and December 4, 2001 (Final Plat) approved by the Kenosha County Board of Supervisors. These approvals were granted to a development of fee simple lots.

The ownership of said property has since changed and the new owners are Crosswinds Development LLC propose the same concept, but under condominium ownership. Consequently, the previous Conditions of Approval for the Preliminary and Final Plats would remain in tact with additional conditions based on new building designs and landscaping plans, presented by the new owner Crosswinds Development LLC.

Description: Parcel 2 of Certified Survey Map No. 2252 and Lots 38, 39, 40, 41, 42, 43 and 44 in Somers Estates, being a division of Parcel 1 of Certified Survey Map No. 2252, Document No. 1219722, being a part of the southeast $\frac{1}{4}$ and southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 12, Town 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, bounded and described as

follows: Commencing at the southeast corner of said $\frac{1}{4}$ section; thence north $01^{\circ}20'02''$ west, 495.00 feet; thence north $88^{\circ}46'52''$ west, 46.68 feet to the point of beginning of the lands to be described; thence continue north $88^{\circ}46'52''$ west, 195.42 feet; thence north $01^{\circ}16'42''$ west, 134.30 feet; thence south $88^{\circ}43'18''$ west, 129.99 feet; thence north $01^{\circ}16'42''$ west, 180.00 feet; thence north $31^{\circ}35'54''$ west, 213.24 feet; thence southwesterly 49.14 feet along the arc of a curve whose center is to the southeast, whose radius is 87.00 feet; whose chord bearing is south $60^{\circ}16'55''$ west, chord distance 48.49 feet; thence south $44^{\circ}06'07''$ west, 82.39 feet; thence southwesterly 89.44 feet along the arc of a curve whose center is to the northwest, whose radius is 633.00 feet, whose chords bearing is south $48^{\circ}09'00''$ west, chord distance 89.37 feet; thence south $37^{\circ}48'07''$ east, 183.50 feet; thence south $61^{\circ}15'46''$ west, 256.98 feet; thence south $53^{\circ}49'10''$ west, 115.79 feet; thence north $88^{\circ}46'52''$ west, 107.47 feet; thence north $08^{\circ}00'42''$ west, 205.42 feet; thence northeasterly 371.99 feet along the arc of a curve whose center is to the north, whose radius is 633.00 feet, whose chord bearing is north $69^{\circ}02'00''$ west, chord distance, 366.61 feet; thence northeasterly 89.44 feet along the arc of a curve whose center is to the northwest, whose radius is 633.00 feet; whose chord bearing is north $48^{\circ}09'00''$ east, chord distance 89.37 feet; thence north $44^{\circ}06'07''$ east, 82.39 feet; thence northeasterly 49.14 feet along the arc of a curve whose center is to the southeast, whose radius is 87.00 feet, whose chord bearing is north $60^{\circ}16'55''$ east, chord distance 48.49 feet; thence easterly 37.27 feet along the arc of a curve whose center is to the southeast, whose radius is 87.00 feet, whose chord bearing is north $87^{\circ}27'04''$ east, chord distance 33.07 feet; thence south $81^{\circ}37'36''$ east, 106.55 feet; thence easterly 176.51 feet along the arc of a curve whose radius is 1436.88 feet, whose chord bearing is south $85^{\circ}08'45''$ east, chord distance 176.40 feet; thence south $88^{\circ}39'54''$ east, 124.28 feet; thence south $01^{\circ}16'42''$ east, 142.44 feet; thence south $88^{\circ}43'18''$ west, 330.00 feet; thence south $01^{\circ}16'42''$ east, 180.00 feet; thence north $88^{\circ}43'18''$ east, 130.00 feet; thence continue north $88^{\circ}43'18''$ east, 200.00 feet; thence south $01^{\circ}16'42''$ east, 79.25 feet; thence south $03^{\circ}00'30''$ west, 63.74 feet to the point of beginning.

In addition: Lots 45, 46, 47, 48 and 49 in Somers Estates, being a division of Parcel 1 of Certified Survey Map No. 2252, Document No. 1219722, being a part of the southeast $\frac{1}{4}$ and southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 12, Town 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said southeast $\frac{1}{4}$; thence north $01^{\circ}02'02''$ west along the east line of said southeast $\frac{1}{4}$, 495.00 feet; thence north $88^{\circ}46'52''$ west, 1037.61 feet to the point of beginning of the lands to be described; thence continue north $88^{\circ}46'52''$ west, 670.38 feet; thence north $01^{\circ}13'08''$ east, 200.00 feet; thence south $88^{\circ}46'52''$ east, 637.88 feet; thence south $08^{\circ}00'42''$ east, 202.62 feet to the point of beginning.

Further included: Lots 51, 52, 53, 54, 55 and 56 in Somers Estates, being a division of Parcel 1 of Certified Survey Map No. 2252, Document No. 1219722, being a part of the southeast $\frac{1}{4}$ and southwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 12, Town 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said southeast $\frac{1}{4}$; thence north $01^{\circ}02'02''$ west along the east line of said southeast $\frac{1}{4}$, 495.00 feet; thence north $88^{\circ}46'52''$ west, 1773.99 feet to the point of beginning of the lands to be described; thence continue north $88^{\circ}46'52''$ west, 761.96 feet; thence north $08^{\circ}46'08''$ east, 163.36 feet; thence northerly 121.04 feet along the arc of a curve whose center is to the west, whose radius is 705.00 feet, whose chord bearing is north $03^{\circ}51'01''$ east, chord distance, 120.89 feet; thence south $57^{\circ}58'50''$ east, 108.41 feet; thence north $85^{\circ}30'08''$ east, 96.23 feet; thence southerly 295.83 feet along the arc of a curve whose center is to the south, whose radius is 75.00 feet, whose chord bearing is south $27^{\circ}29'52''$ east, chord distance 138.08 feet; thence north $39^{\circ}30'08''$ east, 92.23 feet; thence easterly 48.56 feet along the arc of a curve whose center is to the south, whose chord bearing is north $76^{\circ}51'38''$ east, chord distance 48.06 feet; thence south $88^{\circ}46'52''$ east, 376.03 feet; thence south $01^{\circ}13'08''$ west, 200.00 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 12

12. Marion Stein and Clem Stein Resident Trust (Owners), Attorney John E. Hotvedt (Counsel/Agent), requesting rezoning from 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 Tax Parcel #95-4-219-364-0110 located in the southeast quarter of Section 36, Township 2 North, Range 19 East, Town of Wheatland be changed from R-2 Suburban Single-Family Residential District to A-2 General Agricultural District. For informational purposes only, this property is located on the northwest corner of the intersection of County Trunk Highway "K" (60th Street) and County Trunk Highway "NN".

Marion Stein and Clem Stein Residence Trust - (Owners)
Attorney John E. Hotvedt - (Counsel/Agent)

Description: The south 594.00 feet of the east 440.00 feet of the east ½ of the east ½ of the southeast ¼ of Section 36, Township 2 North, Range 19 East of the Fourth Principal Meridian and lying and 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 10,11 & 12.
Seconded by Supervisor Molinaro.

Motion carried.

Resolutions- one reading.

RESOLUTION 15

15. 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	\$ 208,170.51
FINANCE GROUPING #2	\$ 1,508,942.48
DISABILITY GROUPING #1	\$ 1,240,787.26
PAYMENT GROUPS GRAND TOTAL:	\$ 2,957,900.25

Respectfully submitted,

FINANCE COMMITTEE

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

It was moved by Supervisor Carbone to adopt Resolution 15. Seconded by Supervisor West. Supervisor Clark abstained on invoices for Community Impact Programs, Professionals Services Group, Spanish Center and Windy Oaks Group Home.
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 1999 tax rolls (2000 tax certificates).

WHEREAS, Kenosha County is the owner of numerous tax certificates for the year 2000 based on the tax levy of 1999.

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 1999 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

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 16. Seconded by Supervisor O'Day.
Motion carried.

RESOLUTION 17

17. From Finance Committee regarding Establishing Cap on Levy Funded Bonded Projects.

WHEREAS, it is the intent of the County Board of Supervisors and the County Administration to establish a capital financing plan that will reduce the debt load of the County,

NOW THEREFORE BE IT RESOLVED, that total project cost for levy funded capital projects not exceed \$19,050,000 for the four years beginning with the 2003 budget year, and ending with the 2006 budget year. The annual cap shall be \$5,320,000 in 2003 (includes Kenosha County Job Center balloon payment), \$4,465,000 in 2004, \$4,575,000 in 2005, and \$4,690,000 in 2006.

BE IT FURTHER RESOLVED, the annual cap may be transferred between budget years as long as total borrowing from 2003 to 2006 for project costs does not exceed \$19,050,000.

BE IT FURTHER RESOLVED, that this cap shall not apply to capital project costs not funded with bond proceeds.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 17. Seconded by Supervisor Pitts.

Roll call vote.

Motion carried unanimously.

RESOLUTION 18

18. From Human Services and Finance Committees regarding Division of Health Modifying 2002 budget to reflect funding awarded by WI Dept of Health and Family Services for Bio-Terrorism planning.

WHEREAS, the Kenosha County Department of Human Services, Division of Health has received funding from the Wisconsin Department of Health and Family Services, through the 2002 Consolidated Contract for Bio-Terrorism planning for the period of January 1, 2002 through December 31, 2002, and

WHEREAS, these additional funds are awarded as part of a statewide obligation to be prepared to respond to bio-terrorism events, and

WHEREAS, a portion of these funds, (\$10,445), will be used to reduce the 2002 tax levy, related to the planning efforts of those employees involved in the Division of Health's Public Health Emergency Response (PHER) Team, 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 \$33,959 and expenditures increase by \$23,514 as indicated in the attached budget modifications that are incorporated into this resolution by reference and any unexpended dollars as of December 31, 2002 should be carried over into the 2003 budget.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

Darrel Haen

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 18. Seconded by Supervisor Rose.

Roll call vote.

Motion carried unanimously.

RESOLUTION 19

19. From Human Services and Finance Committees regarding Increasing the 2002 Division of Aging Services budget to reflect increases from the Southeastern Wisconsin Area Agency on Aging and the COP 2002 allocation.

WHEREAS, the Kenosha County Department of Human Services Division of Aging services has received allocation increases in the Community Options Program and the Area Agency on Aging, 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 \$218,205 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

Darrel Haen

Don Smitz

John O'Day

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 19. Seconded by Supervisor West.

Roll call vote

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

Nays: None.

Abstain: Supervisor Carey-Mielke

Ayes. 23. Nays. 0. Abstain. 1.

Motion carried.

RESOLUTION 20

20. From Human Services and Finance Committees regarding Budgeting for Contracted Expenditures in the PIK Project.

WHEREAS, The Kenosha County Department of Human Services Division of Aging Services has received a state Long Term Care Information Technology Grant for the purchase and implementation of an IT system, and

WHEREAS, contracted payments will be made under this grant to Kenosha Human Development Services for the purchase and use of computer hardware by their agency as part of the implementation of the IT system, and

WHEREAS, County Levy remains unaffected by this resolution;

NOW, THEREFORE, BE IT RESOLVED, that the 2002 budget of the Department of Human Services be modified as follows:

Expenditures increase and decrease by \$80,000 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

Darrel Haen

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 20. Seconded by Supervisor O'Day.

Motion carried unanimously.

RESOLUTION 21

21. From Human Services and Finance Committees regarding the Kenosha County Department of Human Services for 2nd Quarter Budget Modification for Additional State and Federal Funding.

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

WHEREAS, the Division of Workforce Development is receiving additional \$500,000 in State and Federal funds through the Medical Assistance Program for Non-Emergency Transportation, and

WHEREAS, the Division of Workforce Development is receiving additional \$80,000 in State and Federal Funds through the Department of Health and Family Services for Funeral and Cemetery Services, and

WHEREAS, the Division of Workforce Development is receiving additional \$40,000 in State and federal funds through the Department of Workforce Development for Emergency Assistance Homeless, 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 Division of Children and Family Services budget be modified as follows:

Authorize the increase of expenditures by \$620,000 and to increase revenues by \$620,000 per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Darrel Haen

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 21. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 22

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

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$40,377 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department Intensive Supervision Program V", for the grant period of April 1, 2002 through December 31, 2002, 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 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 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 \$40,377 and increases expenditures by \$40,377.

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 Carey-Mielke to adopt Resolution 22. Seconded by Supervisor West.
Motion carried unanimously.

RESOLUTION 23

23. From Judiciary & Law and Finance Committee regarding Sheriff's Department Establishing Inmate Processing Fee.

WHEREAS, State Statute 302.372 has enhanced and clarified the manner and methods of obtaining reimbursement from County Jail inmates for the cost of their incarceration, and

WHEREAS, the Sheriff recognizes the need to maximize detention facility revenues providing relief for taxpayers and increase detention facility revenues, and

WHEREAS, an Inmate Processing Fee of \$20.00 shall be charged to inmates sentenced to the County Jail as reimbursement for a portion of the Admission process, and

WHEREAS, the Sheriff's Department already has an inmate financial tracking system in place that can be used to post the fee and track the revenue generated as well as provide information for collection purposes.

NOW, THEREFORE, BE IT RESOLVED, that with approval of the Kenosha County Board of Supervisors an Inmate Processing Fee is adopted for the Kenosha County Jail effective July 1, 2002, and as prescribed by law the Sheriff agrees to collect such fees, and

BE IT FURTHER RESOLVED, that the Inmate Processing Fee shall remain in effect until modified or changed by the County Board of Supervisors through the annual budget process.

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 Carey-Mielke to adopt Resolution 23. Seconded by Supervisor Pitts.
Roll call vote.

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

Nays: Bergo.

Ayes. 23. Nays. 1.

Motion carried.

RESOLUTION 24

24. From Land Use Committee regarding Support Development of Regional Water Supply Plan.

WHEREAS, Kenosha County is charged with the protection of the health and welfare of its citizens, and the quality of their environs; and

WHEREAS, the changes in population distribution within Southeastern Wisconsin have impacted the availability of water supplies in varying ways and placed increased pressures on groundwater sources; and

WHEREAS, records have shown that over the past 50-years water levels in the deep sandstone aquifer underlying much of the Southeastern Wisconsin Region have declined precipitously due to consumption, and are continuing to decline at a rate of several feet per year; and

WHEREAS, tests indicate increasing salinity, radium, and arsenic levels in the water from the deep sandstone aquifer, as well as localized problems for shallower aquifers, that may limit groundwater use or be hazardous for human consumption; and

WHEREAS, technically sound water supply management requires consideration of comprehensive water resources planning addressing both surface water and groundwater; and

WHEREAS, there may be potential cost-effectiveness advantages to expanding the uses of Lake Michigan as a source of water supply and to managing groundwater sources based upon technical area wide analyses; and

WHEREAS, without a sound plan for the protection and wise use of surface water and groundwater supplies, significant health, safety, and economic problems may occur for our citizens and our communities; and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission is currently completing a regional groundwater inventory, and is working toward the completion of a groundwater simulation model for Southeastern Wisconsin.

NOW, THEREFORE, BE IT RESOLVED BY, Kenosha County that a comprehensive area wide water supply plan is urgently needed to develop and manage the Region's water resources in an efficient and cost-effective manner that will protect the quality and quantity of the regional water supply for current and future generations.

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors hereby requests that the Southeastern Wisconsin Regional Planning Commission prepare a prospectus at no cost to the County for the development of a water supply plan for the Region, of which Kenosha County is a part.

BE IT FURTHER RESOLVED, that the prospectus shall identify the need for, the scope and content of, the estimated cost of, a time schedule for, and a recommended means of organizing and funding the desired plan, including the identification of outside funding sources which are anticipated to be available.

BE IT FURTHER RESOLVED, that the Southeastern Wisconsin Regional Planning Commission create a technical advisory committee to guide the preparation of the prospectus.

BE IT FINALLY RESOLVED THAT, the prospectus, once prepared, be presented to the seven County Boards of the Region for approval and cooperative implementation.

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 24. Seconded by Supervisor Gorlinski.
Motion carried.

RESOLUTION 25

25. From Land Use Committee regarding Approval for Kenosha County's Participation in a Flood Plain Analysis for the East Branch of Nippersink Creek Sub-watershed and Powers Lake.

WHEREAS, the Nippersink Creek Subwatershed including Powers Lake is located in Kenosha and Walworth Counties; and

WHEREAS, a significant portion of the Nippersink Creek Subwatershed including Powers Lake is located in Kenosha County; and

WHEREAS, the current regulatory flood elevations developed under the Walworth County Federal Flood Insurance Study contain discrepancies between such elevations in different portions of the East Branch of the Nippersink Creek Subwatershed including Powers Lake; and

WHEREAS, the Walworth County planning staff has requested that the Southeastern Wisconsin Regional Planning Commission prepare an analysis to determine updated and corrected floodplain data for the East Branch of the Nippersink Creek Subwatershed; and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission has agreed to prepare the requested study on a comprehensive basis in the entire subwatershed including lands in both Kenosha and Walworth County during 2003, as part of its continuing watershed planning program; and

WHEREAS, Kenosha and Walworth Counties will not be required to provide any direct funding for the proposed floodplain analysis;

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors hereby authorizes Kenosha County participation in the floodplain analysis for the East Branch of the Nippersink Creek Subwatershed and Powers Lake.

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 25. Seconded by Supervisor Ekornaas.

Motion carried.

COMMUNICATIONS

2. From Jean A. Morgan, City Clerk-Treasurer, regarding Annexation of 38.191 acres of land, more or less located south of 27th Street and west of 47th Avenue in the Town of Somers.

Chairman Kessler referred Communication 2 to the Land Use Committee.

3. From County Executive, Allen Kehl, regarding Reserve Reduction Plan.

Chairman Kessler referred Communication 3 to the Finance Committee.

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

Chairman Kessler referred Communication 4 to the Land Use Committee.

CLAIMS

3. James J. Kempf - mailbox damage.

4. Dean Beecher - broken windshield.

Chairman Kessler referred Claims 3 & 4 to Corporation Counsel.

It was moved by Supervisor Faraone to approve the June 4th, 2002 minutes. Seconded by Supervisor Kerkman.

It was moved by Supervisor Noble to adjourn. Seconded by Supervisor Modory.

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

July 2, 2002

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, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, Singer, Montemurro, Larsen, Clark, Noble, West, Kerkman, Smitz, Elverman, Ekornaas, Modory, Gorlinski, Wisnefski, Haen, Ruffolo, Marrelli.

Excused: Supervisors O'Day, Carey-Mielke.

Present. 26. Excused. 2.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that two former County Board Supervisors have died. William Birkholz from the 8th District and Charles Labanowsky from the 14th District. There was a moment of silence.

Chairman Kessler stated that the next County Board Meeting will be July 23rd, one week later due to the NACo Conference.

Chairman Kessler welcomed Supervisor Wisnefski back.

SUPERVISOR REPORTS

Supervisor Wisnefski thanked everyone who called, sent flowers and cared about him during his illness and it is nice to be back. The Building & Grounds Committee is going to have a July 19th meeting at the Job Center with Health & Human Services Committee. There is going to be work done on the Kemper Center roof. A walk-thru was held today and the bids will be open on July 12th. There is \$50,000.00 in the budget for this project.

Supervisor Pitts announced that on July 24th the annual Brookside Picnic will be held from 10:00 a.m. till 2:00 p.m. rain or shine.

Supervisor Modory reported on the U.W. Extension Office Committee. The committee recognized a couple members of the U.W. Extension Staff that received a National Award from the Department of Natural Resources for the video that was played on the Cable Network called Land & Water-links. Recognized were Annie Jones and Rose Skora. Everyone is invited to the 4-H Centennial Picnic on Saturday, July 27th, at the Kenosha County Fair Grounds. Also, the Kenosha County 4-H Youth Extension Committee and Club Advisor position was approved and posted. The posting closes on July 10th and so far there have been 18 applications.

Supervisor Kerkman stated that the Town of Brighton has built it's first Town Hall and moved in today. Previously they rented space from Brighton Grade School. July 21st at 1:00 p.m. there will be a dedication.

Supervisor Elverman reported on the Highway & Parks Committee. The summer paving season has began. The efficiency of our Highway Department is regarded high by other counties. As far as the Golf Courses go, we have been blessed with good weather. The Parks Department is very busy with the youth groups.

County Executive Appointment.

15. Gerald C. Sorensen to serve on the Kenosha County Traffic Safety Commission.

Chairman Kessler referred Appointment 15 to Highway and Parks Committee.

NEW BUSINESS.

Policy Resolution - first reading, two required.

POLICY RESOLUTION

1. From Administration and Finance Committees regarding the Non-Represented Employee Pay Plan.

Resolutions- one reading.

RESOLUTION 26

26. 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	\$ 262,380.00
FINANCE GROUPING # 2	\$ 836,842.54
DISABILITY GROUPING # 1	\$ 129,731.26
PERSONNEL GROUPING # 1	\$ 918,231.37
PAYMENT GROUPS GRAND TOTAL:	\$2,147,185.17

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 26. Seconded by Supervisor Rose. Supervisor Clark abstained on invoices for Professional Services Group, Woman's Horizons and Shalom Center.

Motion carried.

RESOLUTION 27

27. From Finance Committee regarding Reserve Reduction Plan.

WHEREAS, Kenosha County 2002 Budget included the use of approximately \$3.2 Million of reserves, and

WHEREAS, it is in the best interest of the County to reduce the use of reserves, and

WHEREAS, the attached Plan reduces the reserves used to balance 2002 Budget by \$1.1 Million.

NOW THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors approve the Reserve Reduction Plan as per the attached budget modification which is incorporated herein 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 27. Seconded by Supervisor Pitts.

It was moved by Supervisor Ruffolo to refer to all the standing committees. Seconded by Supervisor Faraone.

It was moved by Supervisor Haen to call the question. Seconded by Supervisor Wisniewski.

Ayes: Supervisors Kessler, Haen, Boyer, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, Larsen, Wisniewski, Noble, West, Kerkman, Gorlinski, Smits, Elverman,, Ekornaas.

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

Ayes. 18. Nays. 8.

Motion carried.

Roll call vote on the referral.

Ayes: Supervisors Molinaro, Singer, Ruffolo, Montemurro, Gorlinski.

Nays: Supervisors Kessler, Haen, Boyer, Rose, Huff, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Larsen, Wisnefski, Clark, Noble, West, Kerkman, Smitz, Elverman, Ekornaas.

Ayes. 5. Nays. 21

Motion lost.

It was moved by Supervisor Elverman to close debate on the original motion. Seconded by Supervisor Pitts.

Ayes: Supervisors Haen, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Larsen, Wisnefski, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Kessler, Huff, Molinaro, Marrelli, Singer, Ruffolo, Montemurro, Clark.

Ayes. 18. Nays. 8.

Motion carried.

Roll vote on Resolution 27.

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

Nays: Supervisor Molinaro.

Motion carried.

RESOLUTION 28

28. From Judiciary & Law Committee regarding Activity Control License for Country Thunder 2002.

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, located in the Town of Randall, made during the month of February 2002, 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 2002 be granted to Geneva Jam for the dates of July 18, 2002 through July 21, 2002.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Terry Rose

Brenda Carey-Mielke

Joe Montemurro

Anita Faraone

It was moved by Supervisor Huff to adopt resolution 28. Seconded by Supervisor Faraone.

Motion carried.

COMMUNICATIONS

5. From Racine County Planning and Development Committee regarding GFO Conditional Use.

Chairman Kessler referred Communication 5 to Land Use Committee.

CLAIMS

5. Delbert J. Rogers -lost clothes while in jail.

6. Melvin Koslak - broken window in back door by Sheriff's Dept.

7. Lesley Ann Carter - broken windshield.

8. Maria A. Cook - civil rights violations.

9. Obadiah Bennett - chewed razor blade in soup at the detention center.

Chairman Kessler referred Claims to Corporation Counsel.

It was moved by Supervisor Johnson to approve the June 18th, 2002 minutes. Seconded by Supervisor Bergo.

Motion carried.

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

Motion carried.

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

July 23, 2002

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, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Faraone, Johnson, Pitts, Singer, Montemurro, Clark, West, Kerkman, Smitz, Elverman, Ekornaas, Modory, Gorlinski, Wisnefski, Haen, Ruffolo, O'Day, Carey-Mielke.

Excused: Supervisors Larsen, Marrelli, Noble.

Present. 25. Excused. 3.

County Executive, Allen Kehl gave the State of the County Address.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that last Saturday he attended the unveiling of a historical marker in Library Park that is in honor of Rueben Demming who was born in Vermont in 1789 and came to the Village of Southport in 1836. He was a Methodist Preacher and a supporter of the anti-slave movement. Slavery was considered the worst of social wrongs. In the 1850's Kenosha was a active stop on the underground railroad.

Chairman Kessler reminded everyone about the Committee of the Whole, Thursday at 7:00 p.m. and it will be a closed session to discuss up-coming labor negotiations.

Chairman Kessler stated that if anyone is planning on attending the WCA in Milwaukee, September 22nd thru 25th. Let the County Clerk know.

SUPERVISOR REPORTS

Supervisor Pitts reminded the board that tomorrow is the Brookside Family Picnic from 10:00 a.m. until 1:15 p.m. The State's Annual Inspection was done at Brookside and only two very minor violations that were corrected immediately.

Supervisor Elverman reported on the Highway & Parks Committee. Regarding the large scale use of our parks this summer especially on the lakes, people have been turned away because the parks are full. As far as the Golf Courses go, the extreme heat slows down golfing especially in the afternoon. Another concern of the golf operation is a gas pipe line that would be feeding a plant in Pleasant Prairie. The pipe line is on hold and their concerns were with the disruptions of the golf course. Country Thunder finally got it right this year. Planning & Development laid stringent ground rules this year. Some 50,000 people were there for four days and all went well.

Supervisor Bergo stated that everyone is receiving invitations to fund raisers and she would like to publicly thank Senator Kohl for his donation to the Pringle Nature Center.

Supervisor Carey-Mielke thanked everyone for the flowers and well wishes she received after her surgery. She placed on everyone's desk a copy of purchase for ads space for Alcohol and other Drug Counsel of Kenosha County. It is a non profit organization that promotes such programs as the children's safe house, drivers safety education and counseling just to name a few. This is an opportunity to raise funds to help support the programs. Also, this is replacing the Pike Creek Duck Race.

County Executive Appointment.

16. Kay E. Goergen to serve on the Kenosha County Zoning Board of Adjustments.

Chairman Kessler referred Appointment 16 to the Land Use Committee.

OLD BUSINESS

Policy Resolution - second reading, two required.

POLICY RESOLUTION 1

1. From Administration and Finance Committees regarding the Non-Represented Employee Pay Plan.

It was moved by Supervisor Singer to adopt Policy Resolution 1. Seconded by Supervisor Carbone.

It was moved by Supervisor Ruffolo to amend the last paragraph: Newly hired Non-represented employees, who have not been internally promoted, who enroll in a health plan are required to enroll in the most cost effective health plan. Seconded by Supervisor Molinaro.

It was moved by Supervisor Rose to amend Supervisor Ruffolo's amendment to read: to enroll in the newly or substitute plan as designated by the Administration. The amendment was accepted by Supervisor Ruffolo and Supervisor Molinaro.

Motion carried.

It was moved by Supervisor Clark to table Policy Resolution 1 until the August 6th meeting. Seconded by Supervisor Faraone.

Roll call vote to table.

Ayes: Supervisors Kessler, Boyer, Molinaro, Bergo, Carbone Modory, Faraone, Pitts, O'Day, Wisnefski, Clark, Gorlinski, Elverman.

Nays: Supervisors Haen, Rose, Johnson, Singer, Ruffolo, Montemurro, Carey-Mielke, West, Kerkman, Smitz, Ekornaas.

Ayes. 13. Nays. 12.

Motion to table carried.

NEW BUSINESS

Ordinance - one reading, two required.

ORDINANCE 13

13. Text Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

Ordinances - one reading.
From Land Use Committee regarding:

ORDINANCE 14

14. Elizabeth M. Weber, Trustee of Elizabeth Weber Revocable Trust (Owner), Peter C. Weber (Agent), 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 #30-4-220-142-0300 located in the northwest quarter of Section 14, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District. For informational purposes only, this property is located on the southwest corner of the intersection of State Trunk Highway "142" (Burlington Road) and County Trunk Highway "X" (240th Avenue).

**Elizabeth M. Weber, Trustee of
Elizabeth Weber Revocable Trust - (Owner)
Peter C. Weber - (Buyer)**

Description: Part of the northwest quarter of Section 14, Town 2 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Brighton, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said quarter section; thence north 01°46'29" west along the east line of said quarter section 941.45 feet to the point of beginning of the parcel to be herein described; thence south 88°11'01" west along the north line of Certified Survey Map No. 863, a plat of record, 303.00 feet; thence north 01°46'29" west parallel to the east line of said quarter section 877.66 feet to the southerly right-of-way line of State Trunk Highway "142" (Burlington Road); thence south 83°34'16" east along said right-of-way line 108.76 feet; thence south 76°55'45" east along said right-of-way line 150.37 feet to the westerly right-of-way line of County Trunk Highway "X" (240th Avenue); thence south 06°37'59" east along said right-of-way line 200.72 feet; thence north 88°13'31" east 33.00 feet to the east line of said quarter section; thence south 01°46'29" east along said east line 623.40 feet to the point of beginning; containing 5.716 acres (incl. hwy.), 5.244 acres (excl. hwy); more or less; subject to a public highway over and across part of the easterly portion thereof and 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

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

ORDINANCE 15

15. Robert L. Zubor, Jr. requesting rezoning from C-1 Lowland Resource Conservancy District to A-2 General Agricultural District for a residential driveway 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 #35-4-121-201-0260 located in the northeast quarter of Section 20, Township 1 North, Range 21 East, Town of Bristol be changed from C-1 Lowland Resource Conservancy District to A-2 General Agricultural District. For informational purposes only, this property is located on the south side of County Trunk Highway "C" approximately 0.6 mile east of the intersection of U.S. Highway "45".

Robert L. Zubor, Jr. - (Owner)

Description: A 15.00 foot strip of land across the following described property: Kenosha County Certified Survey Map Number 2248, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, Kenosha County, Wisconsin, as Document Number 1214614, recorded April 12, 2001, and located in the northeast quarter of Section 20, Town 1 North, Range 21 East of the Fourth Principal Meridian, Town of Bristol, County of Kenosha and State of Wisconsin.

The center line of said strip of land is described as follows: Commencing at the northwest corner of the northeast quarter of said Section 20; thence north 89°08'53" east, grid bearing from North, Wisconsin Coordinate System, South Zone, along the north line of said northeast quarter 171.04 feet; thence south 02 degrees 04 minutes 13 seconds east parallel with the west line of said northeast quarter 320.00 feet to the beginning of the center line of said 15.00 foot strip of land; thence continuing south 02°04'13" east parallel with the west line of said northeast quarter 245.00 feet and said center line there terminating.

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 16

16. Richard F. and Kathleen M. Frederick Trustees of 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 Tax Parcel #45-4-221-091-0102 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, this property is located on the southeast corner of the intersection of County Trunk Highway "A" (7th Street) and County Trunk Highway "D" (172nd Avenue).

Richard F. and Kathleen M. Frederick Trustees - Frederick Family Trust - (Owner)

Description: The northeast quarter of the northeast quarter of Section 9, Township 2 North, Range 21 East of the Fourth Principal Meridian, in the Township of Paris, County of Kenosha, and State of Wisconsin. Excepting therefrom all that land being part of the northeast quarter of the northeast quarter of Section 9, Township 2 North, Range 21 East of the Fourth Principal Meridian, in the Township of Paris, County of Kenosha, State of Wisconsin and being more particularly described as follows: Beginning at the northeast corner of Section 9; thence south 01°01'56" east 1327.26 feet along the east line of the northeast 1327.26 feet along the east line of the northeast quarter of the northeast quarter of Section 9, to the south line of said northeast quarter quarter section; thence south 89°22'29" west 328.04 feet along the south line of said northeast quarter quarter section; thence north 01°01'56" west 1328.61 feet parallel to the east line of said northeast ¼ section to the north line of said northeast quarter section; thence north 89°36'37" east 328.05 feet to the point of beginning. Subject to rights of the public for County Trunk Highway "A" and County Trunk Highway "D".

In addition: Commencing at the northeast corner of the northeast quarter of said Section 9; thence south 01°01'56" east, 1327.26 feet along the east line of said northeast quarter to the south line of the northeast quarter of the northeast quarter; thence west along the south line of the northeast quarter of the northeast quarter, 1374.88 feet to the westerly right-of-way line of County Trunk Highway "D", thence north 00°50'30" west along the westerly right-of-way line of County Trunk Highway "D", 350 feet more or less to the point of beginning; thence south 89°22'29" west 911.87 feet to a point on the easterly

right-of-way line of County Trunk Highway "A"; thence north 44°44'43" east along the easterly right-of-way of County Trunk Highway "A" to a point being the intersection of the easterly right-of-way line of County Trunk Highway "A" with the westerly right-of-way line of County Trunk Highway "D"; thence southerly along the westerly right-of-way line of County Trunk Highway "D" to the point of beginning. Said land being in the Township of Paris, 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

ORDINANCE 17

17. Pathway Development Corporation, requesting from A-2 General Agricultural District to R-2 Suburban Single-Family 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 Parcels #67-4-120-351-0303 and #67-4-120-351-0304 located in the northeast quarter of Section 35, Township 1 North, Range 20 East, Town of Salem be changed from A-2 General Agricultural 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 immediately northeast of the intersection of State Trunk Highway "83" and 122nd Street.

Pathway Development Corporation - (Owner)

Description: Lots 3 and 4 of Kenosha County Certified Survey Map Number 2186, according to the recorded plat thereof on file and of record in the office of the Register of Deeds for Kenosha County, Wisconsin, as Document Number 804463, and recorded May 8, 2000.

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 18

18. FS Cooperative Kenosha-Racine, c/o Conserv FS (Owner)/Joseph G. Smith (Buyer), requesting rezoning from M-1 Limited Manufacturing District to A-3 Agricultural Related Manufacturing, Warehousing and Marketing 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 #80-4-222-273-0380 located in the southwest quarter of Section 27, Township 2 North, Range 22 East, Town of Somers be changed from M-1 Limited Manufacturing District to A-3 Agricultural Related Manufacturing, Warehousing and Marketing District. For informational purposes only, this property is located on the south side of County Trunk Highway "S" immediately east of the Union Pacific Railroad crossing.

FS Cooperative Kenosha-Racine, c/o Conserv FS - (Owner)

Joseph G. Smith - (Buyer)

Description: Part of the southwest quarter of Section 27, Township 2 North, Range 22 East of the Fourth Principal Meridian, being in the Township of Somers, more particularly described as follows: Beginning on the north line of

the southwest quarter of Section 27-2-22, at a point which is 170.66 feet east from the northwest corner of said quarter section, said property also being on the easterly line of the right-of-way of the Chicago and Northwestern Railway Company, and running thence east along and upon the north line of said quarter section and the center line of Highway #43, 74.5 feet; thence running south parallel with the west line of said quarter section 211 feet; thence running east parallel with the north line of said quarter section 30 feet; thence running south parallel with west line of said quarter section, 180.45 feet; thence running west parallel with the north line of said quarter section 150.5 feet to the easterly line of Chicago and Northwestern Railway Company right-of-way; thence running northerly upon the easterly line of said right-of-way 392.95 feet to place 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 19

19. Timothy M. and Judith L. Hubbard (Owners)/Gregg Vigansky (Agent), requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District.

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 #80-4-222-011-0210 located in the northeast quarter of Section 1, Township 2 North, Range 22 East, Town of Somers 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 east side of County Trunk Highway "G" (30th Avenue) approximately 0.23 mile south of the intersection of County Trunk Highway "KR" (1st Street).

Timothy M. and Judith L. Hubbard - (Owners)

Gregg Vigansky - (Agent)

Description: Part of the northeast quarter of Section 1, 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 southwest corner of Certified Survey Map No. 629, a plat of record and on file at the Kenosha County Land Registry; thence south 89°03'51" east along and upon the south line of said Certified Survey Map and its extension easterly thereof, 325.00 feet; thence south 01°37'17" east parallel to the west line of said quarter section, 150.00 feet; thence north 89°03'51" west parallel to the south line of the aforesaid Certified Survey Map, 325.00 feet and to the west line of said quarter section; thence 01°37'17" west along and upon said west line, 150.00 feet and to the point of beginning. Subject to a public highway over and across the most westerly 33.00 feet thereof. Also containing 1.12 acres, more or less and 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

It was moved by Supervisor Smitz to adopt Ordinances 14 thru 19. Seconded by Supervisor Molinaro.

Motion carried.

ORDINANCE 20

20. Armando and Theresa Covelli, requesting rezoning from R-2 Suburban Single-Family Residential District to R-3 Urban 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 #81-4-223-072-0240 located in the northwest quarter of Section 7, Township 2 North, Range 23 East, Town of Somers be changed from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District. For informational purposes only, this property is located on the east side of County Trunk Highway "Y" (22nd Avenue) approximately 0.3 mile south of the intersection of County Trunk Highway "A" (7th Street).

Armando and Theresa Covelli - (Owners)

Description: Part of the northwest quarter of Section 7, Town 2 North, Range 23 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 southwest corner of said quarter section; thence north 01°20'04" west along and upon the west line of said quarter section, 546.00 feet; thence north 87°42'02" east parallel to the south line of said quarter section, 42.90 feet to the easterly right-of-way of County Trunk Highway "Y" (22nd Avenue) and the point of beginning of the parcel hereinafter described; thence continue north 87°42'02" east parallel to the south line of said quarter section, 1487.49 feet and to the westerly right-of-way line of the abandoned Chicago North Shore and Milwaukee Railroad; thence north 14°22'52" west along said right-of-way line, 401.36 feet; thence north 14°39'38" west along said right-of-way line, 51.50 feet; thence north 14°22'52" east along said right-of-way line, 39.56 feet; thence south 87°51'47" west parallel to the north line of said quarter section, 1601.47 feet and to the easterly right-of-way line of the aforesaid highway; thence south 01°30'44" east along said right-of-way line, 99.42 feet; thence north 88°29'16" east along and upon said right-of-way line, 5.00 feet; thence south 01°30'44" east along and upon said right-of-way line, 377.77 feet and to the point of beginning; containing 737,492 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:

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 20. Seconded by Supervisor Gorlinski. Supervisor Ruffolo abstained.

Motion carried.

Resolutions - one reading.

RESOLUTION 29

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

It was moved by Supervisor Carbone to adopt Resolution 29. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Community Impact and Woman's Horizons.

Motion carried.

RESOLUTION 30

30. From Finance Committee regarding Cost of Marriage License.

It was moved by Supervisor Carbone to adopt Resolution 30. Seconded by Supervisor O'Day.

Motion carried.

RESOLUTION 31

31. 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 Vertical Expansion of the Pheasant Run Recycling and Disposal Facility.

It was moved by Supervisor Smitz to adopt Resolution 31. Seconded by Supervisor Eknoraas.

Motion carried.

Communications.

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

7. From Jean A. Morgan, city Clerk-treasurer regarding Attachment and Temporary Zoning District classification of Land in the Town of Bristol.

Chairman Kessler referred Communications 6 & 7 to the Land Use Committee.

Claims.

- 10. Carolyn Jedrzejewski - fell in bathroom.
- 11. Sheldon Anderson - car damage.
- 12. J.C. Cameron - car damage.
- 13. Dennis A. Haglund - car damage.
- 14. Dwight Bizzell - injured in Conveyance Unit.
- 15. Javier Garcia - injured in Conveyance Unit.

Chairman Kessler referred Claims 10 thru 15 to the Corporation Counsel.

It was moved by Supervisor Pitts to approve the July 2nd, 2002 minutes. Seconded by Supervisor West.

Motion carried.

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

Motion carried.

Meeting adjourned at 9:30 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

August 6, 2002

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, Haen, Boyer, Rose, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Excused: Supervisors Huff and Pitts.

Present. 26. Excused. 2.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler reported the Kemper Center and Rotary Club have paid off their loan of 1.2 million dollars for the restoration of the south wing of Kemper Center. He thanked them for not only paying their payments but also for helping to preserve a historic site.

Presentation was made by the Kemper Center Board regarding the payoff of the Kemper Center Remodeling Loan.

County Executive Allan Kehl introduced Mr. Mike Wells from the Kemper Center Board. Mr. Wells asked Clarence Griffin to speak, afterwards Mr. Wells presented a check.

SUPERVISOR REPORTS

Supervisor Elverman spoke regarding the fire at the Brighton Dale Golf Course's maintenance building. No business was lost, and they were able to get the majority of the equipment needed for operation out of the building. The Highway and Parks Committee approved a resolution to start accepting funds from the insurance company. At the Highway & Parks Committee meeting they went over with SEWRPC the presentation of the freeway reconstruction plan for Kenosha County and the adjacent counties.

Supervisor Elverman also spoke regarding a report of a traffic study by Gary Sipsma about the stop sign that was installed last year at Hwy V and 116th Street in the Town of Salem after a catastrophic accident.

Supervisor Larsen stated that he attended a performance of "Leader of the Pack" which was presented by KAPAC which stands for Kenosha Area Performing Arts Company. The youth talent we have in this town is unbelievable and he encouraged the board go to the performance.

Supervisor Carbone congratulated the organizers, participants and those who contributed to the Relay for Life. They brought in over \$300,000.

Supervisor Gorlinski stated that we live in some trying times today relative to financial situations that we have in our country. He spoke about an article in the Wall Street Journal titled "A Solution to Scandals-Simpler Rules" After reading an e-mail from his daughter in Moscow, concluded that maybe things in this country are not as bad as they could be as we look at the world situation.

County Executive Appointment.

17. Theresa J. Gilliland to serve on the Kenosha County Specialized Transportation Commission.

18. Carol A. Schaufel to serve on the Kenosha County Specialized Transportation Commission.

Chairman Kessler referred Appointment 17 & 18 to Human Service Committee.

OLD BUSINESS

Policy Resolution-tabled at the July 23rd Meeting to be brought back August 6TH.

POLICY RESOLUTION 1

WHEREAS, the 2001 budget resolution passed by the Kenosha County Board of Supervisors called for the current Non-Represented Employee Pay Plan to sunset on December 31, 2002, and

WHEREAS, the Administration and Finance Committees of the Kenosha County Board have completed an extensive review of classification and compensation issues affecting Non-Represented employees, and

WHEREAS, the Administration and Finance Committees have determined that the Non-Represented Employee Pay Plan scheduled to sunset December 31, 2002 is, overall, an effective tool for managing classification and compensation issues for Non-Represented employees, and

WHEREAS, with adjustments the Plan can be made compatible with the current financial condition of Kenosha County,

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors reinstate the Non-Represented Employee Pay Plan with the following amendments for the year 2003 **only, with the following amendments:**

- inactivate the general adjustment formula in Section P10.01-4 of the Plan, and apply a two percent salary range increase on January 1, 2003;
- step increases as provided for in P10.01-5 of the Plan will not be awarded for budget year 2003;
- special assignment pay as provided for in P10.01-10 of the plan will not be available to non-represented employees for budget year 2003;
- in recognition of accepting health benefit concessions in budget year 2002, and consistent with the same recognition given represented employees, non-represented employees will receive an additional week of vacation in budget year 2003; and
- consistent with Section 10.02-1 of the plan, non-represented employees with less than seven years of service to Kenosha County will not be permitted to cash out or carry over any unused vacation, including the additional week, at the end of budget year 2003. Non-represented employees with between seven and 14 years of service will be permitted to cash-out or carry-over 40 hours of unused vacation. Non-represented employees with 15 or more years of service will be permitted to cash-out or carry-over 80 hours of unused vacation.

NOW, THEREFORE BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors permanently amends the Non-Represented Employee Pay Plan as follows:

- Section 10.01-5 of the plan shall be amended to eliminate half-step and one-and-one-half step salary increases; and
- Section 10.02-8 of the plan shall be amended to include the following:
Newly hired Non-represented employees, who have not been internally Promoted, who enroll in a health plan are required to enroll in the Partners **or in a substitute plan as designated by the Administration.**

*Highlighted areas are the amendments.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Mark Modory

Joseph Clark

John Ruffolo

Tom Kerkman

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

1. From Administration and Finance Committees regarding the Non-Represented Employee Pay Plan.

It was moved by Supervisor Rose to remove Policy Resolution from table.
Seconded by Supervisor Singer.

Motion carried.

It was moved by Supervisor Singer to adopt Policy Resolution 1 as previously amended. Seconded by Supervisor Carbone.

It was moved by Supervisor Rose to amend the 5th paragraph to include: not be reactivated until the Board has reviewed the financial implications for the 2004 budget. Seconded by Supervisor Elverman.

It was moved by Supervisor Molinaro to amend Supervisor Rose's amendment: that the Kenosha County Board of Supervisors reinstate the Non-Represented Employee Pay Plan for the year 2003 **only**, with the following amendments: Seconded by Supervisor Rose.

It was moved by Supervisor Kerkman to call the question on the amendment to Policy Resolution 1. Seconded by Supervisor Rose.
Roll call vote to call the question.

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

Nays: Supervisors Haen, Marrelli, Modory, Singer, Ruffolo, Montemurro, Larsen.

Ayes: 19 Nays: 7

Motion carried.

Roll call vote for amendment of Policy Resolution 1.

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

Nays: Supervisors Haen, Bergo, Modory, Faraone, Larsen, Carey-Mielke.

Ayes: 20. Nays: 6

Motion carried.

It was moved by Supervisor Singer to call the question on Policy Resolution 1 as amended. Seconded by Supervisor Carbone.

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Bergo, Carbone, Modory, Johnson, O'Day, Singer, Wisnefski, Carey-Mielke, West, Kerkman, Smitz and Ekornaas.

Nays: Supervisors Haen, Molinaro, Marrelli, Faraone, Ruffolo, Montemurro, Larsen, Clark, Noble, Gorlinski, Elverman.

Ayes: 15. Nays: 11.

Motion failed, 2/3 needed, debate continues.

It was moved by Supervisor Kerkman Rose to call the question on Policy Resolution 1 as amended. Seconded by Supervisor Rose.

Ayes: Supervisors Kessler, Haen, Boyer, Rose, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Larsen, Wisnefski, Carey-Mielke, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, and Ekornaas.

Nays: Supervisors Molinaro, O'Day, Ruffolo, Montemurro, and Clark.

Ayes: 21. Nays: 5.

Motion carried.

Roll call vote for Policy Resolution 1 as amended.

Ayes: Kessler, Boyer, Rose, Molinaro, Marrelli, Carbone, Modory, Johnson, Singer, Ruffolo, Montemurro, Wisnefski, Clark, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Haen, Bergo, Faraone, O'Day, Larsen, Carey-Mielke, Noble, Elverman.

Ayes: 18. Nays: 8

Motion carried.

Ordinance - second reading, two required.

ORDINANCE 13

13. Text Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

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

That the text of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended per the attached Exhibit "A".

*Ordinance on file in the County Clerk's Office.

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 13. Seconded by Supervisor Gorlinski.
Motion carried.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 32

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

WHEREAS, the Wisconsin State Statutes provided 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	\$493,918.30
Disability Grouping #1	\$ 0.00
Personnel Grouping #1	\$ 8,320.75
Housing Authority #1	\$ 0.00
Payment Groups Grant Total	\$502,239.05

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 32. Seconded by Supervisor O'Day.

Supervisor Clark asked that the record reflect that he will be abstaining from voting on invoices for the Spanish Center.
Motion carried.

RESOLUTION 33

33. From Human Services Committee regarding Approval of the Appointment of Dr. James Foster to the Kenosha County Board of Health.

WHEREAS, pursuant to County Executive Appointment 2002/02-13, the County Executive has appointed Dr. James Foster 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 Dr. James Foster to the Kenosha County Board of Health. Dr. Foster's appointment shall be effective immediately and continuing until the 4th day of February, 2005 or until a successor is appointed by the County Executive and confirmed by the County board of Supervisors. Dr. Foster will serve without pay and will be succeeding Dr. Stephen Feuerbach.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

Darrel Haen

It was moved by Supervisor Boyer to adopt Resolution 33. Seconded by Supervisor Bergo.

Motion carried.

RESOLUTION 34

34. From Legislative, Finance and Judiciary & Law Committees regarding Supporting Legislation Permitting the Imposition of Additional Court Costs to be used for County Courthouse Security.

WHEREAS, since September 11, 2001, security issues are now more important than ever, and

WHEREAS, other states have implemented or are in the process of implementing a new security fee as a court cost so the individuals using the courts or committing the crimes help pay for Courthouse security, and

WHEREAS, Texas requires defendants convicted of a felony offense to pay an additional \$5 and a misdemeanor to pay an additional \$3 fee. Said fees are deposited in a security fund which is used for the purposes of providing security services for court buildings including purchasing x-ray machines, metal detectors, electronic locking systems, security personnel, alarms, bulletproof glass, etc., and

WHEREAS, the State of Illinois has established a \$15 security fee per court action used for similar purposes, and

WHEREAS, there is nothing in the statutes that allows the County to charge such a court cost for security, and

WHEREAS, the Legislature should pass legislation to allow counties to establish an additional court cost to be used to fund Courthouse security.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors hereby encourages the State Legislature and Governor to enact legislation that would allow for the imposition of an additional court cost for all cases filed in the Clerk of Courts office to be used for Courthouse security and all funds will be retained by Kenosha County.

BE IT FURTHER RESOLVED that this Resolution be sent to all Kenosha County State Legislators, Governor McCallum and the Wisconsin Counties Association.

Submitted by:

LEGISLATIVE COMMITTEE FINANCE COMMITTEE

JUDICIARY & LAW COMMITTEE

Ronald Johnson

Robert Carbone

James Huff

Thomas Kerkman

Terry Rose

Brenda Carey-Mielke

Fred Ekornaas

John O'Day

Terry Rose

Ava Marrelli

Robert Pitts

Anita Faraone

Anita Faraone

Gordon West

Joe Montemurro

It was moved by Supervisor Johnson to adopt Resolution 34. Seconded by Supervisor Carbone.

Motion carried.

COMMUNICATIONS

8. From Jean A. Morgan, City Clerk-treasurer regarding Annexation of .220 acres of land from the Town of Somers.

Chairman Kessler referred Communication 8 to the Land Use Committee.

CLAIMS

16. Barbara A. Boyle - car damage.

17. Jeffrey Jon Witthun - scratched car.

18. Jeffrey Jon Witthun - another scratched car.

Chairman Kessler referred Claims 16 thru 18 to the Corporation Counsel

It was moved by Supervisor Singer to approve the August 7, 2001 minutes as amended. Seconded by Supervisor Montemurro.

Motion carried.

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

Motion carried.

Meeting adjourned at 9:25 p.m.

Prepared by: Edie LaMothe

Deputy Clerk

Submitted by: Edna R. Highland

County Clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

August 20, 2002

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, Haen, Boyer, Rose, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisniewski, Carey-Mielke, Clark, Noble, Gorlinski, Smits, Elverman, Ekornaas, Huff, Pitts.

Excused: Supervisors Molinaro, West, Kerkman.

Present. 25. Excused. 3.

SUPERVISOR REPORTS

Supervisor Wisniewski stated that he had photos of the building at Brightondale Golf Course that burned. The photos are on his desk if anyone wants to see them.

Supervisor Huff spoke about a letter from Ben Schliesman, Director of Emergency Management. The letter contains a list of upcoming events, exercises and training opportunities sponsored and/or coordinated by Kenosha County Emergency Management. Everyone is invited to attend.

Supervisor Rose spoke regarding the Kenosha Ice Arena. Two County Board Committees have suggested that a request for proposals be submitted as what to do with the Ice Arena. In his view before anything like that is done, the issue should come before the whole county board. First and foremost - do we want to be in the business of operating an Ice Arena? This is a policy decision.

Supervisor Singer stated that the Administration Committee received a KHCP Report from Jeff Warnock and he reviewed the history of KHCP with the committee members. Mr. Warnock stated that there is new legislation that would allow the pooling of public employees which was not available before. This pooling of employees would allow KHCP to broaden its membership. Mr. Warnock will be at the next Administration Committee meeting.

Supervisor Carbone stated that everyone received a budget schedule for hearings that will start in October and also an audit from Virchow Krause & Company for 2001. If there are any questions contact Dave Geertsens, Director of Finance.

Supervisor Elverman reported on the Highway & Parks Committee. For the second time this month the beaches were closed at Silver Lake. So far the pollution is unexplainable. There will be a resolution tonight regarding the building at the golf course that burned. The resolution is requesting the County Board to open an account to accept funds from insurance companies to begin the rebuilding process. We have \$1,000.00 deductible policy on the building. The resolution will be allowing the administration to select the general contractor and begin the process to rebuild before winter so that all the equipment can be stored.

Supervisor Pitts requested that each supervisor receive an audit report from the City regarding KHCP.

Supervisor Clark stated that equalized value has nothing to do with spending. As far as he is concerned we are \$7,000,000.00 in the hole for the work that we have to do in the up-coming year and if there is a thought that we are going to keep the mill rate at \$4.97 than that means we are going to pass a 9 - 10% increase in the levy to the taxpayers and that is unacceptable. And, even if we did that, we are still roughly 3.4 million dollars from where we need to be. It's time for cuts. We need to get rid of this big debt that the previous administration straddled onto this county. Let's not sell assets to make up for a deficit.

County Executive Appointments

19. Marbeth H. Knoff to serve on the Kenosha County Specialized Transportation Commission.

20. Robert Carbone to serve on the Brookside Board of Trustees.

21. Robert W. Pitts to serve on the Brookside Board of Trustees.

22. Nancy Principe to serve on the Brookside Board of Trustees.

Chairman Kessler referred Appointments 19 thru 22 to Human Services Committee.

NEW BUSINESS

Ordinances - one reading.

From Land Use Committee regarding:

ORDINANCE 21

21. Establishing 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 six 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 21. Seconded by Supervisor Gorlinski.

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

Roll call vote

Ayes: Supervisors Kessler, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Larsen, Wisnefski, Clark, Gorlinski, Smitz, Ekornaas, Huff, Pitts.

Nay: Supervisors Haen, Marrelli, Singer, Ruffolo, Carey-Mielke, Noble, Elverman.

Ayes. 17. Nays. 7.

Motion carried.

Roll call vote on Ordinance 21.

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

Nay: Supervisor Elverman.

Ayes. 24. Nays. 1

Motion carried.

ORDINANCE 22

22. Dave E and Kimberly S. Daniels and Carl and Shirley Daniels (Owners), 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 #30-4-220-241-0200 (Carl and Shirley Daniels) and all of Tax Parcel #30-4-220-242-0200 (Dave E. and Kimberly S. Daniels) located in the north half of Section 24, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General

Agricultural District. For informational purposes only, these properties are located on the south side of 18th Street approximately ¼ mile west of the intersection of 216th Avenue.

Dave E. and Kimberly S. Daniels #30-4-220-242-0200 - (Owners)

Carl and Shirley Daniels #30-4-220-241-0200 - (Owners)

Description: Tax Parcel #30-4-220-242-0200 - The west ½ of the northwest ¼ of the northwest ¼ of Section 24, Town 2 North, Range 20 East. Said land being in the Town of Brighton, County of Kenosha and State of Wisconsin.

Tax Parcel #30-4-220-241-0200 - The west 1/2 of the northeast 1/4, excepting therefrom: A parcel more particularly described as: Commencing at the northeast corner of said northeast ¼ section; thence west along the north line of said ¼ section, 1638.13 feet to the place of beginning of said excepted parcel; thence south 01°06'56" east, 546.61 feet; thence west parallel to the north line of said ¼ section, 425.00 feet; thence north 01°06'56" east, 546.61 feet to the north line of said ¼ section; thence east along said north line, 425.00 feet to the point of beginning of excepted parcel containing 5.333 acres of land; the north 33 feet thereof subject to the rights of the public for roadway purposes (18th Street); said excepted parcel containing 5.011 acres of land exclusive of roadway. ALSO: 12.5 acres off the east side of the east ½ of the northwest ¼; all in Section 24, Township 2 North, Range 20 East of the Fourth Principal Meridian; containing 87 acres, more or less. Said land 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

ORDINANCE 23

23. Eugene and Arlene Badtke (Owners), William R. Colombe Family Trust (Buyer), requesting rezoning from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential 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 #45-4-221-132-0300 located in the northwest quarter of Section 13, Township 2 North, Range 21 East, Town of Paris 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 east side of County Trunk Highway "MB" (136th Avenue) approximately ¼ mile south of the intersection of County Trunk Highway "E" (12th Street).

Eugene and Arlene Badtke - (Owners)

William R. Colombe Family Trust - (Buyer)

Description: Part of the south half of the northwest quarter of Section 13, Township 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Paris, Kenosha County, Wisconsin and being more particularly described as: Beginning on the north line of the south half of said quarter section at a point north 89°26'03" east 210.00 feet from the northwest corner thereof; thence continue north 89°26'03" east along and upon said north line 40.00 feet thence south 01°38'44" east parallel to the west line of said quarter section 307.00 feet; thence south 89°26'03" west parallel to the north line of the south half of said northwest quarter section 250.00 feet and to the west line of said quarter section; thence north 01°38'44" west along and upon said west line 25.00 feet; thence north 89°26'03" east parallel to the north line of said south half 210.00 feet; thence north 01°38'44" west parallel to the west line of said quarter section 282.00 feet and to the point of beginning. Subject to County Trunk Highway "MB" (136th Avenue) over and across the westerly 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 24

24. Nellie N. Cliff Life Estate, Jewel White (Agent), requesting rezoning from R-1 Rural Residential 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 #60-4-119-134-0104 located in the southeast quarter of Section 13, Township 1 North, Range 19 East, Town of Randall 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 northwest corner of the intersection of County Trunk Highway "F" (93rd Street) and County Trunk Highway "FR" (312th Avenue).

Nellie N. Cliff Life Estate - (Owner)

Jewel White - (Agent)

Description: Part of the southeast quarter of Section 13, Township 1 North, Range 19 East, commencing at the southeast corner of said section; thence west 609.17 feet; thence north 495.67 feet; thence east 609.17 feet along the north line of CSM #407 to east line of said southeast quarter; thence south to the point of beginning excluding CSM #407. This legal description is 5.17 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 25

25. Town of Somers (Sponsor), Charles LaPlante (Owner), requesting rezoning from 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 Parcel #80-4-222-292-0330 located in the northwest quarter of Section 29, Township 2 North, Range 22 East, Town of Somers 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 parcel into compliance with the County's zoning ordinance. For informational purposes only, this property is located on the north end of (96th Avenue) approximately ¼ mile north of the intersection of County Trunk Highway "S" (Burlington Road).

Town of Somers - (Sponsor)

Charles LaPlante - (Owner)

Description: The east 355 feet of the south 5 acres of the north 40 acres of the east 1/2 of the northwest quarter of Section 29, Township 2 North, Range 22 East. (1.345 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 26

26. Michael and Susan Podskarbi, requesting rezoning from R-8 Urban Two-Family Residential District to R-3 Urban 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 #80-4-222-341-0045 located in the northeast quarter of Section 34, Township 2 North, Range 22 East, Town of Somers be changed from R-8 Urban Two-Family Residential District to R-3 Urban Single-Family Residential District. For informational purposes only, this property is located at 6223 and 6221 46th Place, which is on the southeast edge of the cul-de-sac on 46th Place approximately 160 feet east of the intersection of 63rd Avenue.

Michael and Susan Podskarbi - (Owners)

Description: ½ of Lot 35 and Lot 36 of Valley View Subdivision located in the northeast quarter of Section 34, Township 2 North, Range 22 East, Town of Somers.

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 22 thru 26.
Seconded by Supervisor Larsen.

Motion carried.

Resolutions - one reading.

RESOLUTION 35

35. 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	\$1,493,787.26
FINANCE GROUPING # 2	\$ 15,000.00
DISABILITY GROUPING # 1	\$1,240,734.26
PERSONNEL GROUPING # 1	\$1,029,963.50
PAYMENT GROUPS GRAND TOTAL:	\$3,779,485.02

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 35. Seconded by
Supervisor Rose. Supervisor Clark abstained from voting on invoices Windy Oaks
and Professional Services.

Motion carried.

RESOLUTION 36

36. From Highway & Parks, Building & Grounds and Finance Committees regarding Authorizing Repair of Parks Building Destroyed by Fire.

WHEREAS, On July 25, 2002 the Brighton Dale Golf Course Office-Maintenance-Storage Building was severely damaged by fire, and

WHEREAS, This building is an essential facility to the operation of Brighton Dale Links, housing electrical service for the course, computer controlled sprinkler operations, staff offices, valuable equipment storage space, repair and maintenance tools and supplies, and other operational components; and the repair of this facility is urgently needed to properly run the golf links; and

WHEREAS, this building and its contents is fully insured (with a \$1,000 deductible to be absorbed by the Golf Course budget) against the peril of fire, and all repairs will be covered by the property insurance claim proceeds, and there will be no funds from the General Fund or any levy funds required for this repair.

NOW THEREFORE BE IT RESOLVED, That the fire damage to the Brighton Dale Golf Course Office-Maintenance-Storage Building be repaired as soon as possible, by applying the fire insurance proceeds towards the cost of repair.

BE IT FURTHER RESOLVED, That no levy funds are appropriated for this repair, however a budget appropriation in the amount of \$XXX,000 based on preliminary estimates shall be established as shown in the attached Budget Modification form to receive the insurance claim proceeds and apply such funds to the repair of this facility. If the actual repairs exceed this preliminary estimate, the Administration is hereby permitted to increase the appropriate revenue and expenditure line items in equal amounts to reflect actual final repair costs.

Submitted by:

FINANCE COMMITTEE	HIGHWAY & PARKS COMMITTEE	BUILDING & GROUNDS COMMITTEE
Robert Carbone	Dennis Elverman	Mark Wisnefski
Terry Rose	Irv Larsen	Mark Molinaro Jr.
Gordon West	Doug Noble	Doug Noble
Robert Pitts	Robert Pitts	Anne Bergo

It was moved by Supervisor Elverman to adopt Resolution 36. Seconded by Supervisor Wisnefski.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 37

37. From Human Services and Finance Committees Increasing the 2002 Division of Aging Services budget to Reflect Increases in the Community Options Program and the Nutrition Services Incentive Program.

WHEREAS, The Kenosha County Department of Human Services Division of Aging Services has received Community Options Program funds to address long term care workforce issues and provide Disability Benefit Assistance, and

WHEREAS, the Division of Aging has received additional funding in the Nutrition Services Incentive Program, 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 \$79,667 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	Terry Rose
Anne Bergo	John O'Day
John O'Day	Robert Pitts
Darrel Haen	Gordon West

It was moved by Supervisor Boyer to adopt Resolution 37. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 38

38. From Human Services and Finance Committees regarding Reduction in 2002 Revenue to address "structural deficit" in Division of Disability Services.

WHEREAS, the Kenosha County Dept of Human Services, Division of Disability Services developed a 2002 budget based on projections of receipts for the year 2002, and

WHEREAS, those revenues did not fully materialize thereby creating a "structural deficit," and

WHEREAS, the Division of Disability Services is not receiving \$129,000 in State aid, and

WHEREAS, the above budget modification requires 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 decrease by \$129,000 with revenue decrease of \$129,000, 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

Darrel Haen

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 38. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 39

39. From Human Services and Finance Committees regarding Incorporating additional revenue into the 2002 budget.

WHEREAS, the Kenosha County Dept of Human Services, Division of Disability Services developed a 2002 budget based on projections of receipts for the year 2002, and

WHEREAS, the Division of Disability Services is receiving an additional \$41,275 in CSP Wait List revenue in the year 2002 to offset client waiting list, 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 \$41,275 with revenue increase of \$41,275, 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

Darrel Haen

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 39. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 40

40. From Land Use Committee regarding Approval of the Appointment of Kay E. Goergen to the Kenosha County Board of Adjustments.

WHEREAS, pursuant to County Executive Appointment 2002/03-16, the County Executive has appointed Kay E. Goergen to serve on the Kenosha County Board of Adjustments; and

WHEREAS, the Land Use Committee has reviewed the request of the County

Executive for confirmation of his appointment of the above-named individual to serve on the Kenosha County Board of Adjustments and is recommending to the Kenosha County Board of Supervisors the approval of this appointment;

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors confirms the appointment of Kay E. Goergen to the Kenosha County Board of Adjustments. Ms. Goergen's appointment shall be effective beginning immediately upon the confirmation of the County Board and continuing until the 30th day of June 2007, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Goergen will receive a per diem along with mileage reimbursements as defined under Resolution 65 (1982-83) and will be succeeding herself.

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 40. Seconded by Supervisor Ekornaas.

Motion carried.

COMMUNICATIONS

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

10. From the Village of Silver Lake outlining changes to the extraterritorial lands in the Town of Salem.

11. From Racine County Economic Development & Land Use Planning Committee regarding M-3 Conditional Use Permit.

Chairman Kessler referred Communications 9 thru 11 to Land Use Committee.

It was moved by Supervisor Ruffolo to approve the August 6th, 2002. Seconded by Supervisor Marrelli.

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
Submitted by: Edna R, Highland
County clerk

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

September 3, 2002

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, Haen, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Elverman, Ekornaas, Huff, Pitts, Molinaro, West, Kerkman.

Excused: Supervisors Marrelli, Wisnefski, Gorlinski.

Present. 25. Excused. 3.

CITIZEN COMMENTS

Carol Ziesemer, 11234-9th Avenue, Pleasant Prairie, treasurer for Kenosha Ice Association spoke regarding Kenosha Ice Arena. The regular users are the Blue Line Hockey Club, Learn to Skate Program, Free Style Figure Skaters, WIAA High School Hockey and the JHL Hockey League. This past year during the hockey season there were 33,800 people who took to the ice. Each time a person skated it was counted but some skate more than once a week. The month before and the month after hockey season there were 18,200 skaters. There were more skaters this year than last year. As a citizen of Kenosha she would be very sad if the Ice Arena was not available to the people who use it.

Raffael Montemurro, 2521-29th Avenue, Kenosha, stated that there is supposed to be a check & balance system like between the person that prepares the budget and the County Executive, Director of Finance and the County Board with the committee system. Another thing that is the single largest expense of the levy is the labor cost for the employees with benefits. The cost of the 6-2 to date is not available and should be. There is no accountability in this administration and this board should be very critical of the budget.

CHAIRMAN ANNOUNCEMENTS

Chairman Kessler stated that the Council of Governments Meeting is scheduled for this coming Saturday and everyone should be notified of the exact date and time.

Chairman Kessler announced that NACo President Ken Mayfield appointed Supervisor Carbone to the Justice and Public Safety Steering Committee as vice-chairman, Supervisor Pitts was appointed to the Highway Steering Committee as vice-chairman. George Melcher, Director of Planning & Development was appointed to the Land Use and Energy Steering Committee. Edna Highland, County Clerk has been appointed to Community & Economic Development Steering Committee. Laborfest was cancelled due to weather. Receiving accommodations in the mail are Bill Frank, Russ Beckman and Matt Lowen.

SUPERVISOR REPORTS

Supervisor Pitts stated that at the last meeting he requested a report from the KHCP and as of today he has not had any response. He and everyone else is entitled to an explanation. This is public record.

Supervisor Johnson stated that he also has been appointed to the Land Use and Energy Steering Committee.

Supervisor Rose stated that the time has come for this board to make the decision regarding to continuing our membership in the Kenosha Health Care Partners Corporation. Past history show that KHCP has never been forthcoming with reports. We all pay different rates. The City pays less than the County. Where is the savings? He doubts that over the years we have saved fourteen million dollars. He is requesting that Corporation Counsel draft a resolution terminating our membership in KHCP. We need a better bargaining position instead of a position of weakness.

Supervisor Singer finds it interesting that Supervisor Rose wants a resolution brought to the County Board that would break a contract we are currently in. There might be a considerable cost. A reminder to Supervisor

Pitts. When he was on the Administration Committee he had asked for the same thing and it was told to him then that we do have a report and Mr. Geersten has it and if he wanted to see it he can go to Mr. Geersten's Office and look at it. It has been there for a year and a half. Also, Supervisors Reports has turned into Supervisors Comments and or Opinions.

Supervisor Ruffolo stated that a few months ago he asked the Legislative Committee to look into E-Government Initiative that Racine adopted. Documents are available on the Internet. Has an attempt been made to contact Racine's County Clerk or Racine's Legislative Committee?

Supervisor Molinaro stated that what Supervisor Rose is requesting is what has been talked about for months. Proposals for health care are being searched out as is done every time the contract comes due. If anyone wants information call and ask for it. He would like to have the Legislative Committee come up with some guide lines for supervisors reports. So far it has just been debate.

Supervisor Elverman stated that the Highway & Parks Committee will be meeting on September 9th, at Hwy 45 & 50. The main item on the agenda is a resolution endorsing SEWRPC Southeastern Wisconsin regional Freeway System Reconstruction Study and Preliminary Recommended Plan. Another item will be the construction of the building that burned at Brightondale Golf Course. The insurance company has not named a contractor.

Supervisor Carey-Mielke stated that she got on the NACo internet site and got all the information that went on at the conference.

County Executive Appointments

23. Jim I. Schmidt to serve on the Kenosha County Veterans Commission.

24. Rosa L. Morris to serve on the Kenosha County Specialized Transportation Commission.

25. Jeffery A. Kindrai to serve on the Kenosha County Local Emergency Planning Committee.

26. Dave McGrath to serve on the Kenosha County Local Emergency Planning Committee.

Chairman Kessler referred County Executive Appointments 23 and 24 to the Human Services Committee and 25 & 26 to the Judiciary & Law Committee.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 41

41. 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	\$ 555,174.26
DISABILITY GROUPING # 1	\$ 89,974.19
PAYMENT GROUPS GRAND TOTAL:	\$ 645,148.19

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to approve Resolution 41. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Women's Horizons. Motion carried.

RESOLUTION 42

42. From Finance Committee Authorizing Sale and Transfer of County Tax Deeded Property to the Town of Salem.

WHEREAS, Kenosha County has acquired tax deed & title to parcel # 66-4-120-291-2600 in the Town of Salem, County of Kenosha, State of Wisconsin, and

WHEREAS, the Town of Salem has expressed an interest in acquiring title to this property, which would be utilized as park area in the Valmar Subdivision, 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 a quit claim deed on the above parcel to the Town of Salem for one dollar (\$1.00) and other good and valuable consideration and on the condition that said Town of Salem waive any and all special assessments that are due and owing on said parcel to be utilized for park purposes.

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 O'Day.

Motion carried.

RESOLUTION 43

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

WHEREAS, Kenosha County has acquired tax deed & title to parcel 05-123-06-280-001 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 this property, which the City of Kenosha Housing Authority is planning on constructing new homes in this area & this lot is needed to complete the plan, 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 a quit claim deed on the above parcel to the City of Kenosha for one dollar (\$1.00) and other good and valuable consideration and on the condition that said City of Kenosha waive any and all special assessments that are due and owing on said parcel to be utilized for construction of a new home.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 43. Seconded by Supervisor Pitts.

Motion carried.

RESOLUTION 44

44. From Human Services, Building & Grounds, Highway & Parks and Finance Committees regarding Kenosha County Department of Human Services and the Department of Public Works for changes to 2001 carryover and 2002 Capital Budget.

WHEREAS, the Kenosha County Department of Public Works and Department of Human Services developed a 2002 budget for Capital expenditures, and

WHEREAS, the Department of Human Services, Division of Health will be relocated to the newly remodeled Human Services Building and this will necessitate that certain obsolete laboratory equipment be replaced and installed to provide appropriate levels of compliance with safety and standards, and

WHEREAS, the Division of Health's laboratory equipment is used to provide testing services in the areas of clinical microbiology (human bacteria testing), serology (blood testing), forensic (drug testing) and other

analytical chemistry and environmental bacteriology (drinking and recreational water testing), and

WHEREAS, the Department of Human Services, Division of Health is requesting a modification in the Capital budget for \$195,778 to replace obsolete equipment, and

WHEREAS, the Department of Public Works is requesting a modification in the Capital budget for the replacement of two existing vehicles for \$55,000, and elimination of the double drum roller for \$75,000, and

WHEREAS, the Department of Public Works has carryover funds and savings from 2002 equipment purchases and is therefore requesting a modification to the Capital budget for the purchase of laboratory equipment for Division of Health and replacement vehicles for the Department of Public Works, and

WHEREAS, County levy remains unaffected by this resolution;

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

Authorize the modification of Capital budget expenditures by \$250,778, per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Darrell Haen

Don Smitz

John O'Day

BUILDING & GROUNDS COMMITTEE

Mark Wisnefski

Mark Molinaro, Jr.

Anne Bergo

Doug Noble

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 44. Seconded by Supervisor Elverman.

Motion carried unanimously.

Claims.

19. Michael A. Lamping - lost contacts while incarcerated.

20. Doug Swenson - car damage from tar.

21. Kenneth Monson - car damage from gravel.

Chairman Kessler referred Claims 19 thru 21 to the Corporation Counsel.

It was moved by Supervisor Montemurro to approve the minutes as amended.

Seconded by Supervisor Carey-Mielke.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:40 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

September 17, 2002

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, Haen, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Elverman, Ekornaas, Pitts, Molinaro, West, Wisnefski, Gorlinski.

Excused: Supervisors Marrelli, Huff, Kerkman.

Present. 25. Excused. 3.

CHAIRMAN ANNOUNCEMENTS

Chairman Kessler stated that the packets for supervisors attending the WCA Conference are on their desks. The registration starts Sunday at 2:00 p.m. in Milwaukee.

Chairman Kessler stated that our retired State Senator, Joe Andrea, suffered a stroke this last Friday evening.

SUPERVISOR REPORTS

Supervisor Smitz spoke regarding the KD Pit being purchased by the county. A dam has to be replaced and Powers Lake Construction has the contract. This should be done in about four weeks.

Supervisor Carbone stated that Mr. Warnock and Gregg Bass spoke at the Administration Meeting regarding the audit from KHCP. Also, anyone interested in getting a copy of the agreement between KHCP and the entities, the by-laws and or minutes can obtain them from the personnel department. Also, the Finance Committee has sent a letter to the president of KHCP requesting that Virchow & Krause attend a joint meeting of the Finance and Administration Committees to go over the audit and answer questions. If interested in asking questions on the audit please submit them to Dave Geersten.

Supervisor Wisnefski reported on the fire damage at Brightondale Golf Course. The contract was awarded to Paul Davis Restoration. They will work with the county and insurance company.

Supervisor Wisnefski reported that a tentative agenda for the Annual Buildings & Grounds Tour on October 26th is being put together. Start at the Job Center, Jail, Medical Examiner's Office and then end up at Brightondale Golf Course and have lunch.

Supervisor Larsen stated that Tuesday morning during the WCA Conference the County Utility Taxing Group will be having a breakfast. If interested in attending please let him know. Seven supervisors indicated they would attend. Also, the residents of Somers received notices informing them of the planned State Highway Project for Hwy 32. He has had assurances and promises from Jim Kreuser that there would be a public meeting. It's projected to cost \$335.00 per resident in that utility district. This is a ridiculous amount. He is against it costing the residents so much. Also, Kenosha Unified is developing plans for building new schools and it will cost forty-seven to fifty-nine million dollars. We have got to stop spending money we don't have.

Supervisor Carey-Mielke reported that she serves on the Alcohol & Drug Counsel as an executive board member. This is a non-profit organization that is having a fund raiser on September 28th. The All American Style Show. Guest models will be Allan Kehl, Robert Wirch, Daniel Wade and Larry Zarletti. They want this event to be a profit. She is also putting together an informational brochure for her constituents explaining what the County Board does and what their responsibilities are. She also had the opportunity to visit the NACo University on the internet and they have a chat room for county supervisors across the country to share information. Real cost effective way to

communicate with leaders from other county governments. NACo offers a E-Government Training Program.

Supervisor Noble reported that there is a week in April called County Government Week and NACo has a program that can get the schools involved in government type classes in the high schools and have students really take part that week in different aspects of county government.

County Executive Appointments

27. Stanley A. Kerkman to serve on the Kenosha County Housing Authority.

Chairman Kessler referred County Executive Appointment to the Finance Committee.

NEW BUSINESS

Ordinances - first reading, two required.

ORDINANCE 27

27. From Highway & Parks Committee regarding Repealing and Recreating an Ordinance on Speed Limits for CTH "Z" from its intersection with CTH "C" northerly to its intersection with CTH "EM".

ORDINANCE 28

28. From Highway & Parks Committee regarding Reducing the Speed Limit on County Trunk Highway "Z" from County Trunk Highway "HM" to County Trunk Highway "C".

ORDINANCE 29

29. From Highway & Parks Committee regarding Reducing the Speed Limit on County Trunk Highway "X" South of State Trunk Highway 142.

Ordinances - one reading.

ORDINANCE 30

30. Ruth C. Lichter, requesting rezoning from 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 Parcel #80-4-222-232-0103 located in the northwest quarter of Section 23, Township 2 North, Range 22 East, Town of Somers 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 south side of County Trunk Highway "L" (18th Street) approximately 0.18 miles west of the intersection of 47th Avenue.

Ruth C. Lichter - (Owner)

Description: Part of the northwest quarter of Section 23, Township 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°06'57" west along the north line of said quarter section 931.59 feet to the northwest corner of Certified Survey Map No. 2110, a plat of record and the point of beginning of the parcel to be herein described; thence continue south 89°06'57" west along said north line 219.90 feet to the northeast corner of Certified Survey Map No. 1822, a plat of record; thence south 01°32'48" east 283.00 feet to the southeast corner of said Certified Survey Map No. 1822; thence north 89°06'57" east parallel to the north line of said quarter section 219.90 feet to the southwest corner of aforesaid Certified Survey Map No. 2110; thence north 01°32'48" west 283.00 feet to the northwest corner of said Certified Survey Map No. 2110 and the point of beginning; subject to a public road over and across the most northerly portion thereof and 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 31

31. Kenneth R. and Gary L. Kerkman, requesting rezoning from M-2 Heavy Manufacturing District, B-3 Highway Business District and A-2 General Agricultural District to B-5 Wholesale Trade and Warehousing 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 #95-4-119-032-0410, #95-4-119-032-0400 and part of #95-4-119-033-0105 located in the west half of Section 3, Township 1 North, Range 19 East, Town of Wheatland be changed from M-2 Heavy Manufacturing District, B-3 Highway Business District and A-2 General Agricultural District to B-5 Wholesale Trade and Warehousing District. For informational purposes only, this property is known as Kerkman Brothers Construction Co., Inc., 35303 Geneva Road, which is on the southwest corner of the intersection of Geneva Road and County Trunk Highway "KD" (352nd Avenue).

Kenneth R. and Gary L. Kerkman - (Owners)

Description:

M-2 Heavy Manufacturing District, B-3 Highway Business District and A-2 General Agricultural District to B-5 Wholesale Trade and Warehousing District:

Parcel A and B of Certified Survey Map No. 493, recorded in Volume 1009 of certified survey maps on page 54 as Document No. 629327 in the Office of the Register of Deeds in and for Kenosha County, Wisconsin and being part of the southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 3, Township 1 North, Range 19 East of the Fourth Principal Meridian, in the Town of Wheatland, County of Kenosha and State of Wisconsin.

In addition: Part of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 3, 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 south $\frac{1}{4}$ corner of said Section 3; thence north 01°57'29" west along the east line of said southwest $\frac{1}{4}$ section 2489.55 feet to the place of beginning of this description; thence south 88°03'30" west 724.42 feet; thence north 02°08'30" west 150.00 feet to a point on the north line of said southwest $\frac{1}{4}$ section; thence south 88°03'30" east (recorded as east) along said north line 724.90 feet to the center of said Section 3; thence south 01°57'29" east along the east line of said southwest $\frac{1}{4}$ section 150.00 feet to the place of beginning. Containing 2.50 acres of land more or less. Subject to rights of the public over the east 33 feet thereof for highway purposes (C.T.H. "KD" A.K.A. 352nd Avenue).

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 32

32. Kenneth A. Koch, Trustee of Koch Living Trust, requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family 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 part of Tax Parcel #95-4-219-344-0401 located in the southeast quarter of Section 34, Township 2 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural 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 east side of County Trunk Highway "KD" (352nd Avenue) approximately 0.2 mile north of the intersection of State Trunk Highway "50".

Kenneth A. Koch - (Owner)

Trustee of Koch Living Trust

Description: Being part of the southwest ¼ of the southeast ¼ of Section 34, Township 2 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 southwest corner of said southeast ¼ section; thence north 01°27'05" west along the west line of said southeast ¼ section 400.00 feet to the place of beginning of a parcel of land hereinafter described; thence continue north 01°27'05" west along said west line, 266.80 feet; thence north 88°30'06" east 382.0 feet more or less to a point in the center of Munster Creek; thence southwesterly along the center line of said creek to a point; thence south 88°27'34" west 231.5 feet more or less; thence north 11°53'06" west 101.64 feet; thence south 88°32'55" west 24.75 feet to the place of beginning. Subject to the rights of the public over the west 24.75 feet for highway purposes (C.T.H. "KD") containing 2.39 acres of land more or less excluding lands currently zoned C-1 Lowland Resource Conservancy District.

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

Submitted by:

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 30 thru 32. Seconded by Supervisor Molinaro.

Motion carried.

Resolutions - one reading.

RESOLUTION 45

45. 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	\$1,607,112.77
FINANCE GROUPING # 1	\$ 18,400.00
FINANCE GROUPING # 1	\$ 8,264.71
DISABILITY GROUPING # 1	\$ 859,846.19
PAYMENT GROUPS GRAND TOTAL:	\$2,493,623.67

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitt

It was moved by Supervisor Carbone to adopt Resolution 45. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on invoices for Community Impact Programs, Professional Service Group, Shalom Center, Windy Oaks Group Home, Bridges Community Center and Women Horizons. Motion carried.

RESOLUTION 46

46. From Highway & Parks Committee regarding Providing Comments on the

Preliminary Plan for Reconstruction of the Regional Freeway System in Southeastern Wisconsin.

WHEREAS, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) is engaged in a major study, being undertaken at the request of the Secretary of the Wisconsin Department of Transportation, to develop a plan and program to be used to guide the efforts of the Department over the next 30 years as the deteriorating regional freeway system serving Southeastern Wisconsin is rebuilt; and

WHEREAS, an Advisory Committee created by SEWRPC, including representation from Kenosha County, has been engaged in studying the regional freeway system, in considering alternative ways in which that freeway system may be reconstructed, and in preparing a preliminary recommended regional freeway system reconstruction plan; and

WHEREAS, the regional freeway system carries on an average weekday over one-third of the daily travel in Southeastern Wisconsin and, accordingly, represents the single most important subsystem of facilities in the regional transportation system; and

WHEREAS, the SEWRPC Advisory Committee is seeking review of, and comment on, its preliminary recommendations in a wide variety of ways, including public informational meetings and hearings; and

WHEREAS, the reconstruction of the regional freeway system in Southeastern Wisconsin will represent a major public works program over the next several decades; and

WHEREAS, the course of action that is being charted through the current freeway study will lead to a reconstructed regional freeway system that will have to serve the Region, the State, and the Nation for the next 50 to 60 years; and

WHEREAS, the SEWRPC Advisory Committee is seeking specific reaction to the preliminary plan from the Kenosha County Board of Supervisors before developing a final plan that is intended to be formally adopted by each of the seven county boards in Southeastern Wisconsin and by the SEWRPC, all in an effort to demonstrate that a substantial consensus exists in the Region as to how the Department should approach reconstruction of the regional freeway system; and

WHEREAS, the preliminary plan released by the SEWRPC Advisory Committee recommends that the freeway system be reconstructed to accomplish the following two major objectives:

1. To ensure that as the regional freeway system is reconstructed, every effort is made to meet up-to-date design standards and to thereby achieve certain safety improvements, including relocating left-hand on- and off-ramps to the right-hand sides of the freeways, eliminating lane drops at major freeway interchanges, improving driver sight lines and reducing sharp freeway curves, and providing full inside and outside shoulders for safety and refuge.
2. To provide additional capacity on 127 miles of freeways, or less than one-half of the 270-mile regional freeway system, in order to avoid a substantial increase in freeway system traffic congestion and the attendant inefficiencies, time delays, and safety and reliability problems that such increased congestion would bring; and

WHEREAS, the SEWRPC Advisory Committee desires formal County Board reaction on the preliminary plan as soon as possible so that that Committee can meet its charge and report its final recommendations to the SEWRPC in early fall 2002.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the Kenosha County Board of Supervisors hereby expresses its full support for the preliminary recommended regional freeway system plan as put forth by the SEWRPC Advisory Committee and encourages that Committee to include in its final set of recommendations all of the elements of freeway system improvement that were included in the preliminary recommended plan.

SECOND: That the County Clerk transmit a certified copy of the resolution to the SEWRPC.

Submitted by:

HIGHWAY AND PARKS COMMITTEE

Dennis Elverman

Darrel Haen
Irv Larsen
Doug Noble
Robert Pitts

It was moved by Supervisor Elverman to adopt Resolution 46. Seconded by Supervisor Haen.

Motion carried.

From Human Services Committee regarding:

RESOLUTION 47

47. Approving the Re-Appointment of Nancy L. Principe to the Brookside Board of Trustees.

RESOLUTION 48

48. Approving the Re-Appointment of Robert Carbone to the Brookside Board of Trustees.

RESOLUTION 49

49. Approving the Re-Appointment of Robert W. Pitts to the Brookside Board of Trustees.

It was moved by Supervisor Boyer to adopt Resolutions 47 thru 49. Seconded by Supervisor Bergo.

It was moved by Supervisor Montemurro to amend Resolutions 48 & 49 by striking per diem as defined under Resolution 65 (1982-83). Seconded by Supervisor Bergo.

It was moved by Supervisor Clark to refer the review of Resolutions 65 to Finance Committee. Seconded by Supervisor Modory.

It was moved by Supervisor Elverman to table Resolutions 47 thru 49 to review per diem as defined under Resolution 65 (1982-83) and bring back at the next County Board Meeting. Seconded by Supervisor Carey-Mielke.
Roll call vote to table.

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

Nays: Supervisors Haen, Molinaro, Faraone.

Abstain: Supervisor Carbone.

Ayes. 21. Nays. 3. Abstain. 1

Motion carried.

RESOLUTION 50

50. Approving the Appointment of Theresa J. Gilliland to the Kenosha County Specialized Transportation Commission.

WHEREAS, pursuant to County Executive Appointment 2002/03-17, the County Executive has appointed Theresa Gilliland to serve on the Kenosha County Specialized Transportation Commission; 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 Specialized Transportation Commission 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 Theresa Gilliland to the Kenosha County Specialized Transportation Commission. Ms. Gilliland's appointment shall be effective immediately and continuing until the 31st day of December, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Gilliland will serve without pay as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer
Donald Smitz
Anne Bergo
Darrel Haen
John O'Day

RESOLUTION 51

51. Approving the Appointment of Marbeth Knoff to the Kenosha County Specialized Transportation Commission.

WHEREAS, pursuant to County Executive Appointment 2002/03-19, the County Executive has appointed Marbeth Knoff to serve on the Kenosha County Specialized Transportation Commission; 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 Specialized Transportation Commission 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 Marbeth Knoff to the Kenosha County Specialized Transportation Commission. Ms. Knoff's appointment shall be effective immediately and continuing until the 31st day of December, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Knoff will serve without pay as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

RESOLUTION 52

52. Approving the Re-Appointment of Carol A. Schaufel to the Kenosha County Specialized Transportation Commission.

WHEREAS, pursuant to County Executive Appointment 2002/03-18, the County Executive has appointed Carol A. Schaufel to serve on the Kenosha County Specialized Transportation Commission; 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 Specialized Transportation Commission 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 Carol A. Schaufel to the Kenosha County Specialized Transportation Commission. Ms. Schaufel's appointment shall be effective immediately and continuing until the 31st day of December, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Schaufel will serve without pay as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

It was moved by Supervisor Boyer to adopt Resolutions 50 thru 52. Seconded by Supervisor Bergo. Motion carried.

RESOLUTION 53

53. From the Human Services and Finance Committees regarding Resolution to Modify 2002 Budget to reflect additional funding awarded by WI Dept. of Health and Family Services for the Consolidated Contract Immunization Program and the Farmer's Market Nutritional 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 for the Consolidated Contract Immunization Program in the amount of \$26,635 for the period of January 1, 2002 through December 31, 2002, and

WHEREAS, the Kenosha County Department of Human Services, Division of Health has also received additional funding from the Wisconsin Department of

Health and Family Services for the Farmer's Market Nutrition Program in the amount of \$500 for the period of January 1, 2002 through December 31, 2002, and

WHEREAS, these additional funds are awarded to fund additional immunization outreach and the allocation of additional funds for the Farmer's Market Nutritional Program, 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 \$27,135 and expenditures increase by \$27,135 as indicated in the attached budget modifications that are incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Darrel Haen

Donald 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 53. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 54

54. From the Human Services and Finance Committees Resolution to increase the 2002 Division of Aging Services budget to reflect receipt of a grant for Alzheimer's respite services.

WHEREAS, The Kenosha County Department of Human Services Division of Aging Services has received a Community Options Program grant to start up a new group respite site for persons with dementia, 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 \$39,155 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

Darrel Haen

Donald 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 54. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 55

55. From the Human Services and Finance Committees Resolution for the Kenosha County Department of Human Services for 3rd Quarter budget modification for additional State and Federal funding.

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

WHEREAS, the Division of Children & Family Services is receiving additional \$534,910 in State and Federal funds through the Department of Health & Family Services, and

WHEREAS, the Division of Children & Family Services is requesting to transfer \$2,000 from Office Supplies to Equipment > \$500 to purchase two facsimile machines, 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 Division of Children and Family Services budget be modified as follows:

Authorize the increase of expenditures by \$534,910, increase revenues by \$534,910, and transfer budget to equipment > \$500 for \$2,000 per the attached budget modification incorporated herein by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Darrell Haen

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 55. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 56

56. From the Judiciary & Law and Finance Committees regarding Enforcement Block Grant - 2002.

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$36,416 for a Law Enforcement Block Grant entitled Local Law Enforcement Block Grant Program, for the period October 01, 2002 through September 30, 2003, 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 a 10% hard match, or \$4,046 in County funds, that will be drawn from within the Sheriff's 2002 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 \$36,416 and increases expenditures by \$36,416.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

FINANCE COMMITTEE

Robert Carbone, Chairman

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Faraone to adopt Resolution 56. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 57

57. From the Judiciary & Law and Finance Committees regarding Kenosha County PreTrial Intensive Supervision Program V Amendment.

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$40,377 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department Intensive Supervision Program V", for the grant period of April 1, 2002 through December 31, 2002, 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 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 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 \$40,377 and increases expenditures by \$40,377.

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 Faraone to adopt Resolution 57. Seconded by Supervisor Carbone.

Motion carried unanimously.

RESOLUTION 58

58. From Supervisor Terry Rose regarding Resolution for the purpose of notifying Kenosha Health Care Partners, Inc. of Kenosha County's Intention to terminate it's membership and participation in KHCP upon the occurrence of certain conditions.

Chairman Kessler referred Resolution 58 to the Administrative and Finance Committees.

Communication

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

Chairman Kessler referred Communication 12 to the Land Use Committee.

Claims

22. Larry Erickson - car damage from tar.

23. Daryl Bedford - car damage from tar.

Chairman Kessler referred Claims 22 & 23 to the Corporation Counsel.

It was moved by Supervisor Larsen to approve the September 3, 2002 minutes. Seconded by Supervisor Gorlinski.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:50 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

October 1, 2002

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

Excused: Supervisors Marrelli, Kerkman.

Present. 26. Excused. 2.

County Executive, Allan Kehl presented the 2003 County Budget.

Chairman Kessler referred the 2003 County Budget to the Finance Committee.

CITIZEN COMMENTS.

Celia Lucas, representing Kenosha Area Business Alliance spoke regarding Resolution 60 that is on tonight's agenda Authorizing Submission of a Community Development Block Grant for Economic Development Application. She is there to answer questions.

Raffaele Montemurro, 2521-29th Avenue, stated that there is no accountability with this County Administration and this board has to really study the budget this year. People in the finance community are starting to ask about the safety of Kenosha County.

CHAIRMAN ANNOUNCEMENTS

Chairman Kessler stated that he has appointed Supervisor Erkornaas to the George Lake Rehabilitation District to replace Supervisor Noble. The change is due to redistricting.

Chairman Kessler stated that the WCA Conference was held in Milwaukee September 22nd thru the 25th and a number of supervisors attended.

Chairman Kessler stated that Edna Highland, County Clerk had an announcement.

Edna Highland stated that everyone will be receiving new up-dated Ordinance Books by the next meeting.

SUPERVISOR REPORTS

Supervisor Rose stated that today he had confirmation from a member of the Board of Kenosha Health Care Partners a fact that he thought everyone should be interested in. A legal opinion revealing that Kenosha Health Care Partners does not have to reveal their audit or let KHCP Board interview the auditors. The legal opinion was never authorized by the Board of Directors. Tomorrow the Kenosha Health Care Partners Board is going to meet and he hopes they reverse the position taken by the president of KHCP.

Supervisor Carbone stated that the Finance Committee has requested documentation of expenditures and minutes from KHCP. Also, Resolutions 47 thru 49 were reviewed by the Finance Committee and by recommendation of Corporation Counsel the three resolutions are in order and stay as presented.

Supervisor Gorlinski stated that he attended the conference last Monday and spent half the day in the exhibit hall talking to the various sales people. He picked up some interesting things to pass onto the Finance Committee and Finance Department regarding finances and to the Administrative Committee is the issue on National Prescription Health Plan.

Supervisor Johnson thanked everyone on behalf of himself and his family for the flowers, cards and phone calls.

Supervisor Carey-Mielke stated that she too attended the conference and on Monday & Tuesday she attended a workshop regarding the sharing of services between counties and sharing of services within the county. The finance committee should look into this to help with budget shortfalls.

OLD BUSINESS

Ordinances - second reading, two required.

ORDINANCE 27

27. From Highway & Parks Committee regarding Repealing and Recreating an Ordinance on Speed Limits for CTH "Z" from its intersection with CTH "C" northerly to its intersection with CTH "EM".

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

(37) County Trunk Highway "Z", Twin Lakes in Town of Randall

(e) 35 M.P.H. from its intersection with CTH "C" northerly to its intersection with CTH "EM".

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS is hereby created:

Section 7.02 Speed Limits

(37) County Trunk Highway "Z", Twin Lakes in Town of Randall

(e) 25 M.P.H. from its intersection with CTH "C" northerly to its intersection with CTH "EM".

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Darrel Haen

Irv Larsen

Douglas Noble

Robert Pitts

ORDINANCE 28

28. From Highway & Parks Committee regarding Reducing the Speed Limit on County Trunk Highway "Z" from County Trunk Highway "HM" to County Trunk Highway "C".

The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

Section 7.02 of Chapter 7 of the Kenosha County Municipal Code is hereby amended to add the following:

Section 7.02 Speed Limits

(37) County Trunk Highway "Z", Twin Lakes in Town of Randall

(f) 45 m.p.h. from its intersection with County Trunk Highway "HM" northerly to its intersection with County Trunk Highway "C".

Submitted by:

HIGHWAY & PARKS

Dennis Elverman

Darrel Haen

Irv Larsen

Doug Noble

Robert Pitts

ORDINANCE 29

29. From Highway & Parks Committee regarding Reducing the Speed Limit on County Trunk Highway "X" South of State Trunk Highway 142.

The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

Section 7.02 of Chapter 7 of the Kenosha County Municipal Code is hereby amended to add the following:

Section 7.02 Speed Limits

(35) County Trunk Highway "X", Brighton

(f) 45 m.p.h. from a point 0.35 miles north of the entrance to Brighton Cemetery northerly to its intersection with State Trunk Highway 142

Submitted by:

HIGHWAY & PARKS

Dennis Elverman

Darrel Haen

Irv Larsen
Doug Noble
Robert Pitts

It was moved by Supervisor Elverman to adopt Ordinances 27 thru 29.
Seconded by Supervisor Haen.

Motion carried.

Resolutions - tabled at the September 17th 2002 meeting and to be moved by Supervisor Pitts to take from the Table.

It was moved by Supervisor Pitts to remove Resolutions 47 thru 49 from the table. Seconded by Supervisor Rose.
Motion carried.

RESOLUTION 47

47. Approving the Re-Appointment of Nancy L. Principe to the Brookside Board of Trustees.

WHEREAS, pursuant to County Executive Appointment 2002/03-22, the County Executive has appointed Nancy L. Principe 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 Nancy L. Principe to the Brookside Board of Trustees. Ms. Principe's appointment shall be effective immediately and continuing until the 7th day of January, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Principe will serve without pay but will receive per diem as defined under Resolution 65 (1982-83). She will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer
Don Smitz
Anne Bergo
Darrel Haen
John O'Day

RESOLUTION 48

48. Approving the Re-Appointment of Robert Carbone to the Brookside Board of Trustees.

WHEREAS, pursuant to County Executive Appointment 2002/03-20, the County Executive has appointed Supervisor Robert Carbone 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 Robert Carbone to the Brookside Board of Trustees. Supervisor Carbone's appointment shall be effective immediately and continuing until the 1st day of January, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Carbone 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
Donald Smitz
Anne Bergo
Darrel Haen
John O'Day

RESOLUTION 49

49. Approving the Re-Appointment of Robert W. Pitts to the Brookside Board of Trustees.

WHEREAS, pursuant to County Executive Appointment 2002/03-21, the County Executive has appointed Supervisor Robert W. Pitts 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 Robert W. Pitts to the Brookside Board of Trustees. Supervisor Pitts' appointment shall be effective immediately and continuing until the 1st day of January, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Pitts 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

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

It was moved by Supervisor Boyer to adopt Ordinances 47 thru 49. Seconded by Supervisor Bergo.

Motion carried.

NEW BUSINESS

Policy Resolution - first reading, two required.

POLICY RESOLUTION 2

2. From Administration & Legislative Committees regarding 2002 Affirmative Action Plan.

Resolution - one reading.

RESOLUTION 59

59. 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 \$ 753,326.85

PERSONNEL GROUPING # 1 \$ 776,860.54

DISABILITY GROUPING # 1 \$ 233,919.01

PAYMENT GROUPS GRAND TOTAL: \$1,764,106.40

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 59. Seconded by Supervisor Rose.

Motion carried.

RESOLUTION 60

60. From Finance Committee regarding Authorizing Submission of a 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 grant in an amount not to exceed \$306,000. The grant would be used to provide Volkswagen of America, Inc., with a \$300,000 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, the Company has agreed to create 30 new full-time positions in the Village of Pleasant Prairie prior to June 30, 2006, and match the CDBG-ED loan with a \$300,000 loan from the Kenosha Area Business Alliance, Inc.

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.

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 West.

Roll call vote.

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

Nays: None

Abstain: Supervisor Molinaro.

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

Motion carried.

RESOLUTION 61

61. From Finance Committee regarding the Appointment of Stanley A. Kerkman to the Kenosha County Housing Authority.

WHEREAS, pursuant to County Executive Appointment 2003/03-27, the County Executive has appointed Stanley A. Kerkman 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 Stanley A. Kerkman to serve on the Kenosha County Housing Authority. Mr. Kerkman's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 30th day of April, 2007, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Kerkman 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 61. Seconded by Supervisor Pitts.
Motion carried.

RESOLUTION 62

62. From Human Services Committee regarding the Appointment of Jim Schmidt to the Veterans Commission.

RESOLUTION 63

63. From Human Services Committee regarding the Appointment of Rosa L. Morris to the Kenosha County Specialized Transportation Commission.

Supervisor Boyer moved to table Resolutions 62 and 63.

Supervisor Molinaro moved to defer Resolutions 62 and 63 back to the Human Services Committee to be brought back at the next available county board meeting following. Seconded by Supervisor O'Day.
Motion carried.

It was moved by Supervisor Wisnefski to approve the September 17, 2002 minutes as amended. Seconded by Supervisor Faraone.
Motion carried.

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

Motion carried.

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

October 15, 2002

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, Haen, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Wisniewski, Gorlinski, Huff, Marrelli.

Excused: Supervisors Kerkman, Ruffolo, Elverman .

Present. 25. Excused. 3.

CITIZEN COMMENTS.

George Martin, 7319-3rd Avenue, stated the County Executive's budget relies on increase in taxes to the levy cap or a budget where we didn't have to borrow money from issuance of long term debt. Quoting Alexander Hamilton. "Those who stand for nothing fall for anything". He urges the County Board to stand for their constituents.

CHAIRMAN ANNOUNCEMENTS

Chairman Kessler asked for a moment of silence in honor of Supervisor Elverman's father who passed away on Saturday.

Chairman Kessler stated that a thank-you card was received from Supervisor Johnson and Family for flowers that were sent for his wife's funeral.

Chairman Kessler stated that the County Board Christmas Party will be on Tuesday, December 17th.

Chairman Kessler stated that regarding the budget adoption the Public Hearing and first reading will be held on Tuesday, November 12th. The second reading will be November 13th.

Chairman Kessler urged all supervisors to attend a seminar sponsored by Michael Best & Friedrich, Attorneys at Law regarding The Future of Local Government. The seminar will provide an update on recent legal developments with regard to federal and state government and offer practical strategies for dealing with everyday local government issues. Wednesday, October 30th, at the Holiday Inn in Kenosha from 4:00 p.m. until 6:00 p.m. Speakers include Allan Kehl, County Executive, Congressman Paul Ryan, 1st Congressional District, Bonnie Ladwig, State Representative from Racine.

Chairman Kessler stated that the Kenosha County Council of Governments meeting will be Saturday, October 19th starting at 8:30 a.m. at the Kenosha county Center.

Chairman Kessler stated that Wisconsin Counties Association moved its office in July 2002. There will be an Open House on Thursday, October 24th from noon until 5:00 p.m. in downtown Madison. (22 East Mifflin Street, Suite 900).

SUPERVISOR REPORTS

Supervisor Wisniewski stated that the Building & Grounds Annual Tour will be Saturday, October 26th. Starting at 8:45 a.m. at the Job Center. Next will be the Medical Examiners Office. Following will be the Downtown Jail and ending at Brighton Dale Golf Course.

Supervisor Carbone reported on the Joint Meeting between the Administration and Finance Committees last week. Discussed was the response from the Attorneys for KHCP to our request for information. Their response was that KHCP was specifically designed as a private, nonprofit corporation that would not be subject to Wisconsin's Open Records Law. Also, Supervisor Rose's resolution on KHCP was postponed until November 14th because hopefully by then

they will have RFP'S analyzed and be able to make a comparison between the new proposals and what we are presently using for medical coverage.

County Executive Appointments.

28. Adelene Robinson to serve on the Kenosha County W-2 Community Steering Committee.

29. John A. Milisauskas to serve on the Kenosha County W-2 Community Steering Committee.

30. Rhonda M. Jolly to serve on the Kenosha County W-2 Community Steering Committee.

31. Agustin Cervantes to serve on the Kenosha County W-2 Community Steering Committee.

32. Michael J. Serpe to serve on the Kenosha County W-2 Community Steering Committee.

Chairman Kessler referred Appointments 28 thru 32 to the Human Services Committee.

33. John F. Lauer to serve on the Voltz Lake Management District .

Chairman Kessler referred Appointment 33 to the Land Use Committee.

OLD BUSINESS

Policy Resolution - second reading, two required.

POLICY RESOLUTION 2

2. From Administration & Legislative Committees regarding 2002 Affirmative Action Plan.

WHEREAS, the County Board has previously authorized and directed the Division of Personnel Services to develop an Affirmative Action Plan for Kenosha County, and

WHEREAS, the Kenosha County Affirmative Action Plan required periodic updating, and

WHEREAS, the attached Affirmative Action Plan complies with all federal laws and regulations pertaining to such plans and is in conformity with the goals and guideline of the Kenosha County Board of Supervisors.

NOW, THEREFORE, BE IT RESOLVED that the attached revisions to the Affirmative Action Plan be and hereby are adopted by the Kenosha County Board of Supervisors and further, that said revisions of the Plan be incorporated into the Kenosha County Policy & Rules Manual in conformity with manual format.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

John Ruffolo

Mark Modory

Joseph Clark

Thomas Kerkman

LEGISLATIVE COMMITTEE

Ronald Johnson

Thomas Kerkman

Fred Ekornaas

Ava Marrelli

Anita Faraone

It was moved by Supervisor Singer to adopt Policy resolution 2. Seconded by Supervisor Johnson.

Motion carried.

NEW BUSINESS

Ordinances - first reading, two required

ORDINANCE 33

33. From the Land Use Committee regarding an Ordinance to Amend Ordinance 13 Adopted on August 6, 2002 Adopting Text Amendments to Chapter 12 of the Municipal Code of Kenosha County Entitled Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

ORDINANCE 34

34. From Administration and Judiciary & Law Committees regarding an Ordinance to Amend Section 4.01 of the Municipal Code of Kenosha County Entitled "Civil Service Ordinance".

Ordinances - one reading.

From the Land Use Committee regarding

ORDINANCE 35

35. From the Land Use Committee regarding Ray and Sara N. Parvinian, requesting rezoning from 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 part of Tax Parcel #80-4-222-141-0225 located in the northeast quarter of Section 14, Township 2 North, Range 22 East, Town of Somers 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 south side of County Trunk Highway "E" (12th Street).

Ray and Sara N. Parvinian - (Owners)

Description: Part of the northeast quarter of Section 14, Township 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 northwest corner of said quarter section; thence south 34°47'58" east 1601.02 feet to a point on the south line of 13th Place at the northeast corner of Lot 10 in Eaglewood Estates, a plat of record; and to the point of beginning of the parcel to be herein described; thence north 89°09'29" east along the south line of said 13th Place, 370.00 feet; thence south 01°41'21" east 314.00 feet; thence south 89°09'29" west 370.00 feet to the east line of said Lot 10; thence north 01°41'21" west along said east line 314.00 feet to a point of the south line of said 13th Place at the northeast corner of said Lot 10 and the point of beginning; 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 36

36. From the Land Use Committee regarding Charles and Patricia Elverman (Owners), Raymond A. Postotnik, Payne and Dolan, Inc. (Agent), requesting rezoning from M-3 Mineral Extraction District to A-1 Agricultural Preservation District and A-2 General Agricultural 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 Parcels #95-4-219-334-0400, #95-4-219-334-0500, #95-4-119-041-0270, #95-4-119-041-0102 and #95-4-119-041-0220 be changed from M-3 Mineral Extraction District to A-1 Agricultural Preservation District and A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District. For informational purposes only, these properties are located on the east side of County Trunk Highway "O" (368th Avenue) on the north and south side of State Trunk Highway "50".

Charles and Patricia Elverman - (Owners)

Raymond A. Postotnik, Payne and Dolan, Inc. - (Agent)

Descriptions: M-3 Mineral Extraction District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Conservancy District:

Part of the southeast quarter and the southwest quarter of the southeast 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: Commence at the south quarter corner of said Section 33; thence north 88°23'08" east 87.07 feet to a point on the east line of 368th Avenue and the place of beginning of this description; thence

north 01°39'09" west along said east line 199.31 feet; thence north 12°53'47" west along said east line 306.41 feet; thence north 01°39'09" west along said east line 108.74 feet to a point on the south line of Koch's Meadowbrooke Farms; thence north 87°59'11" east along said south line and its extension easterly 1455.62 feet; thence south 01°09'57" east 618.68 feet to a point on the south line of said southeast quarter section; thence south 88°23'08" west along said south line 1393.23 feet to the place of beginning. Containing 20.00 acres of land more or less.

M-3 Mineral Extraction District to A-1 Agricultural Preservation District on the following:

#95-4-219-334-0400 South 1/2 of the southwest quarter of the southeast quarter of Section 33, Township 2 North, Range 19 East, excluding north 2 rods for road also excluding highway.

#95-4-219-334-0500 Southeast quarter of southeast quarter of Section 33, Township 2 North, Range 19 East.

#95-4-119-041-0220 Part of the northeast quarter of Section 4, Township 1 North, Range 19 East, that lying south of the south line of Highway "50" as relocated: Commencing at the north quarter corner of said Section 4; thence south along the west line of said section 1276.00 feet; thence south 6° east 658.18 feet; thence north 27° east 248.00 feet; thence south 72° east 154.00 feet; thence southwest 31° 273.30 feet to the center of highway; thence southeast 63° along the centerline of the highway to the east line of the west ½ of the northeast quarter; 1893.25 feet to the north line of section; thence west along the north line of said section 1325.50 feet to the point of beginning.

#95-4-119-041-270 Part of the northeast quarter of Section 4, Township 1 North, Range 19 East, commencing at the north quarter corner of Section 4, thence east along the north line of said section 92.93 feet to the point of beginning; thence south 02°00'35" east 149.39 feet; thence south 54°05'40" east 99.53 feet; thence south 88°23'08" east 2480.84 feet to the east line of Section 4; thence north 02°16'54" west along the east line 210.02 feet to the northeast corner of Section 4; thence west along the north line of section to the point of beginning.

#95-4-119-041-0102 Part of the northeast quarter of Section 4, Township 1 North, Range 19 East, described as follows: the east ½ of the northeast quarter lying north of the north line of old Highway "50" and south of the south line of relocated Highway "50" excluding, commencing at the east quarter corner of said section; thence north 358.43 feet to the center of Geneva Road and the point of beginning; thence north 74° west 310.04 feet; thence northwesterly along the center line of Geneva Road 482.51 feet; thence north 63° west 163.29 feet; thence north 787.71 feet; thence east to the east line of said northeast quarter; thence south along the east line 1124.77 feet to the point of beginning.

Excluding: Part of the southeast quarter and the southwest quarter of the southeast 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: Commence at the south quarter corner of said Section 33; thence north 88°23'08" east 87.07 feet to a point on the east line of 358th Avenue and the place of beginning of this description; thence north 01°39'09" west along said east line 199.31 feet; thence north 12°53'47" west along said east line 306.41 feet; thence north 01°39'09" west along said east line 108.74 feet to a point on the south line of Koch's Meadowbrooke Farms; thence north 87°59'11" east along said south line and its extension easterly 1455.62 feet; thence south 01°09'57" east 618.68 feet to a point on the south line of said southeast quarter section; thence south 88°23'08" west along said south line 1393.23 feet to the place of beginning. Containing 20.00 acres of land more or less and 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 37

37. From the Land Use Committee regarding William R. and Irene Davis, requesting rezoning from A-2 General Agricultural District to PR-1 Park and Recreational District and 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 Tax Parcel #30-4-220-254-0310 located in the southeast quarter of Section 25, Township 2 North, Range 20 East, Town of Brighton be changed from A-2 General Agricultural District to PR-1 Park and Recreational District and R-1 Rural Residential District. For informational purposes only, part of this property is known as Happy Acres Campground located on the north side of County Trunk Highway "NN" (45th Street) approximately 0.65 miles east of the intersection of County Trunk Highway "EW" (232nd Avenue).

William R. and Irene Davis - (Owners)

Descriptions:

A-2 General Agricultural District to R-1 Rural Residential District: Part of the southeast quarter of Section 25, Township 2 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Brighton, Kenosha County, Wisconsin, and being more particularly described as: Commencing 91.26 feet east of the southwest corner; thence north 385.93 feet to the point of beginning, thence north 627.59 feet; thence east 420.00 feet; thence south 964.20 feet to the northerly right-of-way of County Trunk Highway "NN"; thence west 40.00 feet; thence north 345.00 feet; thence west 380.00 feet to the point of beginning.

Excluding the following area which is to be zoned PR-1 Park and Recreational District: Part of the southeast quarter of Section 25, Township 2 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Brighton, Kenosha County, Wisconsin, and being more particularly described as: Commencing at the southwest corner of said $\frac{1}{4}$ section; thence north 89°06'53" east along the south line of said $\frac{1}{4}$ section, 91.26 feet; thence north 01°38'03" west parallel to the west line of the southeast quarter of Section 25, 848.52 feet to the point of beginning of the property to be herein described; thence continue north 01°38'03" west parallel to the west line of the southeast $\frac{1}{4}$ of Section 25, 165.00 feet; thence north 89°06'53' east parallel to the south line of said $\frac{1}{4}$ section, 420.00 feet; thence south 01°38'03" east, 95.00 feet; thence south 89°06'53" west, 130.00 feet; thence south 01°38'03" east, 50.00 feet; thence south 89°06'53" west, 290.00 feet to the point of beginning. Containing 1.25 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 38

38. From the Land Use Committee Luigi Mazzulla Revocable Trust, Luigi Mazzulla, Trustee, requesting rezoning from 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 Parcel #80-4-222-291-0110 located in the northeast quarter of Section 29, Township 2 North, Range 22 East, Town of Somers 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 west side of County Trunk Highway "H" (88th Avenue) approximately 0.29 miles north of the intersection of County Trunk Highway "S" (38th Street).

Luigi Mazzulla Revocable Trust - (Owner)

Description: Part of the northeast quarter of Section 29, Township 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 01°26'02" east along the east line of said quarter section 645.00 feet to the point of beginning of the parcel to be herein described; thence continue south 01°26'02" east along said east line 416.18 feet; thence south 88°33'58" west 314.00 feet; thence north 01°26'02" west 416.18 feet; thence north 88°33'58" east 314.00 feet to the east line of said quarter section and the point of beginning; subject to a public road over and across the northerly portion thereof and 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 39

39. From the Land Use Committee William E. Lizio, 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 #35-4-121-222-0400 located in the northwest quarter of Section 22, Township 1 North, Range 21 East, Town of Bristol be changed from A-2 General Agricultural District to R-1 Rural Residential District. For informational purposes only, this property is located on the west side of County Trunk Highway "MB" (160th Avenue) approximately 0.29 miles south of the intersection of County Trunk Highway "C" (93rd Street).

William E. Lizio - (Owner)

Description: This land is located in the southeast quarter of the northwest quarter of Section 22, Township 1 North, Range 21 East of the Fourth Principal Meridian, Town of Bristol, Kenosha County, Wisconsin; containing 14,000 acres of land, more or less, and described as follows: Commencing at the county monumented northeast corner of the northwest quarter of said Section 22; thence south 02°24'09" east, grid bearing from north, Wisconsin coordinate system, south zone, along the east line of said northwest quarter 1555.00 feet to the point of beginning of the land to be described; thence continuing south 02°24'09" east along the east line of said northwest quarter 722.00 feet; thence south 88°47'22" west parallel with the north line of said northwest quarter 885.83 feet to the west line of the east 1/3 of said northwest quarter; thence north 02°21'25" west along the west line of the east 1/3 of said northwest quarter 722.00 feet; thence north 02°24'09" east parallel with the north line of said northwest quarter 885.25 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 40

40. From the Land Use Committee Todd M. Ewings, Adam P. Ewings and Thomas W. Fliess, Jr., requesting rezoning from A-4 Agricultural Land Holding District to B-5 Wholesale Trade and Warehousing 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 #80-4-222-284-0101 located in the southeast quarter of Section 28, Township 2 North, Range 22 East, Town of Somers be changed from A-4 Agricultural Land Holding District to B-5 Wholesale Trade and Warehousing District. For informational purposes only, this property is located on the south side of County Trunk Highway "S" (38th Street) approximately 0.1 mile west of the Union Pacific Railroad crossing.

Todd M. Ewings, Adam P. Ewings and Thomas W. Fliess, Jr. - (Owners)

Description: Part of the southeast quarter of Section 28, Township 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°48'19" west along the north line of said quarter section 580.00 feet to the point of beginning of the parcel to be herein described; thence continue south 89°48'19" west along said north line 180.35 feet; thence south 01°40'11" east 632.71 feet; thence north 89°48'19" east parallel to the north line of said quarter section 164.06 feet; thence north 00°11'41" west 632.50 feet to the north line of said quarter section and the point of beginning; containing 2,500 acres, more or less; including highway; 2.364 acres, more or less; excluding highway; subject to a public highway over and across the northerly portion thereof and subject to easements and restrictions of record.

Note: This legal description is for rezoning purposes only.

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 approve Ordinances 35 thru 40.
Seconded by supervisor Molinaro.

Motion carried.

POLICY RESOLUTION 3

Policy Resolution - first reading, two required.

3. From the Administration Committee regarding Tuition Reimbursement Program.

Resolutions - one reading.

RESOLUTION 64

64. From the Finance Committee regarding Bills over \$5000.

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	\$1,837,063.89
AGING GROUPING # 1	\$ 7,675.72
PERSONNEL GROUPING # 1	\$ 952,135.03
DISABILITY GROUPING # 1	\$ 899,213.94
PAYMENT GROUPS GRAND TOTAL:	\$3,696,088.58

Submitted by:

FINANCE COMMITTEE

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

It was moved by Supervisor Carbone to approve Resolution 64. Seconded by Supervisor Rose.
Motion carried.

RESOLUTION 65

65. From the Judiciary & Law and Finance Committees regarding Fees for Service of Civil Process.

WHEREAS, under State Statute 814.70 (1) the Sheriff shall collect fees for Service of Process and Execution on Judgements, 814.70 (2), at \$12.00 for each defendant/person, and

WHEREAS, under State Statute 814.705(a) allows the County Board to establish a higher fee for collection by the Sheriff, and

WHEREAS, the Sheriff recognizes the need to maximize revenues providing relief for taxpayers, and

WHEREAS, the fees for Service of Process be increased to \$40.00 as a flat fee including attempts, mileage and postage, and

WHEREAS, the fees for service of Execution for Judgements (Evictions, Repossessions) be increased to \$20.00 per attempt.

NOW, THEREFORE, BE IT RESOLVED, that Kenosha County Board of Supervisors adopt the Civil Process fee modifications indicated herein effective January 1, 2003, and as prescribed by law the Sheriff agrees to collect such fees.

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 65. Seconded by Supervisor Pitts.
Motion carried.

RESOLUTION 66

66. From the Judiciary & Law and Finance Committees regarding Fees for Service of Warrants.

WHEREAS, under State Statute 814.70(1) the Sheriff shall collect fees for Service of Process and Execution on Judgements, 814.70 (2), at \$12.00 for each defendant/person, and

WHEREAS, under State Statute 814.705(a) allows the County Board to establish a higher fee for collection by the Sheriff, and

WHEREAS, the Sheriff recognizes the need to maximize revenues providing relief for taxpayers, and

WHEREAS, the fee for service of each warrant shall be \$50.00.

NOW, THEREFORE, BE IT RESOLVED, that Kenosha County Board of Supervisors adopt the Warrant fee modification indicated herein effective January 1, 2003, and as prescribed by law the Sheriff agrees to collect such fees.

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 66. Seconded by Supervisor O'day.
Motion carried.

RESOLUTION 67

67. From the Judiciary & Law Enforcement Committee regarding Probationary Cabaret License - El Fracazo, Inc.

WHEREAS, the applicant Salomon Hernandez received approval by County Board action for a probationary cabaret license for the establishment known as El Fracazo, Inc., and

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, was turned over to this office on August 9, 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

NOW, THEREFORE BE IT RESOLVED, that because this is the initial application by the license holder, a probationary license be granted to Salomon Hernandez, for the El Fracazo, Inc.

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 67. Seconded by Supervisor Faraone.

Motion carried.

Communications.

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

24. Patricia Volbrecht - Paint on car.

25. Abel J. Gutierrez - Injured while in custody.

It was moved by Supervisor Carey-Mielke to approve the October 1, 2002 minutes.

Seconded by Supervisor Clark.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:10 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

November 12, 2002

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, Haen, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Wisnefski, Gorlinski, Huff, Marrelli, Kerkman, Ruffolo, Elverman.

Excused: Supervisor O'Day.

Present. 27. Excused. 1.

CITIZEN COMMENTS.

Theresa Hannes, 1st Unit Chair of Local 990 Clerical. The proposed 2003 budget sacrificing of union positions without any regard to impact on services provided to Kenosha County tax payers or the work load issues. There is a layer of fat in this budget. Has anyone looked into the contracted services? This proposal has more job security for contracted employees than county employees. Revisions can be made by this County Board.

Chad Kahlk, 1806-30th Avenue, head coach for Kenosha Unified Hockey Team. With so many kids using the Kenosha County Ice Arena he would hate to see it close or be sold.

Don Erdal, 7217-60th Avenue, an active member of Kenosha Blue Line Club and served as President of Kenosha Ice Association and is concerned about the proposed selling of the Ice Arena.

Stuart Bischel, 6800-107th Avenue, is a hockey player for Kenosha Unified and is concerned about the selling of the arena.

Linda Bilski, 6203-57th Avenue, Kenosha County employee. Local 990 has asked for examinations of the private contracts that are awarded every year. When these clerical functions are awarded the county is not paying strictly for the employee. We are paying for the supervisor and the owner of the related business and the over-head of that corporation. Kenosha County already has employees and supervisors. Why are we paying for the supervisors and owners of private corporations? The employees know where the waste is and where improvements can be made but someone has to listen.

Valerie Jensen, 6940-318th Avenue, Local 990 Clerical Representative would like to know why Kenosha County would contract with a company this year when they didn't provide quality service last year?

Barry Moreland, 9120-33rd Avenue, President of the Kenosha County Blue Line Hockey Club. Under the current agreement between Kenosha County and the Kenosha County Ice Association they have reached a level of critical neglect at the ice arena. Private ownership sounds very exciting and beneficial to the Ice Arena.

Steven Ross, moved from Milwaukee to Kenosha because of the Ice Arena. He has four children that play hockey.

Carol Ziesemer, 11234-9th Avenue, serves as treasurer for the Kenosha Ice Association. Her daughter has learned team work through ice skating. Being a member of a team is important to children.

Supervisor Carbone presented the 2003 Budget.

It was moved by Supervisor Pitts to adjourn. Seconded by Supervisor Boyer.
Motion carried.

The **Organizational Meeting** was called to order by Chairman Kessler immediately following the Public Hearing.
Roll call was taken.

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

Excused: Supervisor O'Day.

Present. 27. Excused. 1.

Announcements of the Chairman.

Chairman Kessler stated that he had received a thank-you card from Supervisor Elverman's Family for the plant sent for the death of his father.

Chairman Kessler stated that tonight we have an amended agenda because Resolution 68 is from Supervisor Rose and is being referred at this time to Finance and Administration Committees.

Chairman Kessler reminded everyone of the Annual County Board Christmas Party on December 17, 2002.

Chairman Kessler stated that the Tax Equity Study final report will not be ready for another 15 - 30 days. The Sheriff's Department is above board according to the City and now the City is going after the Highway Department. Supervisors Reports.

Supervisor Modory stated that the University Extension Office e-mails all the agendas to the committee members and that is a annual savings of \$332.40 and he is encouraging every committee chairman to do the same. Also, Supervisor Boyer received an award that stated: The Democratic Party of Wisconsin recognizes Eunice Boyer for her efforts for a local elected official who in the spirit of Eleanor Roosevelt continues to work tirelessly in an effort and contribute her vision of social activism. This was awarded on October 17, 2002.

Supervisor Elverman reported on Highway & Parks Committee. The fire damage at Brightondale Golf Course is in the process of being repaired. The building was salvaged. Each year there is \$50,000.00 from the Parks Budget that is spent at the Kemper Center. Much needed railing work on one of the main entrances and work on the boiler should be completed next week.

Supervisor Elverman reported that State Representative, Jim Kreuser was elected leader of the Assembly.

Supervisor Wisnefski reported on the work being done at the Job Center and everything is progressing on schedule.

Supervisor Johnson stated that the 7 County Meeting will be December 16 at 9:00 a.m. in Waukesha County Courthouse.

Supervisor Gorlinski stated that the board should be showing the leadership in constructing the ability for this county to work with the various communities and schools to promote recreation for using the county parks, ice arena, bike trails, golf courses etc. so that young people learn something of worth so that they can carry it through in their adult life. This is important to think about because we own these properties and if we don't take care of and utilize them we may end up having to sell.

Supervisor Noble stated that during citizen comments there was referral to a document regarding contracted services and he would like to see the document and review it.

Supervisor Carbone stated that he will see that all supervisors receive a copy.

Supervisor Molinaro asked why we cannot get a update on a regular basis regarding the Tax Equity Study.

OLD BUSINESS

Ordinance - Second reading, two required.

ORDINANCE 33

33. From the Land Use Committee regarding an Ordinance to Amend Ordinance 13 Adopted on August 6, 2002 Adopting Text Amendments to Chapter 12 of the Municipal Code of Kenosha County Entitled Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

(Ordinance 33 on file in the County Clerk's Office)

It was moved by Supervisor Smitz to adopt Ordinance 33. Seconded by Supervisor Gorlinski.
Motion carried.

ORDINANCE 34

34. From Administration and Judiciary & Law Committees regarding an Ordinance to Amend Section 4.01 of the Municipal Code of Kenosha County Entitled "Civil Service Ordinance".

WHEREAS, it has come to the attention of the Kenosha County Civil Service Commission that the language in Sections 4.01(4)(c) and 4.01 (5)(b) of the Kenosha County Municipal Code regarding the educational requirements for promotional positions in the sworn ranks of the Sheriff's Department is unclear, and

WHEREAS, the original intent of the language was to require that all advanced education be acquired at or through an accredited educational program or institution, and

WHEREAS, the Kenosha County Civil Service Commission, at its meeting of October 2, 2002, reviewed and revised the language in Sections 4.01(4)(c) and 4.01(5)(b) of the Kenosha County Municipal Code to remove any ambiguity regarding the educational requirements for promotional positions, and

WHEREAS, at the respective meetings of the Administration and Judiciary and Law Committees of the Kenosha County Board of Supervisors, the Civil Service Commission's recommended changes were reviewed and approved,

./ by the Kenosha County Board of Supervisors, that Section 4.01(4)(c), Municipal Code of Kenosha County, be repealed and recreated to read as follows:

(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.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Kenosha County Board of Supervisors, that Section 4.01(5)(b), Municipal Code of Kenosha County, be repealed and recreated to read as follows:

(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.

NOW, THEREFORE, BE IT FURTHER ORDAINED that these changes be effective immediately upon approval of this Ordinance by the County Board, and that those employees currently holding the sworn rank of Detective or higher be considered educationally qualified to hold their current positions. Any employees grandfathered with regard to their current positions must still meet the requirements for all future promotional positions.

Submitted by:

Administration Committee

David Singer

Tom Kerkman

Joe Clark

John Ruffolo

Judiciary and Law Committee

Jim Huff

Terry Rose

Joe Montemurro

Anita Faraone

Brenda Carey-Mielke

It was moved by Supervisor Singer to adopt Ordinance 34. Seconded by Supervisor Huff.

Motion carried.

Policy Resolution - second reading, two required.

POLICY RESOLUTION 3

3. From the Administration Committee regarding Tuition Reimbursement Program.

It was moved by Supervisor Singer to adopt Policy Resolution 3. Seconded by Supervisor Ruffolo.

It was moved by Supervisor Molinaro to refer Policy Resolution 3 back to Administration Committee. Seconded by Supervisor Haen.

Roll call vote.

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

Nays: Supervisor Rose.

Ayes. 26. Nays. 1

Motion carried.

Resolutions - tabled at the October 1, 2002 meeting by Supervisor Boyer.

RESOLUTION 62

62. From Human Services Committee regarding approving the Appointment of Jim Schmidt to the Veterans Commission.

WHEREAS, pursuant to County Executive Appointment 2002/03-23, the County Executive has appointed Jim Schmidt to serve on the Kenosha County Veterans Commission, 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 Veterans Commission 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 Jim Schmidt to the Kenosha County Veterans Commission. Mr. Schmidt'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. Schmidt will serve without pay but will receive per diem as defined under Resolution 65 (1982-83) and will be filling a vacant position.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 62. Seconded by Supervisor Bergo.
Motion carried.

RESOLUTION 63

63. From Human Services Committee regarding approving the Appointment of Rosa L. Morris to the Kenosha County Specialized Transportation Commission.

WHEREAS, pursuant to County Executive Appointment 2002/03-24, the County Executive has appointed Rosa Morris to serve on the Kenosha County Specialized Transportation Commission; 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 Specialized Transportation Commission 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 Rosa Morris to the Kenosha County Specialized Transportation Commission. Ms. Morris' appointment shall be effective immediately and continuing until the 31st day of December, 2004 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Morris will serve without pay as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 63. Seconded by Supervisor Haen.

Motion carried.

NEW BUSINESS

Ordinance - one reading, two required.

41. From Highway & Parks Committee Creating an Ordinance Establishing a four-way stop at the intersection of county Trunk Highway "L" and 47th Avenue.

Resolutions - one reading.

RESOLUTION 68

68. From Supervisor Terry Rose regarding Conditions Pertaining to Kenosha County's Continued Involvement in Kenosha Health Care Partners Inc.

Chairman Kessler referred Resolution 68 to Administration and Finance Committee.

RESOLUTION 69

69. 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	\$1,260,588.60
DISABILITY GROUPING # 1	\$ 139,453.69
PAYMENT GROUPS GRAND TOTAL:	\$1,400,042.29

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Terry Rose

Gordon West

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 69. Seconded by Supervisor Rose.
Motion carried.

RESOLUTION 70

70. From Highway & Parks Committee Establishing a County Trunk Highway Letter Designation for Old State Trunk Highway 31.

WHEREAS, a resolution approving Kenosha County entering into a mutual agreement with the Wisconsin Department of Transportation to transfer jurisdictional responsibility of STH 31 between 56th Avenue and CTH "KR" to Kenosha County was previously approved by the Board of Supervisors on February 6, 2001 and the County Executive on February 8, 2001; and

WHEREAS, the mutual agreement between Kenosha County and the Wisconsin Department of Transportation was fully executed on May 31, 2001; and

WHEREAS, the agreement states Kenosha County will accept jurisdiction of Old STH 31 on November 15th of the year the relocated STH 31 is open to traffic; and

WHEREAS, the STH 31 project is now complete and open to traffic; and

WHEREAS, effective November 15, 2002 the section of Old STH 31 between 56th Avenue and CTH "KR" is officially a County Trunk Highway.

WHEREAS, the section of Old STH 31 between 56th Avenue and CTH "KR" was previously designated as County Trunk Highway "M" prior to the Wisconsin Department of Transportation establishing STH 31 in the year 1947.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the section of Old STH 31 between 56th Avenue and CTH "KR" will be named County Trunk Highway "M" as it was prior to 1947 and the Kenosha County Division of Highways will erect signs indicating the designation.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Darrel Haen

Irv Larsen

Doug Noble

Robert Pitts

It was moved by Supervisor Elverman. Seconded by Supervisor Haen.

Motion carried.

RESOLUTION 71

71. From Human Services Committee regarding the Kenosha County Department of Human Services, Division of Workforce Development. To Discontinue the Operation of the Medical Relief (Kenosha CARES) Program.

It was moved by Supervisor Pitts to refer Resolution 71 to the Finance Committee. Seconded by Supervisor Rose.

Motion carried.

RESOLUTION 72

WHEREAS, pursuant to County Executive Appointment 2002/03-28, the County Executive has appointed Adelene Robinson to serve on the Kenosha County W-2 Community Steering Committee; 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 W-2 Community Steering Committee 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 Adelene Robinson to the Kenosha County W-2 Community Steering Committee. Ms. Robinson's appointment shall be effective immediately and continue until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Robinson will serve without additional pay as defined under Resolution 65 (1982-83) and will fill a new position.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

RESOLUTION 73

WHEREAS, pursuant to County Executive Appointment 2002/03-29, the County Executive has appointed John Milisauskas to serve on the Kenosha County W-2 Community Steering Committee; 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 W-2 Community Steering Committee 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 John Milisauskas to the Kenosha County W-2 Community Steering Committee. Mr. Milisauskas' appointment shall be effective immediately and continue until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Milisauskas will serve without additional pay as defined under Resolution 65 (1982-83) and will fill a new position.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

RESOLUTION 74

WHEREAS, pursuant to County Executive Appointment 2002/03-30, the County Executive has appointed Rhonda Jolly to serve on the Kenosha County W-2 Community Steering Committee; 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 W-2 Community Steering Committee 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 Rhonda Jolly to the Kenosha County W-2 Community Steering Committee. Ms. Jolly's appointment shall be effective immediately and continue until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Jolly will serve without additional pay as defined under Resolution 65 (1982-83) and will fill a new position.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

RESOLUTION 75

WHEREAS, pursuant to County Executive Appointment 2002/03-31, the County Executive has appointed Agustin Cervantes to serve on the Kenosha County W-2 Community Steering Committee; 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 W-2 Community Steering Committee 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 Agustin Cervantes to the Kenosha County W-2 Community Steering Committee. Mr. Cervantes' appointment shall be effective immediately and continue until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Cervantes will serve without additional pay as defined under Resolution 65 (1982-83) and will fill a new position.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz
Anne Bergo
Darrel Haen
John O'Day

RESOLUTION 76

WHEREAS, pursuant to County Executive Appointment 2002/03-32, the County Executive has appointed Michael Serpe to serve on the Kenosha County W-2 Community Steering Committee; 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 W-2 Community Steering Committee 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 Michael Serpe to the Kenosha County W-2 Community Steering Committee. Mr. Serpe's appointment shall be effective immediately and continue until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Serpe will serve without additional pay as defined under Resolution 65 (1982-83) and will fill a new position.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

Darrel Haen

John O'Day

It was moved by Supervisor Boyer to adopt Resolutions 72 thru 76.
Seconded by Supervisor Bergo.

Motion carried.

RESOLUTION 77

77. From Judiciary & Law Enforcement Committee regarding the Approval of the Appointment of Dave McGrath to Serve as a Member of the Local Emergency Planning Committee.

WHEREAS, pursuant to County Executive Appointment #2002/03-26, the County Executive has appointed Dave McGrath to serve as a member of the Local Emergency Planning Committee, and

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

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the appointment of Dave McGrath to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Terry Rose

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 77. Seconded by Supervisor Montemurro.

Motion carried.

RESOLUTION 78

78. From Judiciary & Law Enforcement Committee regarding the Approval of the appointment of Jeff Kindrai to Serve as a Member of the Local Emergency Planning Committee.

WHEREAS, pursuant to County Executive Appointment #2002/03-25, the County Executive has appointed Jeff Kindrai to serve as a member of the Local Emergency Planning Committee, and

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

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the appointment of Jeff Kinfray to serve as a member of the Local Emergency Planning Committee immediately upon passage of this resolution and continuing until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Brenda Carey-Mielke

Terry Rose

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 78. Seconded by Supervisor Carey-Mielke.

Motion carried.

COMMUNICATIONS

14. From Jean A. Morgan, City Clerk-Treasurer regarding Annexation of 1.527 acres of land from the Town of Somers.

Chairman Kessler referred Communication 14 to Land Use Committee.

CLAIMS

26. Pam Dixer - car damage.

27. Kevin Lancaster.

28. Lawrence Allen - car accident.

Chairman Kessler referred Claims 26 thru 28 to Corporation Counsel.

It was moved by Supervisor Clark to approve the October 15, 2002 minutes. Seconded by Supervisor Molinaro.

It was moved by Supervisor Wisniewski to Adjourn sine die. Seconded by Supervisor Johnson.

Motion carried.

The **Annual Meeting** was called to order by Chairman Kessler immediately following the **Organizational Meeting**.

Roll call was taken.

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

Excused: Supervisor O'Day.

Present. 27. Excused. 1.

NEW BUSINESS

Policy Resolution - First reading, two required.

4. From Finance Committee regarding 2003 Kenosha County Budget.

It was moved by Supervisor Wisniewski to adjourn. Seconded by Supervisor Clark. Meeting adjourned at 9:50 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

November 13, 2002

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

Absent: None.

Present. 28. Absent. 0.

CITIZEN COMMENTS

Theresa Hannes, 1st Unit Chair of Local 990 Clerical. County positions will be reduced by seven positions. How can the budget support a line item of \$35,000,000.00 without any accountable. In the desperate economic time we are in the contractual line item is higher than in 2002. Who are these 365 contracted full time employees, what are their job responsibilities and where are they located? Do we have these answers?

Chairman Kessler stated that each supervisor will have the opportunity to speak on the budget before he will recognize any motion to stop debate.

Chairman Kessler thanked the Finance Committee, David Geersten, Al Swartz and Alan Kehl for all their work on the budget.

OLD BUSINESS

Policy Resolution - Second reading, two required.

POLICY RESOLUTION 4

4. From Finance Committee regarding the 2003 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 2003 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 2003 budget, and funding for new positions/reclassifications has been included in the 2003 budget; 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.

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.

WHEREAS, certain appropriations in the 2002 and 2003 budget will be encumbered (contractually obligated, but not liquidated) at year end 2002 and 2003; 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 2002; and

NOW, THEREFORE, BE IT RESOLVED, by the Kenosha County Board of Supervisors, that the County Executive's budget of October 1, 2002, 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, 2002 is herewith attached; and

BE IT FURTHER RESOLVED, by the Kenosha County Board of Supervisors, that the budget for 2003 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 2003 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 \$ 44,565,078 be apportioned to the city and the various towns and villages of Kenosha County for all purposes and expenses for 2003; and

BE IT FURTHER RESOLVED, that the sum of \$ 1,132,117 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 2003; and

BE IT FURTHER RESOLVED, that the sum of \$ 1,865,597 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 \$1,936.98 be appropriated to account 15130.512100 for the purpose of paying \$780.67 to the City of Kenosha, \$1,156.31 to the Village of Pleasant Prairie in accordance with State law, as ordered by the State of Wisconsin Department of Revenue. This amount of \$1,936.98 will be funded by property tax levy for collection in 2003 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 \$1,936.98 in 2003 to the appropriate municipalities as set forth by orders of the State of Wisconsin which are attached as part of this resolution.

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

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 purpose of arbitrage, it is the intent bond proceeds can be applied to any legally allowable capital expenditures.

BE IT FURTHER RESOLVED, that the new positions/reclassifications, as shown in the Summary of Budgeted Personnel Changes, shall be established with the 2003 budget; and

BE IT FURTHER RESOLVED, that the County shall implement a Voluntary Reduction in Work Hour Plan which allows an employee to take up to five unpaid (without pay) days in 2003.

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors does approve an appropriation for the Federally required redisbursement 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 redisbursed 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 2003; 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 2003 budget; and

BE IT FURTHER RESOLVED, that departments be allowed to transfer vehicles and equipment between departments as long as Generally Accepted 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 attached "Finance Committee Adjustments to Delete the Unfunded Actuarial Liability Borrowed Financing" be incorporated by reference as part of the 2003 Budget.

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

It was moved by Supervisor Carbone to adopt Policy Resolution 4.
Seconded by Supervisor Rose.

It was moved by Supervisor Haen to reinstate part time position in the County Clerk's Office. Seconded by Supervisor Ruffolo.
Roll call vote.

Ayes: Supervisors Haen, Boyer, Huff, Molinaro, Marrelli, Bergo, Faraone, Johnson, Singer, Ruffolo, Montemurro, Clark.

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

Abstain: Supervisor Carey-Mielke.

Ayes. 12. Nays. 15. Abstain. 1.

Motion failed.

It was moved by Supervisor Singer to amend Policy Resolution 4 by amending Contractual Service Line in Informational Services Department and move it into the salary and benefit lines. Seconded by Supervisor Montemurro.

Roll vote.

Ayes: Supervisors Singer, Montemurro.

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

Abstain: Supervisor Carey-Mielke.

Ayes. 2. Nays. 25. Abstain. 1.

Motion carried.

Roll call vote on Policy Resolution 4.

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

Nays: Supervisors Carey-Mielke, Montemurro, Ruffolo, Bergo.

Ayes. 24. Nays. 4.

Motion carried.

NEW BUSINESS

Resolutions - one reading.

RESOLUTION 79

79. From Finance Committee regarding Authorizing the Issuance of General Obligation Promissory Notes in a amount not to exceed \$5,320,000.00.
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 \$5,320,000 for the public purpose 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. 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, 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 79. Seconded by Supervisor O'Day.

3/4 vote required.

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

Nays: Supervisors Carey-Mielke.

Ayes. 27. Nays. 1.

Motion carried.

RESOLUTION 80

80. From Finance Committee regarding Providing for the Sale of Not to Exceed \$4,270,000.00 General Obligation Promissory Notes.

WHEREAS, on November 14, 2001, 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 \$4,270,000" (the "Initial Resolution") for the public purpose of paying the cost of remodeling, renovating and improving various County buildings and sites; constructing, extending, repairing and improving bridges and roads; and acquiring land or interests in land, vehicles, equipment, 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 \$4,270,000 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 FOUR MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$4,270,000) 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 FOUR MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$4,270,000) (the "Notes"). The County shall offer the Notes for public sale on or about December 3, 2002.

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 13th day of November, 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 80. Seconded by Supervisor West.

3/4 vote required.

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

Nays: Supervisors Carey-Mielke.

Ayes. 27. Nays. 1.

Motion carried.

RESOLUTION 81

81. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for Club Viper, Inc. (Nytro's)

It was moved by Supervisor Faraone to adopt Resolution 81. Seconded by Supervisor Montemurro.

It was moved by Supervisor Gorlinski to refer Resolution 81 back to Judiciary & Law Committee. Seconded by Supervisor Clark.

Motion to refer carried.

Ayes: Supervisors Kessler, Haen, Boyer, Huff, Molinaro, Bergo, Modory, Johnson, Singer, Ruffolo, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Rose, Marrelli, Carbone, Faraone, Pitts, O'Day, Montemurro, Elverman.

Ayes. 20. Nays. 8.

Motion carried.

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

Motion carried.

Meeting adjourned at 10:25 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

December 3, 2002

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.

Excused: Supervisors Haen, Marrelli, Carey-Mielke.

Present. 25. Excused. 3.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler read a letter of resignation from Supervisor Darrel Haen representing the First District. He has moved out of District One..

Chairman Kessler stated that the 7-County Meeting in Waukesha is at 9:00 a.m. on December 16, 2002 at the Waukesha County Court House.

Chairman Kessler asked County Executive Allan Kehl to report on the Tax Equity Study.

County Executive Allan Kehl reported on the Tax Equity report, Phase One. He received the report on November 25th. Prior to any release of a report draft copies should have been forwarded for review and discussion by all parties involved. What was agreed to was not done and the report became available on the 21st of November. Why, he is not sure.

Brooke Koons, Director of Personnel Services reported on participation in KHCP and proposals for continued health care benefits for employees as of January 1, 2003.

SUPERVISOR REPORTS

Supervisor Elverman reported on the Highway & Parks Committee. The golf Course is currently selling next year golf passes at this years rate. A Joint Meeting with Building & Grounds will be held to look at proposals for the sale of the Ice Arena. No action taken yet. The winter snow plowing has been very good even though there are less trucks and less people. Everyone must be patient.

Supervisor Rose asked Chairman Kessler to agenda the Tax Equity Study and consider inviting the consultant to talk about the report. Lack of protocol undermines the effectiveness and accreditability of this joint so-called co-operative effort. The mayor has caused a set back.

Supervisor Smitz reported that the dam at the KD Pit is completed. This is the last link to purchasing the park.

Supervisor Wisnefski complemented the Highway Department for a fine job done after the last snow storm. The highways were all in good driving condition.

Supervisor Pitts acknowledged County Executive Kehl for his leadership in the new health care program.

County Executive Appointments.

34. Colleen Sandt to serve on the Kenosha County Human Services Board.
35. Louise M. Gagliano to serve on the Kenosha County Library Committee.
36. Eugene N. Schutz to serve on the Kenosha County Commission on Aging.
37. Sharon A. Acerbi to serve on the Kenosha County Library Committee.
38. William O. Lehman to serve on the Kenosha County Commission on Aging.

Chairman Kessler referred Appointments 34,36 and 38 to the Human Services Committee. Appointments 35 & 37 to the Finance Committee.

OLD BUSINESS

Ordinances - Second reading, two required.

ORDINANCE 41

41. From Highway & Parks Committee regarding Establishing a four-way stop at the intersection of County Trunk Highway "L" and 47th Avenue.
The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

A portion of existing Kenosha County Ordinance, Section 7.025 on TRAFFIC CONTROLS is hereby created:

Section 7.025 Traffic Controls

(2)(bb) Four-way stop on Intersection of County Trunk Highway "L" and 47th Avenue.

Traffic from all direction shall stop at the intersection of C.T.H. "L" and 47th Avenue and a stop sign shall be placed at each corner of the intersection. This intersection is located in said Kenosha County, Wisconsin in the Town of Somers, Sections 14 & 23, Town 2 North, Range 22, East of the Fourth Principal Meridian.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Darrel Haen

Irv Larsen

Doug Noble

Robert Pitts

It was moved by Supervisor Elverman to adopt Ordinance 41. Seconded by Supervisor Larsen.

Motion carried.

ORDINANCE 42

42. From Human Services Committee regarding an Ordinance to Repeal and Recreate Chapter 16 of the Municipal Code of Kenosha County Entitled "Kenosha County Environmental Health/Food Ordinance".

Notice is hereby given that the municipal Code of Kenosha County and specifically Chapter 16 pertaining to the Environmental Health and Food Ordinance will be repealed and recreated in the form of an updated revision to said ordinance pursuant to the provisions set forth in Wisconsin Statutes: Chapters 250, 251, 252, 254, 66.0103, 66.0113, & 66.0114. In addition, it is also adopted pursuant to all of the provisions of the Wisconsin Administrative Code: HFS 196, 197, 173, 172, 175, 178, comm 90 and 95, and ATPC 75. This ordinance has been revised to coincide with the new numbers of statutes. Previously Chapter 16 made reference to statutes that have since been repealed and replaced. The proposed revised version references the correct statute number. Also, license fees and fines set forth in the ordinance may have been increased.

Said revision of Chapter 16 is authorized by the Kenosha County Board of Supervisors and a copy of the draft that is to be acted upon by the Kenosha County Board of Supervisors has been permanently filed with the Office of the Kenosha County Clerk located in the Kenosha County Administration Building at 1010 56th St., Kenosha, Wisconsin 53140 at least two weeks prior to the enactment of this Ordinance.

Said copy of the proposed Ordinance is on file with the County Clerk and is open for public inspection at the County Clerk's Office during regular business hours. This proposed Ordinance has also been subject to a review by the Health and Human Services Committee of the Kenosha County Board of Supervisors on November 12, 2002. Thereafter the final adopted version of this ordinance shall be permanently on file with the office of the Kenosha County Clerk.

This notice is intended to comply with the requirements of section 66.0103 of the Wisconsin Statutes so as to permit without further publication of this proposed revised ordinance after a second reading of this revision and adoption by the Kenosha County Board of Supervisors at its regularly scheduled meeting on January 7, 2003, or as soon thereafter as deemed appropriate by the Kenosha County Board of Supervisors.

Edna Highland

Kenosha County Clerk

Dennis Schultz, Director

Kenosha County Department of Human Services

It was moved by Supervisor Boyer to adopt Ordinance 42. Seconded by Supervisor Carbone.

Motion carried.

NEW BUSINESS

Ordinances - First reading, two required.

ORDINANCE 43

43. From Land Use Committee regarding Repealing and Recreating the Kenosha County Sanitary Code and Private Sewage System Ordinance.

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.

ORDINANCE 45

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

Ordinances - one reading.

ORDINANCE 46

46. From the Land Use Committee regarding Marie Hansen (Owner)/Steven Schultz and Donna Bianchi-Schultz (Buyer/Agents), 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 #45-4-221-281-0201 located in the northeast quarter of Section 28, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (11.4 acres). For informational purposes only, this property is located on the north side of County Trunk Highway "N" (38th Street) approximately 0.14 mile east of the intersection of County Trunk Highway "D" (176th Avenue).

Marie Hansen - (Owner)

Steven Schultz and Donna Bianchi-Schultz - (Buyers/Agents)

Description: Part of the west half of the northeast quarter of Section 28, Town 2 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Paris, Kenosha County, Wisconsin and being more particularly described as: Beginning on the south line of said quarter section, at a point north 88°48'21" east 744.75 feet from the southwest corner thereof; thence continue north 88°48'21" east along and upon said south line, 600.00 feet and to the east line of the west half of said quarter section; thence north 02°25'12" west along and upon said east line, 833.00 feet; thence south 88°48'21" west parallel to the south line of said quarter section, 600.00 feet; thence south 02°25'12" east parallel to the east line of the west half of said quarter section, 833.00 feet and to the point of beginning. Subject to a public highway of the most southerly 33.00 feet thereof. Containing 11.47 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 47

47. From the Land Use Committee regarding Edward A. Jr. and Juanita S. Cruey, requesting rezoning from A-2 General Agricultural District to R-1 Rural Residential District and 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 Tax Parcel #35-4-121-103-0100 located in the southwest quarter of Section 10, Township 1 North, Range 21 East, Town of Bristol be changed from A-2 General Agricultural District to R-1 Rural Residential District and R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the west side of County Trunk Highway "MB" (160th Avenue) approximately 250 feet north of the intersection of 82nd Street.

Edward A. Jr. and Juanita S. Cruey - (Owners)

Descriptions: A-2 General Agricultural District to R-1 Rural Residential

District: Commencing at the northeast corner of the southwest quarter of Section 10, Town 1 North, Range 21 East, thence south 02°05'28" east 18.00 feet; thence south 88°38'18" west 40.01 feet; said point being the point of beginning; thence south 02°05'28" east, a distance of 408.35 feet; thence south 86°10'03" west, a distance of 470.00 feet; thence north 02°05'23" west, a distance of 288.57 feet; thence south 88°39'03" west, a distance of 213.88 feet; thence north 02°05'23" west, a distance of 140.00 feet; thence north 88°38'18" east, a distance of 683.69 feet to the point of beginning; said described tract containing 226,540.21 square feet (5.2 acres), more or less.

A-2 General Agricultural District to R-2 Suburban Single-Family Residential

District: Commencing at the northeast corner of the southwest quarter of Section 10, Town 1 North, Range 21 east; thence south 02°05'28" east 574.63 feet; thence south 86°10'03" west 40.02 feet, said point being the point of beginning; thence south 86°10'03" west, a distance of 683.97 feet; thence north 02°05'23" west, a distance of 447.84 feet; thence north 88°39'03" east, a distance of 213.88 feet; thence south 02°05'23" east, a distance of 288.57 feet; thence north 86°10'03" east, a distance of 470.00 feet; thence south 02°05'28" east, a distance of 150.00 feet to the point of beginning; said described tract containing 16,524.25 square feet (3.79 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 48

48. From the Land Use Committee regarding Goffman, Goffman & Witt (Owners), Jeanette L. Matel (Agent), requesting rezoning from B-3 Highway Business District to B-5 Wholesale Trade and Warehousing 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 #35-4-121-283-0325 located in the southwest quarter of Section 28, Township 1 North, Range 21 East, Town of Bristol be changed from B-3 Highway Business District to B-5 Wholesale Trade and Warehousing District. For informational purposes only, this property is located on the northwest corner of the intersection of U.S. Highway "45" and County Trunk Highway "V" (116th Street).

Goffman, Goffman & Witt - (Owners)

Jeanette L. Matel - (Agent)

Description: Lot 1 of Certified Survey Map #861 being part of the west one half of the southwest one quarter of Section 28 and part of the east one half of the southeast one quarter of Section 29, Township 1 North, Range 21 East, Town of Bristol.

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 49

49. From the Land Use Committee regarding Jeffrey and Jeannine Heide and Charles H. and Kathryn H. Heide Living Trust (Owners), Joseph W. Huck (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 from A-2 General Agricultural District to A-1 Agricultural Preservation District excluding lands currently zoned C-1 Lowland 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 part of Tax Parcel #80-4-222-034-0203 and part of Tax Parcel #80-4-222-034-0300 both located in the southeast quarter of Section 3, Township 2 North, Range 22 East, Town of Somers be changed as follows: part of Tax Parcel #80-4-222-034-0203 from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District (12.7 acres) and part of Tax Parcel #80-4-222-034-0300 from A-2 General Agricultural District to A-1 Agricultural Preservation District excluding lands currently zoned C-1 Lowland Resource Conservancy District (0.23 acres). For informational purposes only, these properties are located on the north side of County Trunk Highway "A" (7th Street) approximately 0.4 mile west of the intersection of State Trunk Highway "31".

Jeffrey and Jeannine Heide - (Owners of Tax Parcel #80-4-222-034-0300)

Charles H. and Kathryn H. Heide Living Trust - (Owners of Tax Parcel #80-4-222-034-0203)

Joseph W. Huck - (Agent)

Descriptions: A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource

Conservancy District: Part of the southeast quarter of Section 3, 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 southwest corner of said quarter section; thence south 88°15'51" east along the south line of said quarter section 233.00 feet to the point of beginning of the parcel to be herein described; thence continue south 88°15'51" east along said south line 287.90 feet; thence north 01°44'09" east 521.00 feet; thence south 88°15'51" east parallel to the south line of said quarter section 200.00 feet; thence north 00°34'37" east parallel to the west line of said quarter section 1048.63 feet; thence north 88°21'39" west 498.42 feet; thence south 00°34'37" west parallel to the west line of said quarter section 1568.90 feet to the south line of said quarter section and the point of beginning; containing 15.498 acres, more or less; including road, 15.279 acres, more or less; excluding road; subject to a public road over and across the southerly portion thereof and subject to easements and restriction of record.

A-2 General Agricultural District to A-1 Agricultural Preservation District excluding lands currently zoned C-1 Lowland Resource Conservancy District:

Part of the southeast quarter of Section 3, 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 southwest corner of said quarter section; thence north 00°34'37" east along the west line of said quarter section 1568.51 feet to the point of beginning of the parcel to be herein described; thence continue north 00°34'37" east along the west line of said quarter section 300.00 feet; thence south 88°21'39" east 232.99 feet; thence south 00°34'37" west parallel to the west line of said quarter section 300.00 feet; thence north 88°21'39" west 232.99 feet to the west line of said quarter section and the point of beginning; containing 1.604 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
Irving Larsen
Fred R. Ekornaas

ORDINANCE 50

50. From the Land Use Committee regarding Irene Petrinec (Owner)/Jean Nelson (Buyer), requesting rezoning from M-1 Limited Manufacturing District to A-2 General Agricultural District in 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 #35-4-121-154-0305 located in the southeast quarter of Section 15, Township 1 North, Range 21 East, Town of Bristol be changed from M-1 Limited Manufacturing District to A-2 General Agricultural District. For informational purposes only, this property is located on the north side of County Trunk Highway "C" (93rd Street) approximately ¼ mile east of the intersection of County Trunk Highway "MB" (160th Avenue).

Irene Petrinec - (Owner)

Jean Nelson - (Buyer)

Description: Part of the southeast quarter of Section 15, 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: Commencing at the southwest corner of said quarter section; thence north 89°05'35" east along the south line of said quarter section 700.00 feet; thence north 02°21'53" west parallel to the west line of said quarter section 332.20 feet to the point of beginning of the parcel to be herein described; thence continue north 02°21'53" west parallel to the west line of said quarter section 103.40 feet; thence south 89°05'35" west parallel to the south line of said quarter section 30.00 feet; thence south 02°21'53" east parallel to the west line of said quarter section 103.40 feet; thence north 89°05'35" east parallel to the south line of said quarter section 30.00 feet to the point of beginning; containing 3,101 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 51

51. From the Land Use Committee regarding LeRoy E. Jr. and Barbara J. Madsen, Ronald S. and Judith A. Karaway (Owners), Nancy Washburn, Regency Hills Development (Agent), requesting rezoning from A-4 Agricultural Land Holding District to C-1 Lowland Resource Conservancy District PR-1 Park and Recreational District and R-5 Urban Single-Family Residential District within the shoreland area and from A-4 Agricultural Land Holding District, R-2 Suburban Single-Family Residential District and C-2 Upland Resource Conservancy District to C-1 Lowland Resource Conservancy District and R-4 Urban 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 the shoreland area of Tax Parcels #80-4-222-262-0110 (County) / #08-222-26-202-110 (City) and Tax Parcels #80-4-222-262-0100 and #80-4-222-262-0140 located in the northwest quarter of Section 26, Township 2 North, Range 22 East, Town of Somers be changed as follows:

#80-4-222-262-0110 (County) / #08-222-26-202-110 (City) from A-4 Agricultural Land Holding District to C-1 Lowland Resource Conservancy District, PR-1 Park and Recreational District and R-5 Urban Single-Family Residential District.

#80-4-222-262-0100 and #80-4-222-262-0140 from A-4 Agricultural Land Holding District, R-2 Suburban Single-Family Residential District and C-2 Upland Resource Conservancy District to C-1 Lowland Resource Conservancy District and R-4 Urban Single-Family Residential District. For informational purposes only, these properties are located on the west side of 47th Avenue approximately 0.22 miles north of the intersection of County Trunk Highway "S" (38th Avenue).

LeRoy E. Jr. and Barbara J. Madsen - (Owners)

#80-4-222-262-0110 (County) / #08-222-26-202-110 (City)

Ronald S. and Judith Karaway - (Owners)

#80-4-222-262-0100 and #80-4-222-262-0140

Nancy Washburn, Regency Hills Development - (Agent)

Descriptions of proposed districts:

R-5 Urban Single-Family Residential District: Being a part of the northeast ¼ of the northwest ¼ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: Commencing at the northeast corner of said northwest ¼ of Section 26, thence south 89°12'27" west 422.42 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence south 11°28'07" east 39.67 feet; thence south 02°59'17" east 27.02 feet; thence south 89°12'27" west 682.77 feet; thence south 01°49'41" west 219.42 feet; thence north 62°29'05" west 77.59 feet; thence north 59°30'39" west 71.40 feet; thence north 37°51'42" west 167.53 feet; thence north 24°39'35" west 85.11 feet; thence north 89°12'27" east 935.17 feet to the place of beginning. Excepting the following commencing at the northeast corner of said northwest ¼ of Section 26; thence south 89°12'27" west 742.02 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence continuing south 89°12'27" west 22.95 feet; thence south 18°19'25" east 14.87 feet; thence south 23°52'05" east 14.40 feet; thence south 44°42'18" east 12.43 feet; thence south 34°48'06" east 13.36 feet; thence south 18°46'15" east 19.49 feet; thence north 89°12'27" east 17.37 feet; thence north 10°41'50" west 28.52 feet; thence north 27°01'18" west 24.63 feet; thence north 38°33'45" west 7.57 feet; thence north 33°10'41" west 11.62 feet to the place of beginning. Also excepting the following commencing at the northeast corner of said northwest ¼ of Section 26, thence south 89°12'27" west 1120.54 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence continuing south 89°12'27" west 97.56 feet; thence south 44°26'58" east 18.35 feet; thence south 59°15'18" east 28.24 feet; thence north 88°49'39" east 15.23 feet; thence north 73°54'47" east 10.08 feet; thence north 57°06'02" east 6.68 feet; thence north 71°17'13" east 15.78 feet; thence north 41°11'31" east 22.72 feet to the place of beginning.

C-1 Lowland Resource Conservancy District: Being a part of the northeast ¼ of the northwest ¼ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: Commencing at the northeast corner of said northwest ¼ of Section 26, thence south 89°12'27" west 1120.54 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence continuing south 89°12'27" west 97.56 feet; thence south 44°26'58" east 18.35 feet; thence south 59°15'18" east 28.24 feet; thence north 88°49'39" east 15.23 feet; thence north 73°54'47" east 10.08 feet; thence north 57°06'02" east 6.68 feet; thence north 71°17'13" east 15.78 feet; thence north 41°11'31" east 22.72 feet to the place of beginning.

Being a part of the northeast ¼ of the northwest ¼ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: Commencing at the northeast corner of said northwest ¼ of Section 26, thence south 89°12'27" west 742.02 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence continuing south 89°12'27" west 22.95 feet; thence south 18°19'25" east 14.87 feet; thence south 23°52'05" east 14.40 feet; thence south 44°42'18" east 12.43 feet; thence south 34°48'06" east 13.36 feet; thence south 18°46'15" east 19.49 feet; thence north 89°12'27" east 17.37 feet; thence north 10°41'50" west 28.52 feet; thence north 27°01'18" west 24.63 feet; thence north 38°33'45" west 7.57 feet; thence north 33°10'41" west 11.62 feet to the place of beginning.

Being a part of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: commencing at the northeast corner of said northwest $\frac{1}{4}$ of Section 26, thence south $01^{\circ}49'41''$ east 1330.54 feet along the east line of said northwest $\frac{1}{4}$ of Section 26, thence south $89^{\circ}16'30''$ west 425.93 feet to the place of beginning; thence continuing south $89^{\circ}16'30''$ west 35.76 feet; thence north $33^{\circ}40'17''$ west 5.00 feet; thence north $43^{\circ}18'20''$ west 20.80 feet; thence north $45^{\circ}37'30''$ west 21.51 feet; thence north $34^{\circ}02'57''$ west 21.52 feet; thence north $52^{\circ}13'13''$ west 17.68 feet; thence north $34^{\circ}03'35''$ west 38.61 feet; thence north $70^{\circ}15'23''$ west 15.36 feet; thence north $44^{\circ}03'18''$ west 34.56 feet; thence north $71^{\circ}13'13''$ west 21.21 feet; thence north $58^{\circ}54'06''$ west 23.68 feet; thence north $43^{\circ}05'43''$ west 29.53 feet; thence north $47^{\circ}13'47''$ west 21.44 feet; thence north $46^{\circ}51'55''$ west 26.06 feet; thence north $36^{\circ}05'07''$ west 6.41 feet; thence north $12^{\circ}01'03''$ east 15.95 feet; thence north $01^{\circ}39'46''$ west 20.50 feet; thence north $26^{\circ}11'13''$ west 23.23 feet; thence north $10^{\circ}57'48''$ west 22.99 feet; thence north $42^{\circ}27'26''$ east 18.75 feet; thence north $52^{\circ}21'10''$ east 16.95 feet; thence north $41^{\circ}21'43''$ east 29.93 feet; thence north $20^{\circ}23'52''$ east 19.07 feet; thence north $40^{\circ}56'34''$ east 19.03 feet; thence north $48^{\circ}44'16''$ east 19.94 feet; thence north $89^{\circ}45'38''$ east 25.78 feet; thence north $71^{\circ}29'42''$ east 12.93 feet; thence north $86^{\circ}05'11''$ east 14.24 feet; thence north $80^{\circ}24'33''$ east 18.53 feet; thence south $66^{\circ}50'01''$ east 45.82 feet; thence north $87^{\circ}29'25''$ east 31.02 feet; thence north $86^{\circ}20'08''$ east 35.71 feet; thence north $75^{\circ}12'42''$ east 34.34 feet; thence north $12^{\circ}20'34''$ east 37.79 feet; thence north $16^{\circ}37'25''$ west 43.03 feet; thence north $09^{\circ}43'23''$ west 43.87 feet; thence north $02^{\circ}12'46''$ west 27.98 feet; thence north $15^{\circ}10'02''$ west 23.78 feet; thence north $15^{\circ}14'25''$ west 38.98 feet; thence north $09^{\circ}29'06''$ west 15.22 feet; thence north $09^{\circ}59'41''$ west 39.07 feet; thence north $08^{\circ}26'59''$ west 19.48 feet; thence north $36^{\circ}17'40''$ east 20.96 feet; thence north $19^{\circ}28'41''$ west 12.42 feet; thence north $32^{\circ}02'12''$ west 17.16 feet; thence north $89^{\circ}12'27''$ east 30.81 feet; thence south $02^{\circ}31'29''$ west 28.76 feet; thence south $20^{\circ}59'54''$ west 20.58 feet; thence south $01^{\circ}30'50''$ east 24.18 feet; thence south $10^{\circ}50'42''$ east 29.51 feet; thence south $13^{\circ}44'59''$ east 38.86 feet; thence south $14^{\circ}26'52''$ east 30.06 feet; thence south $15^{\circ}20'23''$ east 36.35 feet; thence south $12^{\circ}26'01''$ east 30.80 feet; thence south $42^{\circ}00'26''$ east 48.55 feet; thence south $17^{\circ}57'25''$ east 22.62 feet; thence south $21^{\circ}35'31''$ west 45.48 feet; thence south $08^{\circ}10'25''$ east 26.34 feet; thence south $32^{\circ}23'42''$ east 27.37 feet; thence south $41^{\circ}00'02''$ east 55.52 feet; thence south $04^{\circ}28'57''$ east 27.88 feet; thence south $23^{\circ}57'31''$ west 35.47 feet; thence south $03^{\circ}44'50''$ west 26.11 feet; thence south $09^{\circ}22'17''$ east 18.07 feet; thence south $24^{\circ}50'02''$ east 17.29 feet; thence south $14^{\circ}29'48''$ west 10.00 feet; thence south $28^{\circ}00'35''$ west 7.39 feet; thence south $15^{\circ}41'44''$ west 12.93 feet; thence south $55^{\circ}31'34''$ west 20.62 feet; thence south $10^{\circ}20'45''$ west 27.45 feet; thence south $15^{\circ}04'35''$ east 27.54 feet; thence south $49^{\circ}14'17''$ west 21.65 feet; thence south $84^{\circ}31'46''$ west 26.30 feet; thence south $48^{\circ}12'41''$ west 35.39 feet; thence south $52^{\circ}19'33''$ west 25.32 feet; thence south $36^{\circ}25'24''$ west 10.99 feet to the place of beginning. Excepting the following commencing at the southeasternmost corner of above described legal description; thence north $48^{\circ}01'41''$ west 53.24 feet to the place of beginning; thence north $32^{\circ}08'23''$ west 21.14 feet; thence north $46^{\circ}50'30''$ west 13.27 feet; thence north $44^{\circ}02'50''$ west 47.76 feet; thence north $46^{\circ}41'32''$ west 23.06 feet; thence north $54^{\circ}39'52''$ west 25.14 feet; thence north $50^{\circ}34'27''$ west 21.23 feet; thence north $68^{\circ}05'58''$ west 19.14 feet; thence north $56^{\circ}59'11''$ west 25.24 feet; thence north $33^{\circ}44'44''$ west 25.62 feet; thence north $48^{\circ}13'21''$ west 23.63 feet; thence north $31^{\circ}48'56''$ west 25.15 feet; thence north $13^{\circ}39'19''$ west 24.09 feet; thence north $01^{\circ}39'19''$ west 25.97 feet; thence north $08^{\circ}18'11''$ east 12.26 feet; thence north $48^{\circ}14'09''$ east 11.75 feet; thence north $30^{\circ}02'53''$ east 29.22 feet; thence north $78^{\circ}05'33''$ east 15.83 feet; thence north $43^{\circ}26'32''$ east 17.57 feet; thence north $65^{\circ}47'27''$ east 26.64 feet; thence south $54^{\circ}50'23''$ east 23.83 feet; thence south $56^{\circ}04'18''$ east 25.20 feet; thence south $15^{\circ}12'52''$ east 43.56 feet; thence south $49^{\circ}41'49''$ east 19.71 feet; thence south $74^{\circ}04'05''$ east 20.64 feet; thence north $79^{\circ}43'02''$ east 24.16 feet; thence south $67^{\circ}18'57''$ east 16.76 feet; thence south $36^{\circ}22'17''$ east 18.59 feet; thence south $24^{\circ}15'35''$ west 19.04 feet; thence south $39^{\circ}06'01''$ east 13.59 feet; thence south $66^{\circ}23'11''$ east 22.75 feet; thence south $34^{\circ}59'20''$ east 28.36 feet; thence south $01^{\circ}29'09''$ west 18.05 feet; thence south $05^{\circ}42'50''$ west 21.98 feet; thence south $19^{\circ}33'27''$ west 27.44 feet;

thence south 18°23'19" west 10.77 feet; thence south 38°51'31" west 16.58 feet; thence south 28°33'48" west 58.58 feet to the place of beginning.

PR-1 Park and Recreational District: Being a part of the northeast ¼ of the northwest ¼ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: Commencing at the northeast corner of said northwest ¼ of Section 26; thence south 89°12'27" west 422.42 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence south 11°28'07" east 39.67 feet; thence south 02°59'17" east 27.02 feet; thence south 89°12'27" west 682.77 feet; thence north 01°49'41" east 66.00 feet; thence north 89°12'27" east 675.58 feet to the place of beginning. Excepting the following: Commencing at the northeast corner of said northwest ¼ of Section 26, thence south 89°12'27" west 742.02 feet along the north line of said northwest ¼ of Section 26 to the place of beginning; thence continuing south 89°12'27" west 22.95 feet; thence south 18°19'25" east 14.87 feet; thence south 23°52'05" east 14.40 feet; thence south 44°42'18" east 12.43 feet; thence south 34°48'06" east 13.36 feet; thence south 18°46'15" east 19.49 feet; thence north 89°12'27" east 17.37 feet; thence north 10°41'50" west 28.52 feet; thence north 27°01'18" west 24.63 feet; thence north 38°33'45" west 7.57 feet; thence north 33°10'41" west 11.62 feet to the place of beginning.

R-4 Urban Single-Family Residential District: Being a part of the northeast ¼ of the northwest ¼ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: Commencing at the northeast corner of said northwest ¼ of Section 26; thence south 01°49'41" east 1330.55 feet along the east line of said section and the centerline of 47th Avenue; thence south 89°16'30" west 37.48 feet to the place of beginning; thence continuing south 89°16'30" west 703.93 feet; thence north 06°18'34" east 94.11 feet; thence north 17°57'01" east 114.36 feet; thence north 00°12'39" east 236.39 feet; thence north 53°31'40" west 136.08 feet; thence north 39°31'38" west 233.48 feet; thence north 89°12'27" east 600.55 feet; thence north 01°49'41" west 231.00 feet; thence north 89°12'27" east 134.92 feet; thence south 36°06'57" east 110.75 feet; thence south 21°37'44" east 136.05 feet; thence south 00°57'48" west 91.78 feet; thence south 14°59'37" east 101.39 feet; thence south 07°16'53" east 164.48 feet; thence south 20°17'26" east 151.29 feet; thence south 04°00'06" east 72.96 feet; thence south 11°50'52" west 151.59 feet to the place of beginning. Excepting the following: Commencing at the northeast corner of said northwest ¼ of Section 26, thence south 01°49'41" east 133.054 feet along the east line of said northwest ¼ of Section 26, thence south 89°16'30" west 425.93 feet to the place of beginning; thence continuing south 89°16'30" west 35.76 feet; thence north 33°40'17" west 5.00 feet; thence north 43°18'20" west 20.80 feet; thence north 45°37'30" west 21.51 feet; thence north 34°02'57" west 21.52 feet; thence north 52°13'13" west 17.68 feet; thence north 34°03'35" west 38.61 feet; thence north 70°15'23" west 15.36 feet; thence north 44°03'18" west 34.56 feet; thence north 71°13'13" west 21.21 feet; thence north 58°54'06" west 23.68 feet; thence north 43°05'43" west 29.53 feet; thence north 47°13'47" west 21.44 feet; thence north 46°51'55" west 26.06 feet; thence north 36°05'07" west 6.41 feet; thence north 12°01'03" east 15.95 feet; thence north 01°39'46" west 20.50 feet; thence north 26°11'13" west 23.23 feet; thence north 10°57'48" west 22.99 feet; thence north 42°27'26" east 18.75 feet; thence north 52°21'10" east 16.95 feet; thence north 41°21'43" east 29.93 feet; thence north 20°23'52" east 19.07 feet; thence north 40°56'34" east 19.03 feet; thence north 48°44'16" east 19.94 feet; thence north 89°45'38" east 25.78 feet; thence north 71°29'42" east 12.93 feet; thence north 86°05'11" east 14.24 feet; thence north 80°24'33" east 18.53 feet; thence south 66°50'01" east 45.82 feet; thence north 87°29'25" east 31.02 feet; thence north 86°20'08" east 35.71 feet; thence north 75°12'42" east 34.34 feet; thence north 12°20'34" east 37.79 feet; thence north 16°37'25" west 43.03 feet; thence north 09°43'23" west 43.87 feet; thence north 02°12'46" west 27.98 feet; thence north 15°10'02" west 23.78 feet; thence north 15°14'25" west 38.98 feet; thence north 09°29'06" west 15.22 feet; thence north 09°59'41" west 39.07 feet; thence north 08°26'59" west 19.48 feet; thence north 36°17'40" east 20.96 feet; thence north 19°28'41" west 12.42 feet; thence north 32°02'12" west 17.16 feet; thence north 89°12'27" east 30.81 feet; thence south 02°31'29" west 28.76 feet; thence south 20°59'54" west 20.58 feet; thence south 01°30'50" east 24.18 feet; thence south 10°50'42" east

29.51 feet; thence south 13°44'59" east 38.86 feet; thence south 14°26'52" east 30.06 feet; thence south 15°20'23" east 36.35 feet; thence south 12°26'01" east 30.80 feet; thence south 42°00'26" east 48.55 feet; thence south 17°57'25" east 22.62 feet; thence south 21°35'31" west 46.48 feet; thence south 08°10'25" east 26.34 feet; thence south 32°23'42" east 27.37 feet; thence south 41°00'02" east 55.52 feet; thence south 04°28'57" east 27.88 feet; thence south 23°57'31" west 35.47 feet; thence south 03°44'50" west 26.11 feet; thence south 09°22'17" east 18.07 feet; thence south 24°50'02" east 17.29 feet; thence south 14°29'48" west 10.00 feet; thence south 28°00'35" west 7.39 feet; thence south 15°41'44" west 12.93 feet; thence south 55°31'34" west 20.62 feet; thence south 10°20'45" west 27.45 feet; thence south 15°04'35" east 27.54 feet; thence south 49°14'17" west 21.65 feet; thence south 84°31'46" west 26.30 feet; thence south 48°12'41" west 35.39 feet; thence south 52°19'33" west 25.32 feet; thence south 36°25'24" west 10.99 feet to the place of beginning.

Excepting: Being a part of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 26, Township 2 North, Range 22 East in the City of Kenosha, Kenosha County, Wisconsin described as follows: commencing at the northeast corner of said northwest $\frac{1}{4}$ of Section 26, thence south 01°49'41" east 1330.54 feet along the east line of said northwest $\frac{1}{4}$ of Section 26, thence south 89°16'30" west 425.93 feet to the place of beginning; thence continuing south 89°16'30" west 35.76 feet; thence north 33°40'17" west 5.00 feet; thence north 43°18'20" west 20.80 feet; thence north 45°37'30" west 21.51 feet; thence north 34°02'57" west 21.52 feet; thence north 52°13'13" west 27.68 feet; thence north 34°03'35" west 38.61 feet; thence north 70°15'23" west 15.36 feet; thence north 44°03'18" west 34.56 feet; thence north 71°13'13" west 21.21 feet; thence north 58°54'06" west 23.68 feet; thence north 43°05'43" west 29.53 feet; thence north 47°13'47" west 21.44 feet; thence north 46°51'55" west 26.06 feet; thence north 36°05'07" west 6.41 feet; thence north 12°01'03" east 15.95 feet; thence north 01°39'46" west 20.50 feet; thence north 26°11'13" west 23.53 feet; thence north 10°57'48" west 22.99 feet; thence north 42°27'26" east 18.75 feet; thence north 52°21'10" east 16.95 feet; thence north 41°21'43" east 29.93 feet; thence north 20°23'52" east 19.07 feet; thence north 40°56'34" east 19.03 feet; thence north 48°44'16" east 19.94 feet; thence north 89°45'38" east 25.78 feet; thence north 71°29'42" east 12.93 feet; thence north 86°05'11" east 14.24 feet; thence 80°24'33" east 18.53 feet; thence south 66°50'01" east 45.82 feet; thence north 87°29'25" east 31.02 feet; thence north 66°20'08" east 35.71 feet; thence north 75°12'42" east 34.34 feet; thence north 12°20'34" east 37.79 feet; thence north 16°37'25" west 43.03 feet; thence north 09°43'23" west 43.87 feet; thence north 02°12'46" west 27.98 feet; thence north 15°10'02" west 23.78 feet; thence north 15°14'25" west 38.98 feet; thence north 09°29'06" west 15.22 feet; thence north 09°59'41" west 39.07 feet; thence north 08°26'59" west 19.48 feet; thence north 36°17'40" east 20.96 feet; thence north 19°28'41" west 12.42 feet; thence north 32°02'12" west 17.16 feet; thence north 89°12'27" east 30.81 feet; thence south 02°31'29" west 26.75 feet; thence south 20°59'54" west 20.58 feet; thence south 01°30'50" east 24.18 feet; thence south 10°50'42" east 29.51 feet; thence south 13°44'59" east 38.86 feet; thence south 14°26'52" east 30.06 feet; thence south 15°20'23" east 36.35 feet; thence south 12°26'01" east 30.80 feet; thence south 42°00'26" east 48.55 feet; thence south 17°57'25" east 22.62 feet; thence south 21°35'31" west 45.48 feet; thence south 08°10'25" east 26.34 feet; thence south 32°23'42" east 27.37 feet; thence south 41°00'02" east 55.52 feet; thence south 04°28'57" east 27.88 feet; thence south 23°57'31" west 35.47 feet; thence south 03°44'50" west 26.11 feet; thence south 09°22'17" east 18.07 feet; thence south 24°50'02" east 17.29 feet; thence south 14°29'48" west 10.00 feet; thence south 28°00'35" west 7.39 feet; thence south 15°41'44" west 12.93 feet; thence south 55°31'34" west 20.62 feet; thence south 10°20'45" west 27.45 feet; thence south 15°04'35" east 27.54 feet; thence south 49°14'17" west 21.65 feet; thence south 84°31'46" west 26.30 feet; thence south 48°12'41" west 35.39 feet; thence south 52°19'33" west 25.32 feet; thence south 36°25'24" west 10.99 feet to the place of beginning. Excepting the following commencing at the southeasternmost corner of above described legal description; thence north 48°01'41" west 53.24 feet to the place of beginning; thence north 32°08'23" west 21.14 feet; thence north 46°50'30" west 13.27 feet; thence north 44°02'50" west 47.76 feet; thence north 46°41'32" west 23.06 feet; thence north 54°39'52" west 25.14 feet; thence north 50°34'27" west

21.23 feet; thence north 68°05'58" west 19.14 feet; thence north 56°59'11" west
25.24 feet; thence north 33°44'44" west 25.62 feet; thence north 48°13'21" west
23.63 feet; thence north 31°48'56" west 25.15 feet; thence north 13°39'19" west
24.09 feet; thence north 01°39'19" west 25.97 feet; thence north 08°18'11" east
12.26 feet; thence north 48°14'09" east 11.75 feet; thence north 30°02'53" east
29.22 feet; thence north 78°05'33" east 15.83 feet; thence north 43°26'32" east
17.57 feet; thence north 65°47'27" east 26.64 feet; thence south 54°50'23" east
23.83 feet; thence south 56°04'18" east 25.20 feet; thence south 15°12'52" east
43.56 feet thence south 49°41'49" east 19.71 feet; thence south 74°04'05" east
20.64 feet; thence north 79°43'02" east 24.16 feet; thence south 67°18'57" east
16.76 feet; thence south 36°22'17" east 18.59 feet; thence south 24°15'35" west
19.04 feet; thence south 93°06'01" east 13.59 feet; thence south 66°23'11" east
22.75 feet; thence south 34°59'20" east 28.36 feet; thence south 01°29'09" west
18.05 feet; thence south 05°42'50" west 21.98 feet; thence south 19°33'27" west
27.44 feet; thence south 18°23'19" west 10.77 feet; thence south 38°51'31" west
16.58 feet; thence south 28°33'48" west 58.58 feet to the place 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

It was moved by Supervisor Smitz to adopt Ordinances 46 thru 51. Seconded by Supervisor Molinaro.

Motion carried.

Resolutions - one reading.

RESOLUTION 85

85. From Administration and Finance Committees regarding Terminating Membership in Kenosha Health Care Partners, Inc.

WHEREAS, Kenosha County has been a member of Kenosha Health care PARTNERS, Inc. (KHCP) for the provision of all its health care since its inception, and

WHEREAS, Kenosha County has recently requested a legal opinion from the Attorney General's Office regarding the legality of the County's participation in KHCP, and

WHEREAS, the Corporation Counsel's Office is in receipt of the requested opinion from the Attorney General's Office, and

WHEREAS, the attached opinion clearly prohibits the County from forming and participating in a corporation such as KHCP.

NOW, THEREFORE, BE IT RESOLVED that Kenosha County terminate its membership in KHCP as of 11:59:59 p.m. on 12/31/02.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Mark Modory

John Ruffolo

Joseph Clark

Tom Kerkman

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Singer to adopt Resolution 85. Seconded by Supervisor Carbone.

Motion carried.

RESOLUTION 86

86. From Administration and Finance Committees Selecting a Provider for the Kenosha County Health Insurance Program.

WHEREAS, the County has developed a request for proposals (RFP) for both health insurance and the prescription drug program, and

WHEREAS, Milliman USA has been selected by the County to solicit and analyze the responses to the RFP, and

WHEREAS, Milliman USA has completed their analysis of the RFP responses for the provision of health coverage for the County and has recommended that the County enter into a self-insured health insurance program, and

WHEREAS, the provider selected for this purpose commencing on January 1, 2002, is Compicareblue Health Services, and

WHEREAS, since the County will be self-insured, an actuary will annually determine the self-insured reserves necessary for the County to maintain a fiscally sound program.

NOW, THEREFORE, BE IT RESOLVED that the County administration enter into, and execute, the appropriate agreements with CompicareBlue Health Services, and

BE IT FURTHER RESOLVED that an actuarially determined self-insured reserve shall be maintained in the health insurance fund as required by generally accepted accounting principles.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Mark Modory

John Ruffolo

Joseph Clark

Tom Kerkman

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Singer to adopt Resolution 86. Seconded by Supervisor Carbone.

Motion carried.

RESOLUTION 87

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

WHEREAS, the Wisconsin State Statutes provided 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

Disability Grouping #1

Payment Groups Grand Total

PAYMENT GROUPS

\$141,462.04

\$ 64,101.62

\$215,563.66

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 87. Seconded by Supervisor Rose.

Motion carried.

RESOLUTION 88

88. From Finance Committee regarding Authorizing the Borrowing of not to Exceed \$9,065,000.00 and Providing for the Issuance and Sale of Taxable Note Anticipation Notes Thereof.

On file in the County Clerk's Office.

It was moved by Supervisor Carbone to adopt Resolution 88. Seconded by Supervisor Rose.

Motion carried unanimously.

RESOLUTION 89

89. From Finance Committee regarding Awarding the Sale of \$4,270,000.00 General Obligation Promissory Notes, Series 2002B; Providing the Form of the Notes; and Levying a Tax in Connection Therewith.

WHEREAS, on November 14, 2001, 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 \$4,270,000" (the "Initial Resolution") for the public purpose of paying the cost of remodeling, renovating and improving various County buildings and sites; constructing, extending, repairing and improving

bridges and roads; and acquiring land or interests in land, vehicles, equipment, 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 \$4,270,000 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 FOUR MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$4,270,000) 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 FOUR MILLION TWO HUNDRED SEVENTY THOUSAND DOLLARS (\$4,270,000) (the "Notes"). The County shall offer the Notes for public sale on or about December 3, 2002.

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 irrevocable 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 13th day of November, 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 89. Seconded by Supervisor Rose.

Motion carried unanimously.

RESOLUTION 90

90. From Finance Committee regarding December Bill Payment Procedure - County Board Approval.

WHEREAS, all bills over \$5000 require prior approval of the full County Board, and

WHEREAS, past practice has been to cancel the second meeting of the County Board scheduled in December, and

WHEREAS, all bills greater than \$1,000, less than \$5001 require prior approval of the Finance Committee, and

WHEREAS, cancellation of the normally scheduled meetings results in a potential delay in paying the bills of the County on a timely basis.

NOW, THEREFORE, BE IT RESOLVED that pursuant to the Home Rule Provisions of Chapter 59 of the State Statutes, the prior approval requirement be waived, contingent upon cancellation of the normally scheduled meetings as follows:

BE IT FURTHER RESOLVED that prior approval of the Finance Committee shall not be required for all bills greater than \$1,000 but less than \$5000.11, received by the County after November 22, 2002, but before December 12th 2002. These checks shall not be released before December 13th, 2002.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Robert Pitts

Terry Rose

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 90. Seconded by Supervisor O'Day.

Motion carried.

RESOLUTION 91

91. From Judiciary & Law Committee regarding Double Bunking Staffing Agreement.

WHEREAS, half of the segregation unit at the Kenosha County Detention Center, identified as H-East, is to be double bunked increasing it's capacity from 22 beds to 43 beds, and

WHEREAS, Wisconsin Administrative Code, DOC 350.07 (2), requires a joint signed agreement between the County Board of Supervisors and the Sheriff on the staffing needs of the double bunked area, and

WHEREAS, this increase in inmate bed space in one half of the Segregation Unit of KCDC, identified as H-East, does not appear at this time to require an increase in permanent personnel to ensure the health, safety and security of the detentions staff or inmates, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept this resolution as a signed agreement with the Sheriff as to the staffing needs of the double bunked area of the KCDC identified as H-East.

BE IT FURTHER RESOLVED, that this written mutual agreement will remain in effect until recinded or amended by mutual written agreement of the County Board and the Sheriff.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 91. Seconded by Supervisor Montemurro.

Motion carried.

RESOLUTION 92

92. From the Land Use Committee regarding Resolution extending a moratorium on changes to the Boundaries of the floodplains and shorelands under County Zoning Jurisdiction in the Des Plaines River Watershed.

WHEREAS, the Kenosha County Board of Supervisors on January 15, 2002 adopted Resolution 145 enacting a moratorium on changes to the boundaries of the floodplains and shorelands under county zoning jurisdiction in the Des Plaines River watershed; and

WHEREAS, the adopted moratorium is to expire on December 31, 2002; and

WHEREAS, significant portion of Kenosha County is located within the Des Plaines River watershed; and

WHEREAS, Kenosha County, in cooperation with Racine County and the Southeastern Wisconsin Regional Planning Commission (SEWRPC), is nearing completion of a comprehensive study of the Des Plaines River watershed (comprehensive watershed study); and

WHEREAS, the objectives of that comprehensive watershed study, which include addressing problems related to floodplain management and water pollution within the context of changing land use, relate directly to the county's role in the regulation of shorelands and floodlands; and

WHEREAS, Kenosha County anticipates that the comprehensive watershed study will now be completed early 2003; and

WHEREAS, Kenosha County plans to review and consider adoption of the findings of the comprehensive watershed study by late Spring 2003; and

WHEREAS, changes to the boundaries of the shorelands and floodplains without benefit of the updated information in the comprehensive watershed study could result in activities being carried out which have the potential to negatively impact stormwater drainage, flooding, and water quality in the watershed; and

WHEREAS, a temporary moratorium on changes to the boundaries of the Shorelands and floodplains, as described herein, is for a reasonable duration and is based on the facts of the situation described herein;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors hereby extends the moratorium in effect on consideration or approval of changes proposed after the adoption of this resolution in the boundaries of the floodplain districts or shoreland areas of the Des Plaines River watershed which are under county jurisdiction for floodplain and shoreland zoning purposes, as defined in the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, until July 1, 2003 unless further extended by the Kenosha County Board of Supervisors; and

BE IT FURTHER RESOLVED that exceptions to this moratorium may be authorized by the Kenosha County Land Use Committee in instances where there has been a demonstrated hardship, a compelling public interest, a necessity for fairness and equity, and where it can be adequately demonstrated that there will be no detrimental effect on drainage or flooding and the proposal is in compliance with the preliminary findings of the study. If any map amendments are recommended to the Land Use Committee, they will be submitted by ordinance to the Kenosha County Board of Supervisors for their approval.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Fred Ekornaas

Mark Molinaro, Jr.

Irving Larsen

Thomas J. Gorlinski

It was moved by Supervisor Smitz to adopt Resolution 92. Seconded by Supervisor Molinaro.

Motion carried.

Communications.

16. From George E. Melcher, Director of Planning and Development, regarding future rezoning.

17. From Jean A. Morgan, City Clerk, regarding Annexation of 53.294 acres of land, more or less from the Town of Somers.

Chairman Kessler referred Communications 16 & 17 to Land Use Committee.

It was moved by Supervisor Huff to approve the November 12, 13 and 19th minutes. Seconded by Supervisor Ekornaas.

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

Motion carried.

Meeting adjourned at 9:50 p.m.

Prepared by: Pam Young
Chief Deputy

Submitted by: Edna R. Highland
County Clerk