

*Kenosha*



*County*

## COUNTY BOARD OF SUPERVISORS

### NOTICE OF MEETING

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COUNTY BOARD OF RULES OF PROCEDURE ANY REPORT, RESOLUTION, ORDINANCE OR MOTION APPEARING ON THIS AGENDA MAY BE AMENDED, WITHDRAWN, REMOVED FROM THE TABLE, RECONSIDERED OR RESCINDED IN WHOLE OR IN PART AT THIS OR AT FUTURE MEETINGS.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

**NOTICE IS HEREBY GIVEN** the **Regular County Board Meeting** of the Kenosha County Board of Supervisors will be held on **Tuesday, the 21st day of September at 7:30PM.**, in the County Board Room located in the Administration Building. The following will be the agenda for said meeting:

- A. Call To Order By Chairman O'Day
- B. Pledge Of Allegiance
- C. Roll Call Of Supervisors
- D. Citizen Comments
- E. Announcements Of The Chairman
- F. Supervisor Reports
- G. COUNTY EXECUTIVE APPOINTMENTS

34. Edward Kubicki To Serve On The Kenosha County Local Emergency Planning Committee

Documents:

[KUBICKI - LEPC 2021.PDF](#)

- H. NEW BUSINESS

Resolution - One Reading

55. From The Human Services Committee - A Resolution To Designate Kenosha County As The Coordinator Of Transportation Services For Elderly And Disabled Persons In The County

Documents:

[DADBHS TRANSPORTATION.PDF](#)

56. From The Human Services And Finance/Administration Committees - A Resolution To Modify The Division Of Aging, Disability And Behavioral Health Services 2021 Budget For A Grant — Crisis Law Enforcement Emergency Detention

Documents:

[RESOLUTION TO MODIFY THE DAD AND BHS 2021 BUDGET FOR A GRANT- CRISIS LAW ENFORCEMENT EMERGENCY DETENTION.PDF](#)

57. From The Judiciary & Law Enforcement And Finance/Administration Committees - A Resolution To Accept The 2021 Walmart Foundation Grant - Discharge Planner Program

Documents:

[2021 WALMART FOUNDATION GRANT - DISCHARGE PLANNER PROGRAM.PDF](#)

58. From The Public Works And Finance/Administration Committees - A Resolution Authorizing Director Of Parks To Apply For Grant Funding From The County Conservation Aids Program With The Wisconsin Department Of Natural Resources Which Will Be Used To Stock Fish In Kenosha County Veterans Memorial Park

Documents:

[RESOLUTION AUTHORIZING DIRECTOR OF PARKS TO APPLY FOR GRANT FUNDING FROM THE COUNTY CONSERVATION AIDS PROGRAM WITH WDNR.PDF](#)

59. From The Public Works And Finance/Administration Committees - A Resolution Authorizing Easement Of HWY RIGHT-OF-WAY On CTHS Q And U To Uline Corporation For Maintenance

Documents:

[RESOLUTION AUTHORIZING EASEMENT OF HWY RIGHT-OF-WAY ON CTHS Q AND U TO ULINE CORPORATION FOR MAINTENANCE.PDF](#)

60. From The Public Works And Finance/Administration Committees - A Resolution Authorizing Transfer Of Part Of One Parcel To The State Of Wisconsin Department Of Transportation For Highway 158 Project

Documents:

[RESOLUTION AUTHORIZING TRANSFER OF PART OF ONE PARCEL TO THE STATE OF WI DEPT OF TRANS FOR HIGHWAY 158 PROJECT.PDF](#)

## I. COMMUNICATIONS

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

Documents:

J. CLAIMS

15. Bill E. Beth - Petition Of Writ Of Certiorari

Documents:

BETH WRIT OF CERTIORARI.PDF

K. Adjourn



# COUNTY OF KENOSHA

## OFFICE OF THE COUNTY EXECUTIVE

Jim Kreuser, County Executive

1010 – 56<sup>th</sup> Street, Third Floor

Kenosha, Wisconsin 53140

(262) 653-2600

Fax: (262) 653-2817

## ADMINISTRATIVE PROPOSAL

### COUNTY EXECUTIVE APPOINTMENT 2021/22-34

#### RE: KENOSHA COUNTY LOCAL EMERGENCY PLANNING COMMITTEE

TO THE HONORABLE KENOSHA COUNTY BOARD OF SUPERVISORS:

Placing special trust in his/her/their judgment and based upon his/her/their qualifications, I hereby submit to the honorable Kenosha County Board of Supervisors for its review and approval the name of

Edward Kubicki  
Kenosha, WI 53140

to serve a three-year term on the Kenosha County Local Emergency Planning Committee as the County Board representative (Group 1), beginning immediately upon the confirmation of the County Board and continuing until the 1st day of November 2024 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors.

Edward Kubicki will serve without pay.

Edward Kubicki will be filling a vacancy on the Committee.

Respectfully submitted this 16<sup>th</sup> day of September 2021.

Jim Kreuser

Kenosha County Executive

COUNTY OF KENOSHA  
OFFICE OF THE COUNTY EXECUTIVE  
JIM KREUSER

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

(Please type or print)

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

Name: Edward D. Kubicki  
First Middle Initial (optional) Last

\*Residence Address: \_\_\_\_\_

Occupation: Kemper Center, Inc. Executive Director  
Company Title

\*Business Address: \_\_\_\_\_

\*Telephone Number: Residence \_\_\_\_\_ \*Business \_\_\_\_\_

\*Daytime Telephone Number: \_\_\_\_\_

\*Email Address: \_\_\_\_\_

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

Local Emergency Planning Committee

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

I believe that my 30 plus years as a professional firefighter in the City of Highland Park, Illionios would be an asset on the Local Emergency Planning Committee.

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

Additional Information:

N/A

Nominee's Supervisory District: 6

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

Boys and Girls Club

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

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

Former Police and Fire Commissioner, Former Hope Council Member, Former Shalom Center Volunteer.

Governmental Services: List services with any governmental unit.

County Board Supervisor District 6

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



Signature of Nominee

09/13/2021

Date

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

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(For Office Use Only)

Appointed To: \_\_\_\_\_  
Commission/Committee/Board

Term: Beginning \_\_\_\_\_ Ending \_\_\_\_\_

Confirmed by the Kenosha County Board on: \_\_\_\_\_


New Appointment ☒

Reappointment ☐

Previous Terms: \_\_\_\_\_  
\_\_\_\_\_

**KENOSHA COUNTY**  
**BOARD OF SUPERVISORS**

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

<b>Subject:</b> <b>Resolution to designate Kenosha County as the coordinator of transportation services for elderly and disabled persons in the county.</b>	
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/>	2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>
Date Submitted:	Date Resubmitted:
Submitted By: Human Services Committee	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: Rebecca Dutter	Signature: 

**WHEREAS**, Chapter 49, Section 5310, United States Code, Elderly and Disabled Transportation program provides for capital Mobility Management assistance to be used in service the special transportation needs of elderly and disabled persons for whom regular public transit services are unavailable, insufficient or inappropriate; and

**WHEREAS**, the Kenosha County Division of Aging, Disability and Behavioral Health Services has successfully sponsored a Mobility Management program since 2008 which serves as a focal point for transportation inquiries, problem resolution and promotion of transportation services which currently includes paratransit services (Care-A-Van), Western Kenosha County Transit and Volunteer Transportation Service; and

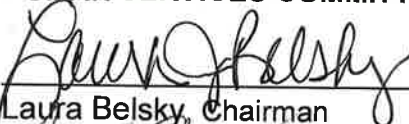
**WHEREAS**, Federal Transit Administration Circular 9070.1 states that Mobility Management consists of short-range planning activities for improving coordination among public and other transportation provides with the result of improving and expanding the accessibility of service; and


**WHEREAS**, the Wisconsin Administrative Code, Trans 2.10 Public Body Applicants, requires the County Board Resolution designating a local public body as the coordinator of transportation services for elderly and disabled persons in the county as a condition of eligibility for 5310 Mobility Management funds; and

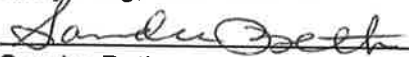
**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of supervisors designates Kenosha County as the local public body to coordinate transportation services for elderly and disabled persons in Kenosha County.



**HUMAN SERVICES COMMITTEE:**

  
Laura Belsky, Chairman


  
Andy Berg, Vice Chairman

  
Sandra Beth

  
Erin Decker

  
Jerry Gulley

  
Kim Lewis

  
Terry Rose

Aye   Nay   Abstain   Excused

☒ ☐ ☐ ☐

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**KENOSHA COUNTY**  
**BOARD OF SUPERVISORS**

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

<b>Subject:</b> <b>Resolution to modify the Division of Aging, Disability and Behavioral Health Services 2021 budget for a grant: Crisis Law Enforcement Emergency Detention</b>			
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/>		2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:		Date Resubmitted:	
Submitted By: Human Services Committee			
Fiscal Note Attached <input type="checkbox"/>		Legal Note Attached <input type="checkbox"/>	
Prepared By: Rebecca Dutter		Signature: 	

**WHEREAS**, the Kenosha County Department of Human Services, Division of Aging, Disability & Behavioral Health Services, received a seven- month grant from the State of Wisconsin Department of Health Services, effective August 15, 2021, focused on improving communication between Emergency Medical Services (EMS) and Crisis services, and

**WHEREAS**, Kenosha County Division of Aging, Disability & Behavioral Health Services in partnership with Kenosha County crisis contractor, Kenosha Human Development Services will provide training and education to EMS to support communication and collaboration in crisis situations through several continuing education classes and case review, and

**WHEREAS**, over 90% of local EMS will be trained to identify signs and symptoms of a behavioral crisis, how to determine need and how to obtain crisis services, and

**WHEREAS**, The Kenosha County Division of Aging, Disability & Behavioral Health will receive a seven month grant up to \$33,484 and

**WHEREAS**, this budget modification poses no levy funded costs to the County.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Department of Human Services, Division of Aging, Disability & Behavioral Health Services, be authorized to increase purchased expenses by up to \$33,484 over seven months per attached budget modification incorporated herein by referenced.

# HUMAN SERVICES COMMITTEE:

Laura Belsky  
 Laura Belsky, Chairman

Andy Berg  
 Andy Berg, Vice Chairman

Sandra Beth  
 Sandra Beth

Erin Decker  
 Erin Decker

Jerry Guiley  
 Jerry Guiley

Kim Lewis  
 Kim Lewis

Terry Rose  
 Terry Rose

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
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## FINANCE/ADMINISTRATION COMMITTEE:

Jeff Gentz  
 Jeff Gentz, Chairman

Ron Frederick  
 Ron Frederick, Vice Chairman

David Celebre  
 David Celebre

John Franco  
 John Franco

Edward D. Kubicki  
 Ed Kubicki

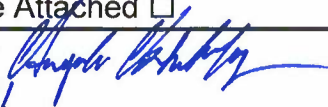
Jeff Wamboldt  
 Jeff Wamboldt

Monica Yuhos  
 Monica Yuhos

<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Excused</u>
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**KENOSHA COUNTY  
BOARD OF SUPERVISORS  
RESOLUTION NO. \_\_\_\_\_**

<b>Subject: 2021 Walmart Foundation Grant – Discharge Planner Program</b>			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:		Date Resubmitted	
Submitted By: <b>Judiciary &amp; Law Enforcement Committee &amp; Finance/Administration Committee</b>			
Fiscal Note Attached X		Legal Note Attached <input type="checkbox"/>	
Prepared By: <b>Angela Khabbaz</b>		Signature:  8/18/21	

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$1,000.00 from the Walmart Foundation to assist the Discharge Planner program, and

WHEREAS, the Kenosha County Sheriff's Department Discharge Planner program helps individuals suffering from addictions and receive treatment through the County's Health Department including therapy and medically assisted treatment, and

WHEREAS, the funds will enable the program to buy supplies that the inmates may need upon release from custody, for example, clothing, snacks, etc., and

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

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the this grant and approve the revenue and expenditure budget modifications, to the 2021 budget, as per the budget modification form, which is incorporated herein by reference, and

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

Note: This resolution requires no funds from the general fund. It increases revenues by \$1,000 and increases expenditures by \$1,000.

<b>Subject: 2021 Walmart Foundation Grant – Discharge Planner Program</b>			
Original <input checked="" type="checkbox"/>	Corrected <input type="checkbox"/>	2 <sup>nd</sup> Correction <input type="checkbox"/>	Resubmitted <input type="checkbox"/>
Date Submitted:		Date Resubmitted:	
Submitted By: <b>Judiciary &amp; Law Enforcement Committee &amp; Finance/Administration Committee</b>			

Respectfully Submitted,  
JUDICIARY AND LAW ENFORCEMENT COMMITTEE

Sharon Pomaville  
Supervisor Sharon Pomaville, Chair

Boyd Frederick  
Supervisor Boyd Frederick, Vice Chair

Jeff Wamboldt  
Supervisor Jeff Wamboldt

Laura Belsky  
Supervisor Laura Belsky

Mark Mordigan  
Supervisor Mark Mordigan

Jerry Gulley  
Supervisor Jerry Gulley

Terry Rose  
Supervisor Terry Rose

<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
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FINANCE/ADMINISTRATION COMMITTEE

Jeff Gentz  
Supervisor Jeffrey Gentz, Chair

Ren Frederick  
Supervisor Ren Frederick, Vice Chair

David Celebre  
Supervisor David Celebre

Supervisor Jeff Wamboldt

Edward D. Kubicki  
Supervisor Ed Kubicki

Monica Yuhás  
Supervisor Monica Yuhás

John Franco  
Supervisor John Franco

<u>Aye</u>	<u>No</u>	<u>Abstain</u>	<u>Excused</u>
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Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: Law Enforcement Department: SHERIFF

Proposal Summary (attach explanation and required documents):

A resolution to accept \$1,000 of grant funds offered through the Walmart Foundation. This grant was applied by DSO Edward Hartnell who is also the Discharge Coordinator for the department. The funds will be used to buy supplies inmates may need upon release from custody.

Dept./Division Head Signature: Captain [Signature]

Date: 08/20/2021

**2. Department Head Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: [Signature]

Date: 8-22-21

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: [Signature]

Date: 8/24/21

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: [Signature]

Date: 8-24-21

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



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

DEPT/DIVISION: **SHERIFF** **2021**

DOCUMENT # _____	G/L DATE _____
BATCH # _____	ENTRY DATE _____

PURPOSE OF BUDGET MODIFICATION (REQUIRED): To modify Sheriff Detentions 2021 budget to recognize grant funding from the Walmart Foundation to assist the Discharge Planner Program

(1) MAIN ACCOUNT DESCRIPTION						BUDGET CHANGE REQUESTED			(5) ADOPTED BUDGET	(6) CURRENT BUDGET	(7) ACTUAL EXPENSES	AFTER TRANSFER	
(2)						(3)	(4)	(8)				(9)	
EXPENSES	FUND	DIVISION	SUB-DIVISION	MAIN ACCT	PROJECT	SUB-PROJECT	EXPENSE INCREASE (+)	EXPENSE DECREASE (-)				REVISED BUDGET	EXPENSE BAL AVAIL
Grant Payment Programs	100	210	2130	571580			1,000		0	8,100	3,500	9,100	5,600
EXPENSE TOTALS							1,000	0	0	8,100	3,500	9,100	5,600

REVENUES	FUND	DIVISION	SUB-DIVISION	MAIN ACCT	PROJECT	SUB-PROJECT	REVENUE DECREASE (+)	REVENUE INCREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	REVISED BUDGET
	FUND	DIVISION	SUB-DIVISION	MAIN ACCT	PROJECT	SUB-PROJECT	REVENUE DECREASE (+)	REVENUE INCREASE (-)	ADOPTED BUDGET	CURRENT BUDGET	REVISED BUDGET
Sundry Dept Revenue	100	210	2120	448520				1,000	0	0	1,000
REVENUE TOTALS							0	1,000	0	0	1,000

COLUMN TOTALS (EXP TOTAL + REV TOTAL)

1,000 1,000

PREPARED BY: [Signature] 8/18/21

DIVISION HEAD: Captain Jimmie Puck #195 DATE: 08/20/2021

DEPARTMENT HEAD: [Signature] DATE: 8-23-21

FINANCE DIRECTOR: [Signature] 8/24/21  
(required)

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

COUNTY EXECUTIVE: [Signature] DATE: 8-24-21

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

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

KENOSHA COUNTY SHERIFFS DEPARTMENT  
477788TH AVE  
KENOSHA WI 53144



\* **Walmart**  
702 S.W. 8th ST.  
BENTONVILLE, AR 72716

INCLUDES  
AIDCO  
SAM'S CLUB  
BUD'S OUTLET STORES  
GMA+USA

NORTH ARKANSAS WHOLESALE CO., INC.  
BEAVER LAKE AVIATION, INC.  
PHILLIPS COMPANIES, INC.  
WAL\*MART PHARMACY OF MICHIGAN, INC.  
WAL\*MART PUERTO RICO, INC.

CHECK NUMBER: 1095376

VENDOR: /9999999975 KENOSHA COUNTY SHERIFFS DEPARTMENT	1000.00	0.00	1000.00
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↓ DETACH AT PERFORATION ↓

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER. THE BACK OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK - HOLD AT AN ANGLE TO VIEW

Walmart 

Walmart\*

702 S.W 8th St. BENTONVILLE, AR 72716

WELLS FARGO BANK, N.A. 66-156  
CHARLOTTE, NC 28288-0013 531

NON-NEGOTIABLE AFTER 180 DAYS  
1095376

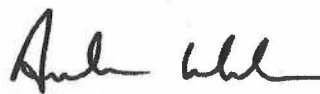
ONE THOUSAND DOLLARS AND NO CENTS

5

DOLLARS	CENTS
*****1,000.00	
NET AMOUNT OF CHECK	

TO THE KENOSHA COUNTY SHERIFFS DEPARTMENT  
ORDER 477788TH AVE  
OF KENOSHA WI 53144

WALMART, INC.



Treasurer



1095376 1053101561 2079900136854


**Kenosha**



**County**

**BOARD OF SUPERVISORS**

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

Subject: Resolution authorizing Director of Parks to apply for grant funding from the County Conservation Aids Program with the Wisconsin Department of Natural Resources (WDNR) which will be used to stock fish in Kenosha County Veterans Memorial Park.	
Original <input checked="" type="checkbox"/> Corrected <input type="checkbox"/> 2 <sup>nd</sup> Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted: 9/13/21	Date Resubmitted:
Submitted by: Matthew Collins	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared by: Matthew Collins	Signature: 

WHEREAS, Kenosha County has constructed a parkway, parking lots, restroom facility, 45 acres of prairie, trail development, boat launch, pier and multiuse dock to improve access to its natural amenities within Kenosha County Veterans Memorial Park; and

WHEREAS, Kenosha County desires to participate in a WDNR county fish and game project to stock Kenosha County Veterans Memorial Park lake; and

WHEREAS, the WDNR has grant funding available through the County Conservation Aids program specifically for the installation of fish and game projects; and

WHEREAS, the total estimated cost of the project is \$2,998.30, of which \$1,499.15 will be Kenosha County match; and

WHEREAS, the WDNR requires County Board approval as a step in the grant process; and

WHEREAS, the matching funds was accounted for in the 2021 Kenosha County budget; and

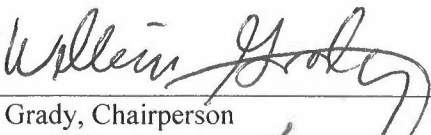
NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors authorizes the Director of Parks to act on its behalf to submit an application to the WDNR for a County Conservation Grant, sign documents and take necessary action to undertake, direct and complete the submission of the grant application for these projects.

WDNR County Conservation Aids Grant Resolution  
 August 4, 2021  
 Page 2

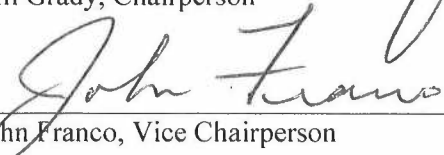
Respectfully Submitted:

Committee:

Aye      Nay      Abstain      Excused

  
 Bill Grady, Chairperson


<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 John Franco, Vice Chairperson


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

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 Supervisor Andy Berg

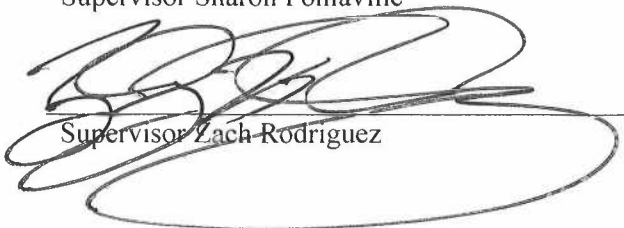
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Excused   
 Supervisor Gabe Nudo

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 Supervisor Sharon Pomaville

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Supervisor Zach Rodriguez

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

	Aye	Nay	Abstain	Excused
 Supervisor Jeffrey Gentz, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Ronald J. Frederick, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor John Franco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor David Celebre	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Ed Kubicki	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Supervisor Jeff Wamboldt	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
 Supervisor Monica Yuhas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

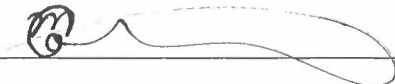
# Kenosha County Administrative Proposal Form

## 1. Proposal Overview

Division: Parks Department: Public Works

Proposal Summary (attach explanation and required documents):

Resolution authorizing Director of Parks to apply for grant funding from the County Conservation Aids Program with the Wisconsin Department of Natural Resources (WDNR) which will be used to stock fish at Kenosha County Veteran's Memorial Park Lake.

Dept./Division Head Signature:  Date: 8.4.21

## 2. Department Head Review

Comments:

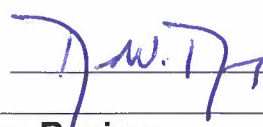
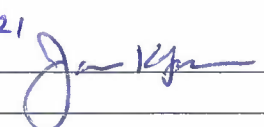
Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature:  Date: 8-10-21

## 3. Finance Division Review

Comments:


Recommendation: Approval ☒ Non-Approval ☐

Finance Signature:  8/12/21  Date: 8-5-21

## 4. County Executive Review

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature:  Date: 8/3/21

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING EASEMENT OF HWY RIGHT-OF-WAY ON CTHS Q AND U TO ULINE CORPORATION FOR MAINTENANCE	
Original X    Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Clement Abongwa	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature:

WHEREAS, Kenosha County owns certain highway Right-of Way properties contiguous to Hwys Q and U located in the Village of Pleasant Prairie, more particularly described on the attached documents, and

WHEREAS, Uline Corporation operates its business on and owns land contiguous to these right-of-ways, and

WHEREAS, Uline has shown a history of excellent maintenance, landscaping and care of its property and wishes to maintain this contiguous right-of-way in an aesthetically pleasing manner consistent with its own property, and

WHEREAS Kenosha County Highways Department is confident that Uline will maintain the right-of-ways in a safe and responsible manner which will ultimately relieve Kenosha County of the obligation to do so, and

WHEREAS, Uline will agree in the easement terms (see attached easement document) to restore the County right-of-way to its current state or better and with oversight of the Kenosha county Division of Highways, and

WHEREAS, This agreement is a cooperative effort which will benefit both parties and beautify the area, and

WHEREAS, The Director of Kenosha County Highway Division recommends such easement agreement to provide mutual benefit to the local and State motoring public, to improve safety and in the best interest of the citizens of this community.

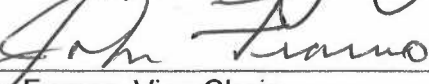
NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors hereby agrees to authorize the attached easement as described to the Uline Corporation and record the easement immediately or as soon as possible; and

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

Respectfully submitted by:

PUBLIC WORKS COMMITTEE

  
William Grady, Chairman

  
John Franco, Vice Chair

  
Laura Belsky

  
Zach Rodriguez

  
Sharon Pomaville

  
Andy Berg

  
Gabe Nudo

Aye No Abstain

☒ ☐ ☐

☒ ☐ ☐

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☒ ☐ ☐

☒ ☐ ☐

☐ ☐ ☐



Respectfully submitted by:

FINANCE COMMITTEE

Jeffrey Gentz  
Jeffrey Gentz, Chairman

Ron Frederick  
Ron Frederick, Vice Chair

David Celebre  
David Celebre

Jeff Wamboldt  
Jeff Wamboldt

Edward D. Kubicki  
Edward Kubicki

Monica Yuhaz  
Monica Yuhaz

John Franco  
John Franco

Aye No Abstain

☒ ☐ ☐

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Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: DPW/Highway Department: Corporation Counsel

Proposal Summary (attach explanation and required documents):

This proposal requests authorization for transfer of easement rights on a County-owned right-of-way contiguous to CTHs Q and U to Uline Corporation for their continued maintenance, care and landscaping as this ROW is contiguous to their corporate property and they seek consistent aesthetic appearance in the area.

Dept./Division Head Signature: Clement Abongwa Date: 08/22/21

**2. Public Works Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: [Signature] Date: 8-23-21

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: [Signature] <sup>8/26/21</sup> Date: 8/23/21

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: [Signature] Date: 8/31/21

Document Number

**EASEMENT  
RIGHT OF WAY HWYS Q, U**

For good and valuable consideration, **COUNTY OF KENOSHA**, hereinafter referred to as "grantor", owner of land, grants and warrants to **ULINE CORPORATION**, hereinafter referred to as "grantee", a permanent easement upon, within and beneath a part of grantor's land hereinafter described, for the sum of one dollar (\$1.00) for maintaining, irrigating and landscaping the area of the right-of-way in particularized areas contiguous to County Highways Q and U.

The easement area is described as set forth in attached **Exhibit A**.

1. **Buildings or Other Structures:** The grantee agrees that no buildings or other structures will be erected in the easement area, and that all maintenance, irrigation and landscaping will be performed in a safe and prudent manner and will be in compliance with all State of Wisconsin and local codes, and other state, federal and local regulations for the type of activity involved.
2. **Restoration:** Grantee agrees to restore or cause to have restored the grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry, or to a better condition, by the grantee or its agents.
3. **Binding on Approved Successor or Assigns:** This grant of easement may not be transferred or assigned by grantee without the express written consent of the grantor.
4. **Oversight:** Kenosha County Division of Highways retains a right to review and be fully informed of all maintenance, irrigation and landscaping on an ongoing basis.

RETURN TO:  
Kenosha Co. Corporation Counsel  
912 - 56<sup>th</sup> Street  
Kenosha, WI 53140

\_\_\_\_\_  
(Parcel Identification Number)

By: \_\_\_\_\_  
**Jim Kreuser**  
Kenosha County Executive

By: \_\_\_\_\_  
**Jim Maloney**  
Uline Corporation

Personally subscribed and sworn to before me in Kenosha County, Wisconsin on \_\_\_\_\_, 2021, by the above named County Executive and Uline Representative.

Signed \_\_\_\_\_ by Notary Public \_\_\_\_\_  
Notary Public, State of Wisconsin. My commission expires: \_\_\_\_\_.

**COUNTY TRUNK HIGHWAY 'U', WISCONSIN**

**MAINTENANCE AGREEMENT EASEMENT LEGAL DESCRIPTION**

THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 21 EAST, OF THE FOURTH PRINCIPAL MERIDIAN SAID LAND BEING IN THE VILLAGE OF BRISTOL, COUNTY OF KENOSHA AND STATE OF WISCONSIN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE SOUTH 00 DEGREES 42 MINUTES 38 SECONDS EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 80.02 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 58 SECONDS EAST, A DISTANCE OF 42.44 FEET TO THE POINT OF BEGINNING;

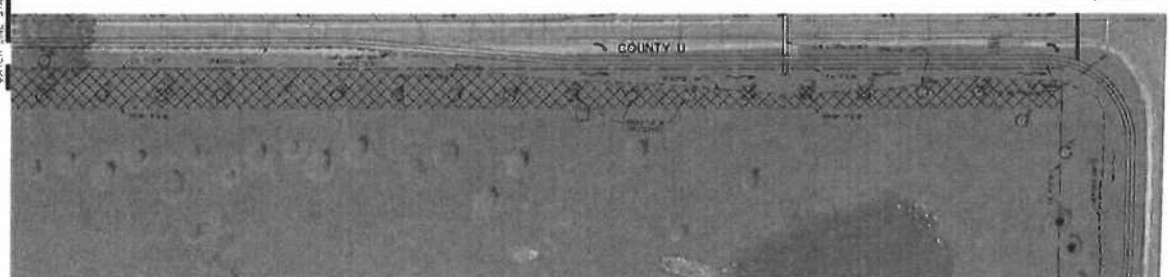
THENCE SOUTH 89 DEGREES 33 MINUTES 58 SECONDS EAST, A DISTANCE OF 17.57 FEET TO A POINT ON A LINE BEING 60.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE; THENCE SOUTH 00 DEGREES 42 MINUTES 38 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1227.43 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 22 SECONDS WEST, A DISTANCE OF 27.00 FEET TO A POINT ON A LINE BEING 33.00 FEET EAST OF AND PARALLEL WITH SAID WEST LINE; THENCE NORTH 00 DEGREES 42 MINUTES 38 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 814.63 FEET; THENCE NORTH 05 DEGREES 34 MINUTES 42 SECONDS EAST, A DISTANCE OF 73.70 FEET; THENCE NORTH 02 DEGREES 52 MINUTES 09 SECONDS EAST, A DISTANCE OF 151.36 FEET; THENCE NORTH 03 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 83.52 FEET; THENCE NORTH 12 DEGREES 59 MINUTES 38 SECONDS WEST, A DISTANCE OF 37.26 FEET; THENCE NORTH 02 DEGREES 40 MINUTES 05 SECONDS EAST, A DISTANCE OF 69.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 28,783 SQUARE FEET, (0.661 ACRES) MORE OR LESS.

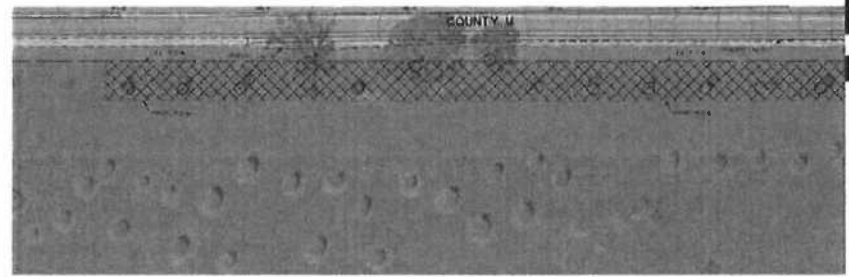
PREPARED BY:  
MANHARD CONSULTING, LTD.  
ONE OVERLOOK POINT, SUITE 290  
LINCOLNSHIRE, ILLINOIS, 60069  
PHONE: 847.634.5550  
[WWW.MANHARD.COM](http://WWW.MANHARD.COM)

AUGUST 17, 2021

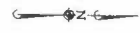
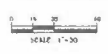
GTH U  
 SEE ABOVE REPORT  
 MATCH LINE STA 492+00  
 SEE BELOW LEFT



**PARCEL 5 AND 6 - ROUTE 165 LLC**



MATCH LINE STA 492+00  
 SEE BELOW LEFT  
 GTH U



PROJECT LAND CAMPUS ROADWAY IMPROVEMENTS BRISTOL, WISCONSIN PARCEL 5 AND 6 - ROUTE 165 LLC	
1 of 1 SHEET 1	1 of 1 SHEET 1

# KENOSHA COUNTY

## BOARD OF SUPERVISORS

RESOLUTION NO.

Subject: RESOLUTION AUTHORIZING TRANSFER OF PART OF ONE PARCEL TO THE STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION FOR HIGHWAY 158 PROJECT	
Original X      Corrected <input type="checkbox"/> 2nd Correction <input type="checkbox"/> Resubmitted <input type="checkbox"/>	
Date Submitted:	Date Resubmitted:
Submitted By: Clement Abongwa	
Fiscal Note Attached <input type="checkbox"/>	Legal Note Attached <input type="checkbox"/>
Prepared By: John F. Moyer Sr. Asst. Corporation Counsel	Signature:

WHEREAS, Kenosha County owns parcel 80-4-222-334-0300 located on the south side of Highway 158 (52<sup>nd</sup> Street) in the Town of Somers, just east of the Canadian Pacific Railroad tracks, and

WHEREAS, The State of Wisconsin Department of Transportation (DOT) has commenced eminent domain proceedings to acquire this parcel for their highway project between Highway H and 68<sup>th</sup> Avenue in the City of Kenosha, and

WHEREAS, The State of Wisconsin is engaged in reconstruction of Highway 158 within Kenosha County and has planned improvements to improve the existing structures over the Canadian Pacific Railway and Union Pacific Railway tracks, and

WHEREAS, The existing structures over these tracks were constructed in 1958 and a concrete overlay in 1983 and asphalt overlay in 2002, and the existing asphalt pavement along this section of Highway 158 is deteriorating, and

WHEREAS, The existing concrete post and beam railings on these bridge structures do not meet current design standards, and

WHEREAS, The State of Wisconsin has made an offer to purchase a portion of this parcel for \$2800 to assist them in the work on this portion of the highway and this parcel, more particularly described in the attachment, is contiguous to the Highway 158 Right-of-Way, and

WHEREAS, Part of the purchase price is also for a temporary limited easement more particularly described in the attachment and such parcel is unimproved vacant land zoned A-4, and

WHEREAS, The Director of Kenosha County Highway Division recommends such transfer and Agreement to provide mutual benefit to the local and State motoring public, to

improve safety and in the best interest of the citizens of this community and understand that this is a normal part of the DOT improvement projects.

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors hereby agrees to authorize the sale of a portion of this property known as tax parcel No. 80-4-222-334-0300, for \$2,800 to the State of Wisconsin and transfer them in fee simple and as a temporary limited easement immediately or as soon as possible to the State of Wisconsin Department of Transportation; and

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

Respectfully submitted by:

PUBLIC WORKS COMMITTEE

William Grady  
William Grady, Chairman

Aye No Abstain

☒ ☐ ☐

John Franco  
John Franco, Vice Chair

☒ ☐ ☐

Laura Belsky  
Laura Belsky

☒ ☐ ☐

Zach Rodriguez  
Zach Rodriguez

☒ ☐ ☐

Sharon Pomaville  
Sharon Pomaville

☒ ☐ ☐

Andy Berg  
Andy Berg

☒ ☐ ☐

Excused  
Gabe Nudo

☐ ☐ ☐

Respectfully submitted by:

FINANCE COMMITTEE

Jeff Gentz  
Jeffrey Gentz, Chairman

Ron Frederick  
Ron Frederick, Vice Chair

David Celebre  
David Celebre

Jeff Wamboldt  
Jeff Wamboldt

Edward D. Kubicki  
Edward Kubicki

Monica Yuhas  
Monica Yuhas

John Franco  
John Franco

Aye No Abstain

☒ ☐ ☐

☒ ☐ ☐

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Kenosha County  
Administrative Proposal Form

**1. Proposal Overview**

Division: DPW/Highway Department: Corporation Counsel

Proposal Summary (attach explanation and required documents):

This proposal requests authorization for transfer of a portion of a County-owned parcel (.243 acres) and a limited temporary easement (.067 acres) to the WIS DOT for their road project on Hwy. 158. The DOT needs this contiguous area to maintain the road and bridge just east of the Canadian Pacific Rail tracks.

Dept./Division Head Signature: Clement Abongwa Date: 08/22/21

**2. Public Works Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Department Head Signature: RAK Date: 8-23-21

**3. Finance Division Review**

Comments:

Recommendation: Approval ☒ Non-Approval ☐

Finance Signature: [Signature] 8/31/21 Date: 8/23/21

**4. County Executive Review**

Comments:

Action: Approval ☒ Non-Approval ☐

Executive Signature: [Signature] Date: 8/31/21

## Color Key to Real Estate Interests

### **Fee (Fee Simple) – Pink**

**Fee simple** is a term that refers to real estate or land ownership. The owner of the property has full and irrevocable ownership of the land and any improvements on that land. Fee simple is the highest form of property ownership.

### **PLE (Permanent Limited Easement) – Green**

**Permanent Limited Easement (PLE)** is a right for construction and maintenance purposes, as defined herein, including the right to operate necessary equipment thereon and the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable. But without prejudice to the owner's right to make or construct improvement on said lands or to flatten the slopes, providing said activities with not impair or otherwise adversely affect the highway facilities. A PLE is a permanent acquisition for a specific purpose. It is typically used for construction outside the normal right-of-way that does not seriously impair the property owner's use but does require occasional access for maintenance purposes.

### **TLE (Temporary Limited Easement) – Blue**

**Temporary Limited Easement (TLE)** is a right for construction purposes, as defined herein, including the right to operate necessary equipment thereon and the right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable. All TLE's are to expire at the completion of the construction project for which this instrument is given.

### **PL (Property Line) - Orange**

**Property Line (PL)** the boundary line between two pieces of property.

WisDOT Division of Transportation  
System Development  
Southeast Region  
141 NW Barstow Street  
PO Box 798  
Waukesha WI 53187-0798

Governor Tony Evers  
Secretary Craig Thompson  
[wisconsin.dot.gov](http://wisconsin.dot.gov)  
Telephone: (262) 548-5903  
FAX: (262) 548-5888  
Email: [ser.dtsd@dot.wi.gov](mailto:ser.dtsd@dot.wi.gov)



March 1, 2021

**CERTIFIED MAIL 7018 1830 0001 1164 9646**

KENOSHA COUNTY  
C/O FISCAL MGR PUBLIC WORKS  
19600 75TH STREET, SUITE 122-1  
BRISTOL, WI 53104

Reference: Initiation of Negotiations-AS  
Project ID: 3220-09-20, Parcel No. 3  
52ND STREET, CITY OF KENOSHA  
STH - 158, Kenosha County

Dear KENOSHA COUNTY:

As you may know, the Wisconsin Department of Transportation (WisDOT) is planning a highway safety project in your area. This project will affect your property and I look forward to working with you to answer your questions.

In compliance with Wisconsin statutes and federal regulations, I am writing to initiate negotiations to acquire property and/or property interests needed for the above highway project.

To explain the process, I ask you to review the following documents:

- Legal description of the land and/or interest(s) needed for the project
- Names of neighboring landowners affected by the project
- Appraisal Guidelines and Agreement
- Appraisal Report
- Agreement for Purchase and Sale of Real Estate
- "The Rights of Landowners Under Wisconsin Eminent Domain Law" pamphlet

Based on the fair market value of your affected interests, the Wisconsin Department of Transportation has determined compensation to be: **\$2,800.00**.

Allocation	Description	Size	Unit	Per Unit	Value (\$)
Land		0.243	Acres	\$11,111.11	\$2,700.00
Temporary Limited Easement (TLE)		0.067	Acres	\$1,492.54	\$100.00

**Total Allocation      \$2,800.00**

The department has also determined that the acquisition of property needed for the project has caused the remainder, or a portion of the remainder, to be of limited economic value. See the attached plat map for uneconomic remnant(s). If you want WisDOT to acquire the uneconomic remnant(s), please contact me for an adjusted allocation. **WisDOT will acquire the uneconomic remnant(s) for an additional \$6,000.00.**

If you agree with the values in the appraisal report, **please sign the enclosed Agreement for Purchase and Sale of Real Estate for either \$2,800.00 (Plat Acquisition only of FEE & TLE) or \$8,700.00 (Full FEE Acquisition minus \$100 TLE).** Return the document in the enclosed envelope or by email ([kathleen.panak@dot.wi.gov](mailto:kathleen.panak@dot.wi.gov)) for final review and approval. Once WisDOT is satisfied that the negotiations are complete, we will send you a fully executed (signed) copy of the agreement and I will contact you to arrange for payment and closing. Please note that your signature alone on the Agreement for Purchase and Sale of Real Estate is not sufficient to result in an enforceable contract for the purchase of the needed property.

If you are not satisfied with the compensation offered for your property, you have 60 days and no later than **May 3, 2021** to obtain a second appraisal from a qualified appraiser of your choice. Please see the enclosed Appraisal Guidelines and Agreement document for requirements for reimbursement of another appraisal. If your appraisal report is submitted to my office after the 60-day statutory date, the department may consider it for negotiation purposes, but it will not be eligible for reimbursement.

I want you to be satisfied that the Wisconsin Department of Transportation treated you fairly, we answered your questions, addressed your concerns, and fully considered your property and property interests. I am happy to provide any additional information requested, if available, or discuss any additional concerns. Please contact me at 262-548-6459.

Thank you for your part in contributing to safer Wisconsin roadways.

Sincerely,



Kathleen C Panak  
Sr. Real Estate Specialist  
[Kathleen.panak@dot.wi.gov](mailto:Kathleen.panak@dot.wi.gov)

Enclosures



# SCHEDULE OF LANDS & INTERESTS REQUIRED

PARCEL NUMBER	OWNER(S)	INTEREST REQUIRED	NEW	EXISTING	TOTAL	TILE ACRES
1	CHARLES A. AND SUSAN A. KUPER REVOCABLE TRUST	FE, TLE	0.073	-	0.073	0.017
2	KENOSHA COUNTY	FE, TLE	0.243	-	0.243	0.067
4	MS TRUNKED, LLC	FE, TLE	0.659	-	0.659	0.232
10	PRST PPR, KENOSHA OWNERS ASSOCIATION	FE, TLE	0.230	-	0.230	0.055
11	FR-KENOSHA LLC	FE, TLE	0.073	-	0.073	0.020
13	CANADIAN PACIFIC RAILROAD	HE	0.352	0.152	0.504	-

\* ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:  
S 0858(4)  
S6 0858(2)  
S6 0858(3)

## NOTES:

POSITIONS ON THIS PLAT ARE WISCONSIN C COORDINATES, GRID BEARINGS, AND GRID DI

ALL NEW RIGHT-OF-WAY MONUMENTS WILL B THE COMPLETION OF THE PROJECT.

ALL RIGHT-OF-WAY LINES DEPICTED IN THE FROM PREVIOUS PROJECTS, OTHER RECORDE

RIGHT-OF-WAY BOUNDARIES ARE DEFINED WIT SYSTEM OR OTHER "SURVEYS" OF PUBLIC R

DIMENSIONING FOR THE NEW RIGHT-OF-WAY I

A TEMPORARY LIMITED EASEMENT (TLE) IS / EQUIPMENT THEREON, THE RIGHT OF INGRESS PROTECT, REMOVE, OR PLANT THEREON ANY THE COMPLETION OF THE CONSTRUCTION PR

AN EASEMENT FOR HIGHWAY PURPOSES (HE), VEGETATION THAT THE HIGHWAY AUTHORITIE

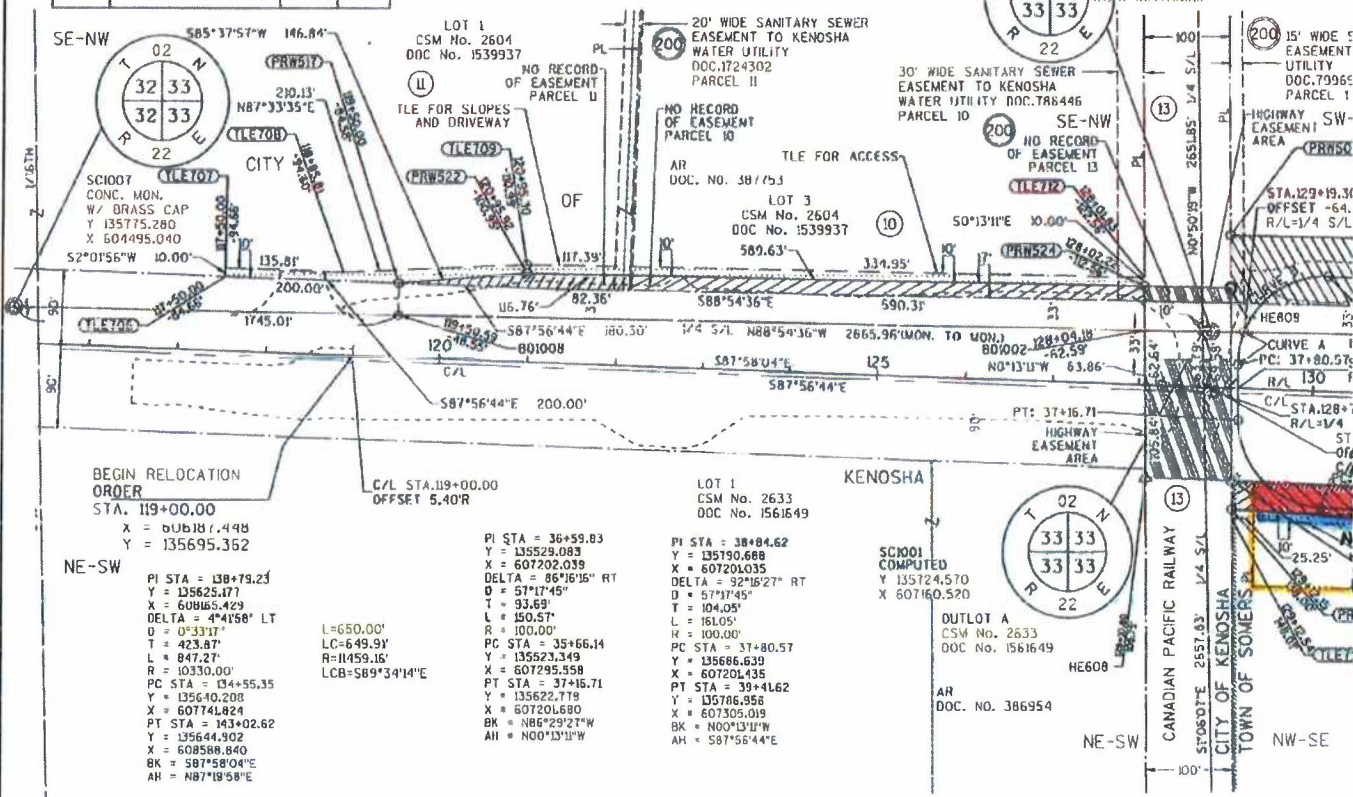
PROPERTY LINES SHOWN ON THIS PLAT ARE OCCUPATIONAL LINES. THIS PLAT MAY NOT BE USED AS A SUBSTITUTE FOR AN ACCUR

## SCHEDULE OF UTILITIES & INTERESTS REQUIRED

NUMBER	OWNER(S)	INTEREST
200	KENOSHA WATER UTILITY - SANITARY SEWER	RELEASE OF RIGHTS
201	KENOSHA WATER UTILITY - WATER	RELEASE OF RIGHTS
203	RE KENOSHA ELECTRIC	RELEASE OF RIGHTS

HWY	BASIS OF EXISTING R/W	WIDTH	YEAR
STH 150	C.S.M. 1874	VARIES	1996
STH 150	C.S.M. 2604	VARIES	2007
STH 150	C.S.M. 2633	VARIES	2008
STH 150	C.S.M. 2219	VARIES	2000
STH 150	PROJECT S0858(4)	180', 200'	1957
STH 150	PROJECT S0858(2)	180', 200'	1957
STH 150	PROJECT S0858(3)	180', 200'	1957

NOTE: C.S.M. 2604 IS A RE-DIVISION OF C.S.M. 1874 AND C.S.M. 2633 IS A RE-DIVISION OF C.S.M. 2219



BEGIN RELOCATION ORDER  
STA. 119+00.00

X = 606181.448  
Y = 135695.352

NE-SW  
PI STA = 138+79.23  
Y = 135625.177  
X = 608665.429  
DELTA = 4°41'58" LT  
D = 0°33'17"  
T = 423.87'  
L = 847.27'  
R = 10330.00'  
PC STA = 134+55.35  
Y = 135640.208  
X = 607741.824  
PT STA = 143+02.62  
Y = 135644.502  
X = 608588.840  
BK = 587°58'04"E  
AH = N87°18'58"E

L=650.00'  
LC=649.91'  
R=11459.16'  
LCB=589°34'14"E

PI STA = 36+59.83  
Y = 135529.083  
X = 607202.039  
DELTA = 86°16'05" RT  
D = 57°17'45"  
T = 93.69'  
L = 150.57'  
R = 100.00'  
PC STA = 35+66.14  
Y = 135523.349  
X = 607295.558  
PT STA = 37+16.71  
Y = 135622.778  
X = 607201.680  
BK = N86°29'27"W  
AH = N00°13'11"W

PI STA = 38+84.62  
Y = 135190.688  
X = 607201.035  
DELTA = 92°16'27" RT  
D = 57°17'45"  
T = 104.05'  
L = 161.05'  
R = 100.00'  
PC STA = 37+80.57  
Y = 135686.639  
X = 607201.435  
PT STA = 39+41.62  
Y = 135786.358  
X = 607305.019  
BK = N00°13'11"W  
AH = 587°56'44"E

OUTLOT A  
CSM No. 2633  
DOC No. 1561649

POINT-POINT	BEARING	DI
SC1006-BD1003	N88° 56' 01"W	133
BD1003-PRW512	S00° 43' 22"E	201
PRW512-PRW510	N87° 17' 24"W	52
PRW510-PRW509	N89° 52' 45"W	85
PRW509-HE607	N06° 29' 27"W	38
HE607-HE608	N07° 56' 44"W	101
HE608-BD1002	N00° 13' 11"W	168
BD1002-BD1008	N88° 54' 36"W	85

## CONVENTIONAL SYMBOLS AND ABBREVIATIONS

STATE, COUNTY, or TOWN LINE	-----	NO ACCESS (BY STATUTORY AUTHORITY)	-----
SECTION LINE	-----	FE (MATCH VARIOUS)	-----
QUARTER LINE	-----	TEMPORARY LIMITED EASEMENT	-----
SIXTEENTH LINE	-----	PERMANENT LIMITED EASEMENT	-----
PROPOSED REFERENCE LINE	-----	PARCEL NUMBER	-----
PROPOSED R/W LINE	-----	SIGN NUMBER (OFF PREMISE)	-----
EXISTING H.E. LINE	-----	BUILDING	-----
PROPERTY LINE	-----	FOUND IRON PPE/PIN	-----
EASEMENT LINE	-----	R/W MONUMENT	-----
CORPORATE LIMITS	-----	R/W STANDARD	-----
EXISTING CENTERLINE	-----	SIGN	-----
LOT & H.E. LINES	-----	SECTION CORNER SYMBOL	-----
UTILITIES	-----		-----
NO ACCESS (BY PREVIOUS ACQUISITION/CONTROL)	-----		-----
NO ACCESS (BY ACQUISITION)	-----		-----

ACCESS POINT/ DRIVEWAY CONNECTION	AP
ACCESS RIGHTS	AR
ACRES	AC
AND OTHERS	CTAL
CENTERLINE	C/L
CERTIFIED SURVEY MAP DOCUMENT	CSM
HIGHWAY EASEMENT	DOC
LAND CONTRACT	HE
MONUMENT	LC
PAGE	MON
PERMANENT LIMITED EASEMENT	P/E
PROPERTY LINE	PI
RECORDED AS	(100')
REFERENCE LINE	R/I
REMAINING	RLM
RIGHT-OF-WAY SECTION	R/W
	SEC

SQUARE FEET	AP
STATION	STA
TEMPORARY LIMITED EASEMENT	AR
VOLUME	AC
CURVE DATA	CTAL
LONG CHORD	C/L
LONG CHORD BEARING	CSM
RADIUS	DOC
DEGREE OF CURVE	HE
CENTRAL ANGLE OR DELTA	LC
LENGTH OF CURVE	MON
TANGENT	P/E
NON COMPENSABLE	PI
POWER POLE	(100')
TELEPHONE POLE	R/I
TELEPHONE PEDestal	RLM
	R/W
	SEC

SCALE 0

TOTAL NET LENGTH OF C

COORDINATES, KENOSHA COUNTY, NAD 83 (2007) IN U.S. SURVEY FEET VALUES SHOWN ARE GRID  
ES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.

2 (TYPICALLY 3/4" X 24" REBAR), UNLESS OTHERWISE NOTED, AND WILL BE PLACED PRIOR TO

ACQUISITION AREAS ARE INTENDED TO RE-ESTABLISH EXISTING RIGHT-OF-WAY LINES AS DETERMINED  
MENTS, OR FROM CENTERLINE OF EXISTING PAVEMENTS.

RES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY

TURED ALONG AND PERPENDICULAR TO THE NEW REFERENCE LINES.

FOR CONSTRUCTION PURPOSES, AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY  
GRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE  
ATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE. ALL (TILES) ON THIS PLAT EXPIRE AT  
FOR WHICH THIS INSTRUMENT IS GIVEN.

ING AS SO USED, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT THEREON ANY  
DEEM DESIRABLE.

FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING  
TRUE REPRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING RIGHT-OF-WAY, AND SHOULD NOT  
LD SURVEY.

R/W PROJECT NUMBER

3220-09-20

SHEET  
NUMBER

4.01

TOTAL  
SHEETS

CONSTRUCTION PROJECT NUMBER

3220-09-70

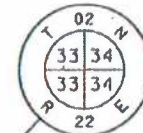
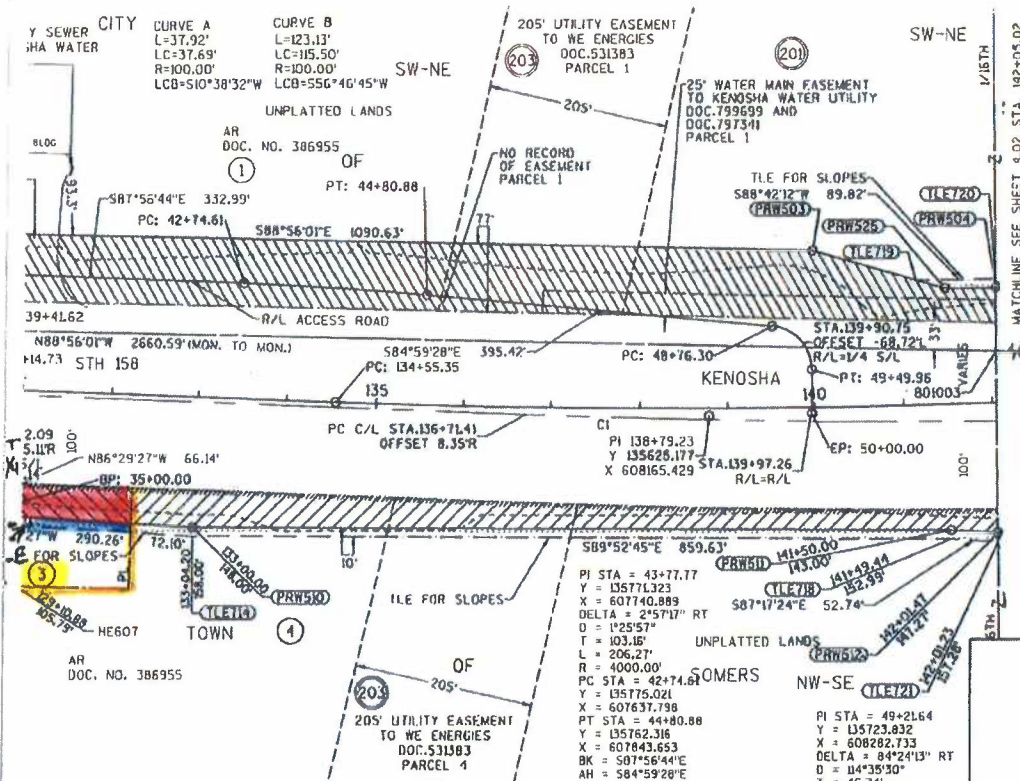
PLAT OF RIGHT OF WAY REQUIRED FOR

STH 158

RAILROAD BRIDGES B-30-02 & B30-03

STH 158

KENOSHA COUNTY



SC1006  
CONC. MON.  
W/ BRASS CAP  
Y 135675.050  
X 609820.650



7711 N. Port Washington Road  
Milwaukee, Wisconsin 53217  
414.751.7200  
kapurinc.com

ORIGINAL PLANS PREPARED BY



JULY 02, 2020  
(Date)

Brian M. Dodge  
BRIAN M. DODGE  
KAPUR & ASSOCIATES  
P.L.S. NUMBER 2848

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION

APPROVED FOR THE DEPARTMENT

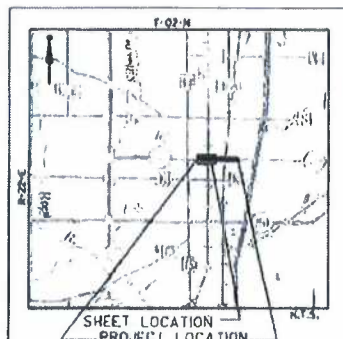
DATE: 07/06/20

Robert A. Duffield  
(Signature)

REVISION DATE

# COURSE TABLE

POINT-POINT	BEARING	DIST.
BD1008-PRW517	N01° 05' 24"E	36.04'
PRW517-PRW522	N85° 36' 44"E	146.84'
PRW522-PRW524	S88° 54' 36"E	706.39'
PRW524-HE609	S88° 54' 36"E	100.03'
HE609-PRW501	N00° 13' 11"W	60.03'
PRW501-PRW503	S88° 56' 01"E	1090.64'
PRW503-PRW525	S73° 56' 46"E	154.86'
PRW525-PRW504	N88° 48' 28"E	57.69'
PRW504-BD1003	S00° 36' 25"E	72.25'





# SCHEDULE OF LANDS & INTERESTS REQUIRED

OWNER(S)	INTEREST REQUIRED	NEW	EXISTING	TOTAL	P.E. ACRES	T.L.E. ACRES
1 CHARLES A. AND SUSAN A. KUPPIN	FEE, P.E., T.L.E.	0.854	-	0.854	0.034	0.120
2 HS TUNNICK, LLC	FEE, P.E., T.L.E.	0.541	-	0.541	0.036	0.070
3 SAGINAW CONTROL ENGINEERING, INC.	FEE, T.L.E.	0.298	-	0.298	-	0.034
4 ST. CLOUD VENTURES, INC.	FEE	0.083	-	0.083	-	-
5 VAN CABLE INVESTMENTS, LLC	FEE, T.L.E.	0.012	-	0.012	-	-
6 INDIAN PACIFIC RAILROAD COMPANY	FEE	0.508	0.190	0.798	-	0.062

## SCHEDULE OF UTILITIES & INTERESTS REQUIRED

UTILITY NUMBER	OWNER(S)	INTEREST REQUIRED
201	KENOSHA WATER UTILITY - WATER	RELEASE OF RIGHTS
203	WE ENERGIES ELECTRIC	RELEASE OF RIGHTS
204	AT&T WISCONSIN	RELEASE OF RIGHTS
205	US SPRINT	RELEASE OF RIGHTS

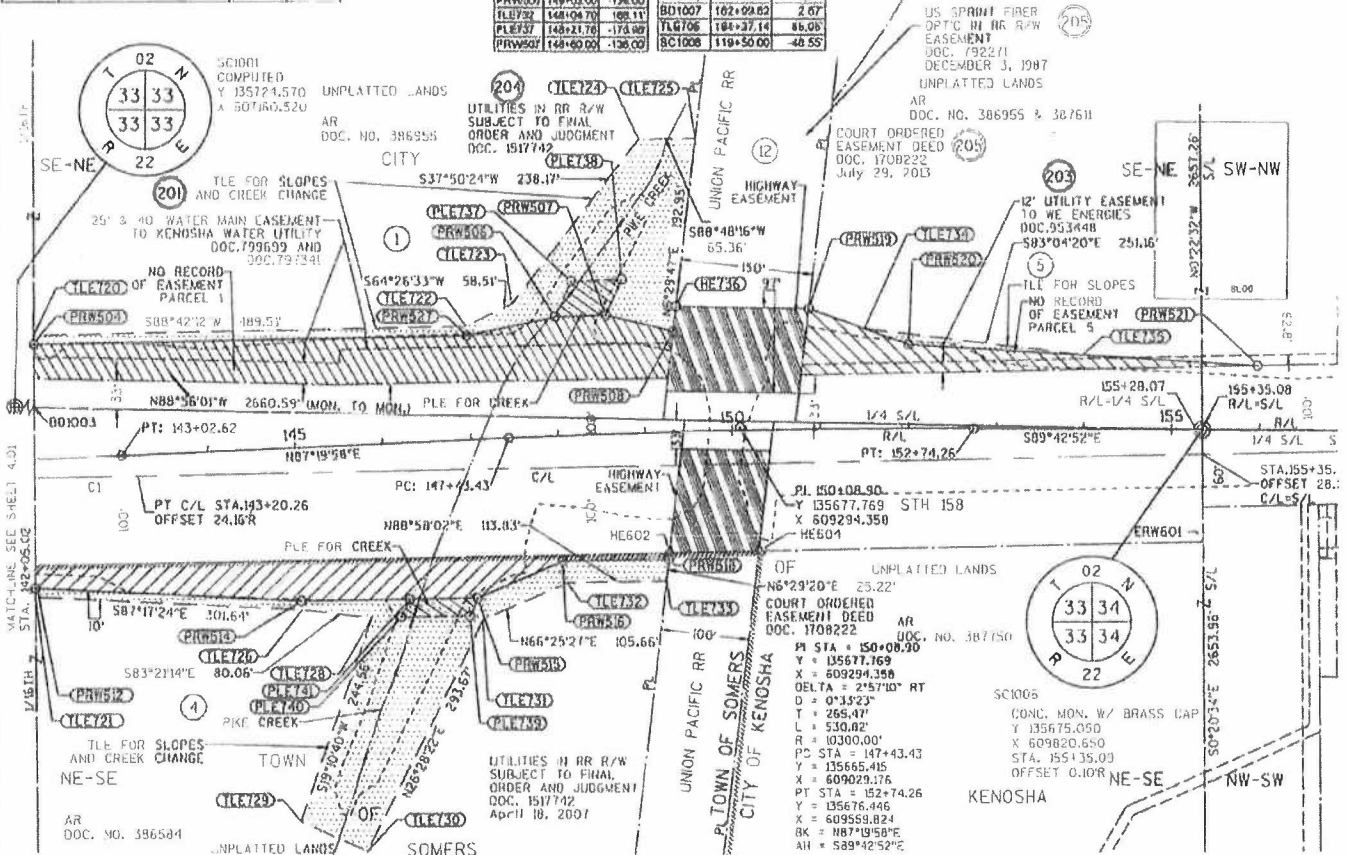
\*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:  
SC 005813

HWY	BASIS OF EXISTING R/W	WIDTH	YEAR
STH 150	PROJECT SC005813(2)	180' 200'	1951
STH 150	PROJECT SC005813(3)	180' 200'	1951
STH 150	PROJECT SC005813(4)	180' 200'	1951
STH 150	INDIAN TRAIL ESTATES SUBD.	120'	2002

### STATION-OFFSET TABLE

Point	Station	Offset	Point	Station	Offset
TLR221	142+01.23	167.29	TLR224	149+02.76	-335.14
PRW512	142+01.41	147.27	TLR233	149+20.42	170.04
BO1003	142+05.48	-58.08	PRW518	149+24.06	146.08
PRW504	142+08.43	-121.20	HE602	149+25.07	138.09
TLR220	142+08.70	-141.31	PRW508	149+35.81	-114.84
TLR223	144+00.00	-45.00	HE736	149+39.64	-143.80
PRW514	145+00.00	175.00	TLR225	149+56.08	-334.07
TLR226	145+00.00	185.04	HE604	150+27.35	159.40
TLR230	145+00.00	402.60	PRW519	150+39.37	-137.71
TLR228	145+19.00	168.00	PRW520	152+00.00	-06.00
PLE741	146+12.53	108.47	TLR234	151+50.35	-114.37
PLE740	146+22.03	178.77	PRW520	152+00.00	-06.00
PLE730	146+00.04	200.85	TLR235	153+08.48	-84.57
TLR222	146+09.35	-130.02	SC1006	155+50.37	7.81
PRW515	147+00.00	181.15	ERW001	155+34.49	128.24
PRW527	147+00.00	-118.00	PRW521	155+37.60	-73.41
TLR231	147+08.00	200.00	ERW003	159+56.76	-83.70
TLR229	147+33.11	-122.78	TLR230	161+01.03	-72.10
PRW516	148+00.23	143.01	PRW528	159+58.08	-71.00
PRW501	149+00.00	178.00	BO1007	162+09.62	2.67
TLR232	148+04.70	108.11	TLR236	164+37.14	85.08
PLE737	148+21.78	-173.80	SC1008	119+50.00	-48.55
PRW507	148+60.00	-136.00			

NOTES:  
POSITIONS ON THIS PLAT ARE WISCONSIN COUNTY COORDINATES, GRID BEARINGS, AND GRID DISTANCE.  
EXISTING RIGHT-OF-WAY WAS RE-ESTABLISHED UNDER ESTATES SUBDIVISION PLAT AND DEEDS OF RECORD.  
ALL NEW RIGHT-OF-WAY MONUMENTS WILL BE "Y" COMPLETION OF THE PROJECT.  
ALL RIGHT-OF-WAY LINES DEPICTED IN THE NON-Y PREVIOUS PROJECTS, OTHER RECORDED DOCUMENTS.  
RIGHT-OF-WAY BOUNDARIES ARE DEFINED WITH CO SYSTEM OR OTHER "SURVEYS" OF PUBLIC RECORD.  
DIMENSIONING FOR THE NEW RIGHT-OF-WAY IS MET.  
A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT OPERATE NECESSARY EQUIPMENT THEREON AND TO RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT PREJUDICE TO THE OWNER'S RIGHTS TO WAKE IT WILL NOT IMPAIR OR OTHERWISE ADVERSELY AFFECT.  
A PERMANENT LIMITED EASEMENT (PLE) IS A RIGHT OPERATE NECESSARY EQUIPMENT THEREON AND TO RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT PREJUDICE TO THE OWNER'S RIGHTS TO WAKE IT WILL NOT IMPAIR OR OTHERWISE ADVERSELY AFFECT.  
AN EASEMENT FOR HIGHWAY PURPOSES (HE), AS A VEGETATION THAT THE HIGHWAY AUTHORITIES MAY.  
PROPERTY LINES SHOWN ON THIS PLAT ARE DRAFT OCCUPANCY LINES. THIS PLAT MAY NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE FIELD SURVEY.



### CONVENTIONAL SYMBOLS AND ABBREVIATIONS

STATE PROPERTY	NO ACCESS	ACCESS POINT/ DRIVEWAY CONNECTION
SECTION LINE	FREE (HATCH VARIES)	ACCESS RIGHTS
QUARTER SECTION	TEMPORARY LIMITED EASEMENT	ACRES
PROPOSED REFERENCE LINE	PERMANENT LIMITED EASEMENT	AND OTHERS
PROPOSED R/W LINE	PANEL NUMBER	CENTERLINE
EXISTING R/W LINE	GRID BY PARCEL NUMBER	CERTIFIED SURVEY MAP
PROPERTY LINE	SECTION NUMBER	DOCUMENT
EASEMENT LINE	OFF PREMISES	HIGHWAY EASEMENT
CORPORATE LIMITS	FOUND IRON PIPE/PIPE	LAND COMPACT
EXISTING CENTERLINE	R/W MONUMENT	MENTUM
LOT & AC LINES	R/W (AMOUNT)	PAGE
UTILITIES	SECTION CORNER SYMBOL	PERMANENT LIMITED EASEMENT
NO ACCESS (BY PREVIOUS ACQUISITION/CONTROL)		PROPERTY LINE
NO ACCESS (BY ACQUISITION)		RECORDING LINE
		REMARKS
		RIGHT OF WAY
		LOC. OF

### CURVE DATA

AP	SQUARE FEET	SOFT.
AR	STATION	STA.
AL	TEMPORARY LIMITED EASEMENT	
AL	VOLUME	
ETAL		
C/L	LONG CHORD	CH
CSA	LONG CHORD BEARING	LCB
DOC	RADIUS	R
HE	DEGREE OF CURVE	D
LC	CENTRAL ANGLE OR DELTA	DELTA
MON	LENGTH OF CURVE	L
P	TANGENT	TAN
PL	COMPENSATED TEMPORAL EASEMENT	
POW	POWER POLE	
R/L	TELEPHONE PCL	
RPM	TELEPHONE PEDestal	
R/W		
SEL		

### POINT-POINT BEARING DIST

SC0008 ERW501	500° 30' 34"E	
ERW601-ERW602	588° 48' 15"W	
ERW602-ERW603	506° 24' 20"W	
ERW603-ERW604	588° 50' 02"W	
ERW604-PRW516	564° 25' 27"W	
PRW516-PRW518	589° 05' 36"W	
PRW518-PRW519	587° 17' 24"W	
PRW519-PRW520	500° 43' 22"W	
PRW520-PRW521	500° 26' 25"W	
PRW521-PRW522	586° 45' 28"E	
PRW522-PRW523	578° 01' 50"E	

SCALE 0 100 200 300 400 500 600 700 800 900 1000

TOTAL NET LENGTH OF 0

TA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING  
PRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING RIGHT-OF-WAY, AND SHOULD NOT BE



\*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:  
S 0858(4)  
SE 0858(2)  
SW 0858(1)

#### NOTES:

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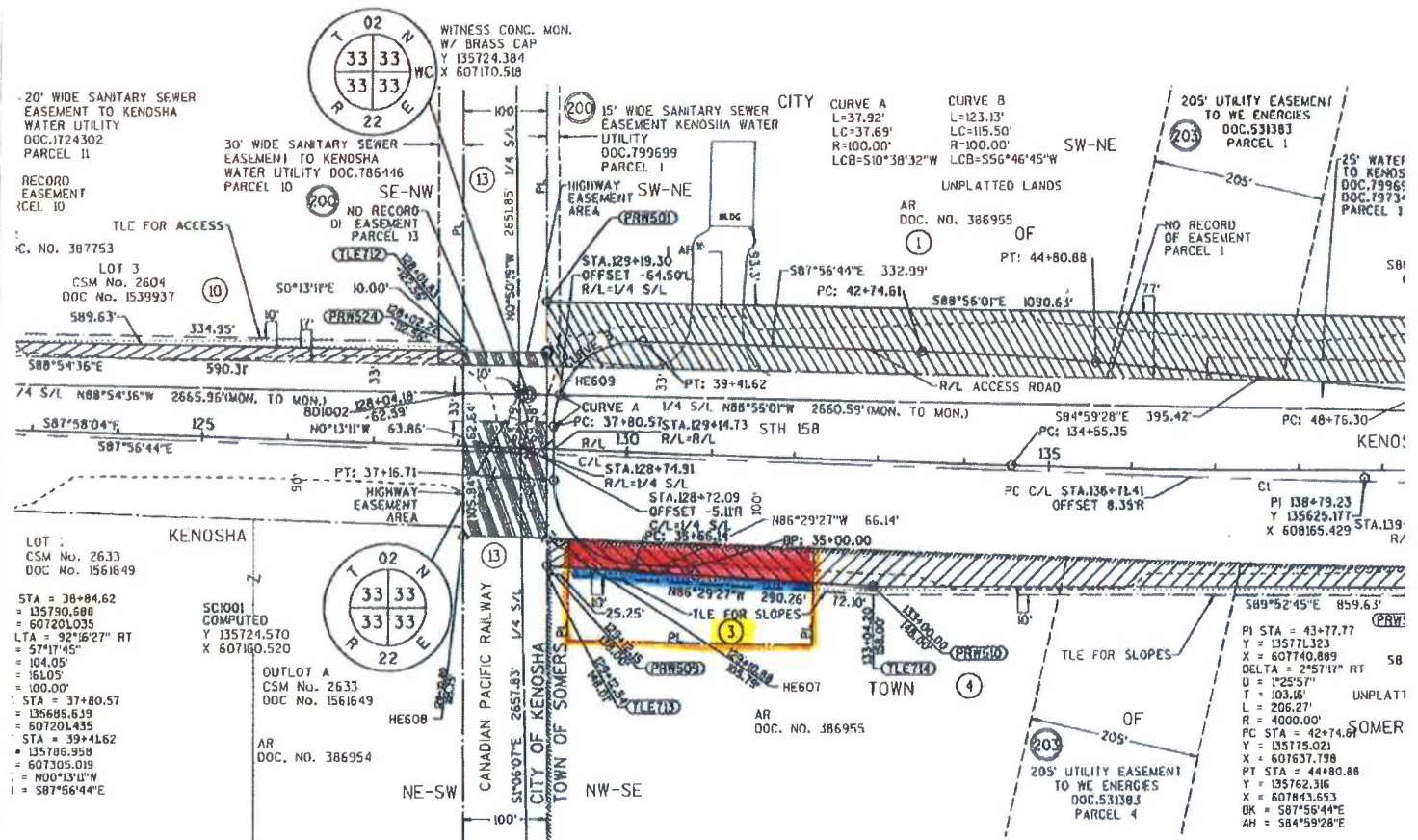
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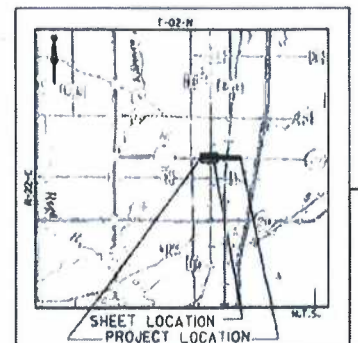


NEW RIGHT OF WAY COURSE TABLE

POINT-POINT	BEARING	DIST.	POINT-POINT	BEARING	DIST.
SC1006-BD1003	N88° 56' 01"W	1330.30'	BD1008-PRW517	N01° 05' 24"E	36.04'
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PRW512-PRW511	N87° 17' 24"W	52.36'	PRW522-PRW524	S88° 54' 36"E	706.39'
PRW511-PRW510	N89° 52' 45"W	859.55'	PRW524-HE609	S88° 54' 36"E	100.03'
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SECTION	AP	SQUARE FEET	SQ.FT.	HE
	AR	STATION	SQA	HE
	AC	TEMPORARY LIMITED EASEMENT TLE		
	ET.AL	VOLUME	V	
		<u>CURVE DATA</u>		
EY MAP	C/L	LONG CHORD	LCH	
	CSM	LONG CHORD BEARING	LCB	
	DOC	RADIUS	R	
IENT	H.E	DEGREE OF CURVE	D	
r	LC	CENTRAL ANGLE OR DELTA	DELTA	
	MON.	LENGTH OF CURVE	L	
	P	TANGENT	TAN	
HTD EASEMENT	PL	NON		
	(100')	COMPENSABLE	COMPENSABLE	
	R/L	POWER POLE	⊕	⊕
	REM	TELEPHONE POLE	⊕	⊕
	R/W	TELEPHONE PEDESTAL	⊗	⊗
	SEC.			

LAYOUT  
SCALE 0 200  
TOTAL NET LENGTH OF CENTERLINE =



PLOT DATE: 7/2/2020 9:06 AM

PLOT BY: BRIAN DODGE, PS

PLOT NAME:

\*ACCESS RESTRICTION AND ACCESS POINTS ACQUIRED UNDER PLAT OF RIGHT OF WAY PROJECTS:  
S 0158141  
SG 0850121  
SG 0850131

# NOTES:

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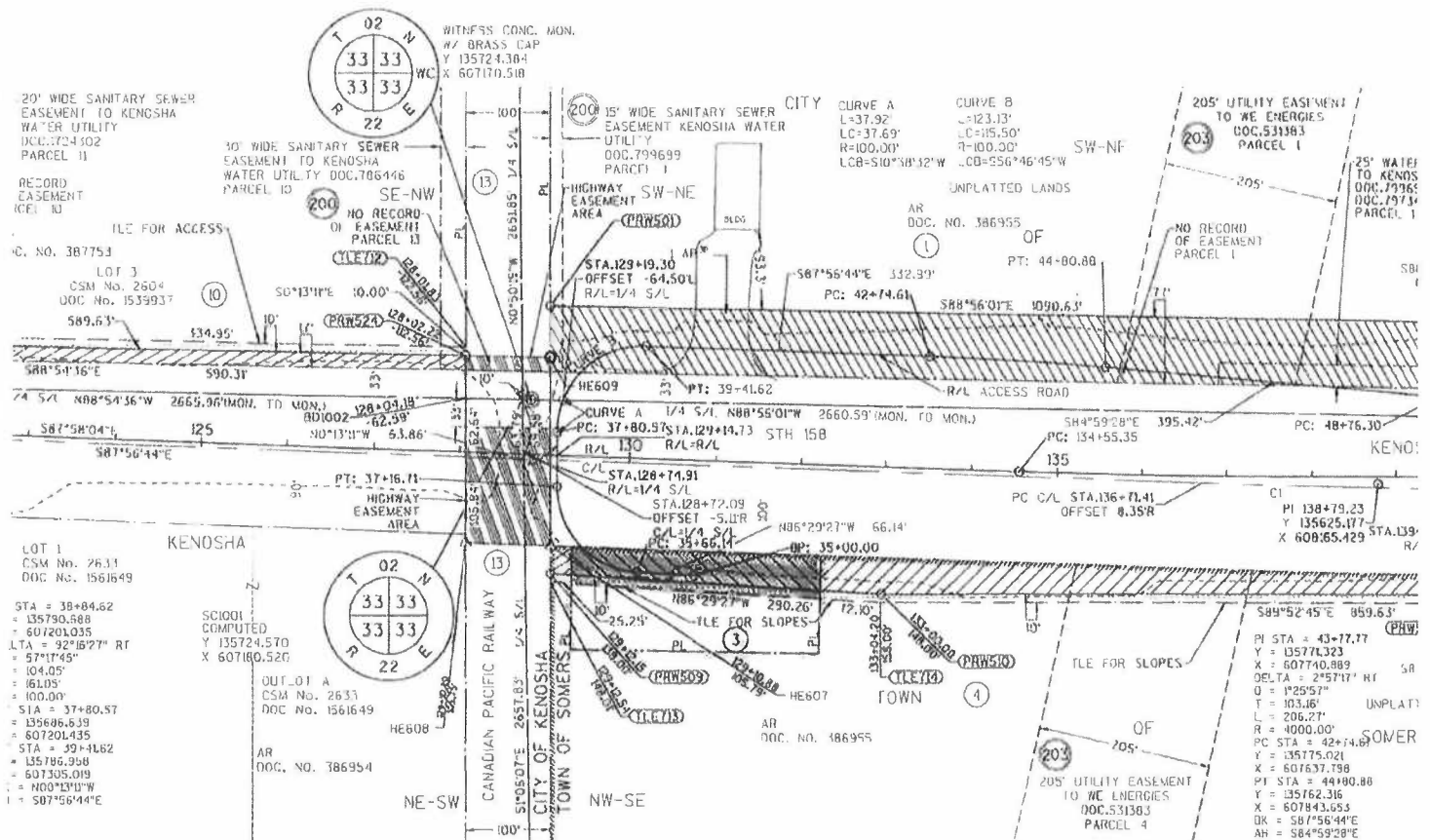
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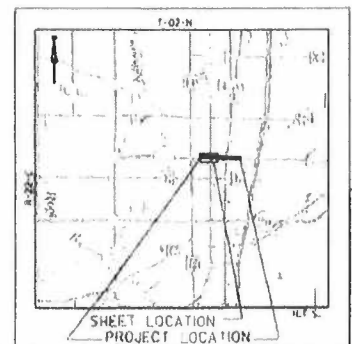
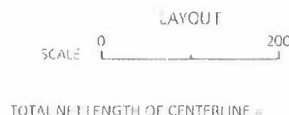
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## NEW RIGHT OF WAY COURSE TABLE

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SECTION	AP	SQUARE FEET	SOFT
	AR	STATION	STA
	AR	TEMPORARY LIMITED EASEMENT	TLE
	AR	VOLUME	V
	ETAL	CURVE DATA	
	C/A	LONG CHORD	LOCH
	CSM	LONG CHORD BEARING	LCB
	DOC	RADIUS	R
	HE	DEGREE OF CURVE	D
	LO	CENTRAL ANGLE OR DELTA	DELTA
	MON	LENGTH OF CURVE	L
	P	TANGENT	TAN
	PL	NON	COMPENSABLE
	PL	POWER POLE	PO
	R/L	TELEPHONE POLE	TP
	REM	TELEPHONE PULSTAL	TP
	R/W		
	SEC		



PLOT DATE: 7/2/2010 9:06 AM

PLOT BY: BRIAN DOUGLAS, P.S.

PLOT NAME:

## LEGAL DESCRIPTION

**Fee Title** in and to the following tract of land in Kenosha County, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 170.17 feet to the south right of way line; thence South 87°56'44" East along the south right of way line, 26.18 feet to the point of beginning; thence continuing South 87°56'44" East, 290.04 feet; thence South 01°03'59" West, 40.23 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 32.86 feet to the point of beginning.

This parcel contains **0.243 acres**, more or less.

Also, a **Temporary Limited Easement** for the right to construct slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land in Kenosha, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 202.40 feet to the south right of way line; thence South 86°29'27" East along the south right of way line, 25.48 feet to the point of beginning; South 86°29'27" East, 290.26 feet; thence; thence South 01°03'59" West, 10 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 10 feet to the point of beginning.

This parcel contains **0.067 acres**, more or less.

**The above easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.**

## AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE - SHORT FORM

Wisconsin Department of Transportation  
RE1895 10/2018

THIS AGREEMENT, made and entered into by and between Kenosha County, hereinafter called Seller, and the Wisconsin Department of Transportation. If accepted, this offer can create a legally enforceable contract. Both parties should read this document carefully and understand it before signing.

Seller and the Wisconsin Department of Transportation agree that the Wisconsin Department of Transportation is purchasing this property for highway or other transportation related purposes, within the meaning of Chapter 84 of the Wisconsin Statutes.

Seller warrants and represents to the Wisconsin Department of Transportation that Seller has no notice or knowledge of any of the following:

- 1) Planned or commenced public improvements which may result in special assessments which would otherwise materially affect the property, other than the planned transportation facility for which the Wisconsin Department of Transportation is purchasing this property;
- 2) Government agency or court order requiring repair, alteration, or correction of any existing condition;
- 3) Shoreland or special land use regulations affecting the property; and,
- 4) Underground storage tanks and the presence of any dangerous or toxic materials or conditions affecting the property.

DESCRIPTION: The Seller agrees to sell and the Wisconsin Department of Transportation agrees to buy, upon the terms and conditions hereinafter named, the following described real estate situated in Kenosha County, Wisconsin:

**Legal description is attached hereto and made a part hereof by reference.**

The purchase price of said real estate shall be the sum of Two Thousand Eight Hundred and 0/100 Dollars, (\$2,800.00) payable in full by check at closing.

General taxes shall be prorated at the time of closing based on the net general taxes for the current year, if known, otherwise on the net general taxes for the preceding year.

Seller shall, upon payment of purchase price, convey the property by warranty deed or other conveyance provided herein, free and clear of all liens and encumbrances, including special assessments, except recorded public utility easements and recorded restrictions on use running with the land or created by lawfully enacted zoning ordinances and None, provided none of the foregoing prohibit present use.

Legal possession of premises shall be delivered to the Wisconsin Department of Transportation on the date of closing.

Physical occupancy of property shall be given to the Wisconsin Department of Transportation on the date of closing. Seller may not occupy property after closing unless a separate lease agreement is entered into between the Wisconsin Department of Transportation and Seller.

SPECIAL CONDITIONS: None

This agreement is binding upon acceptance by the Wisconsin Department of Transportation as evidenced by the signature of an authorized representative of the Wisconsin Department of Transportation. If this agreement is not accepted by the Wisconsin Department of Transportation within 30 days after Seller's signature, this agreement shall be null and void.

This transaction is to be closed at the office of TBD on or before TBD or at such other time and place as may be agreed to in writing by the Seller and the Wisconsin Department of Transportation.

No representations other than those expressed here, either oral or written, are part of this sale.



This instrument was drafted by  
Wisconsin Department of Transportation

Project ID 3220-09-20

Parcel No.  
3  
Page 1 of 2

Seller and the Wisconsin Department of Transportation agree to act in good faith and use diligence in completing the terms of this agreement. This agreement binds and inures to the benefit of the parties to this agreement and their successors in interest, assigns, personal representatives, heirs, executors, trustees, and administrators.

_____ Seller Signature	_____ Date
_____ Kenosha County Print Name	

_____ Seller Signature	_____ Date
_____ Print Name	

_____ Seller Signature	_____ Date
_____ Print Name	

_____ Seller Signature	_____ Date
_____ Print Name	

The above agreement is accepted.

_____ Signature	_____ Date
_____ Print Name	

\_\_\_\_\_  
Title  
Must be signed by administrator or an authorized representative of the Wisconsin Department of Transportation.



## LEGAL DESCRIPTION

**Fee Title** in and to the following tract of land in Kenosha County, State of Wisconsin, described as:

That part of the Northwest 1/4 of the Southeast 1/4 of Section 33, Township 02 North, Range 22 East, described as follows:

Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 170.17 feet to the south right of way line; thence South 87°56'44" East along the south right of way line, 26.18 feet to the point of beginning; thence continuing South 87°56'44" East, 290.04 feet; thence South 01°03'59" West, 40.23 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 32.86 feet to the point of beginning.

This parcel contains **0.243 acres**, more or less.

Also, a **Temporary Limited Easement** for the right to construct slopes, including for such purpose the right to operate the necessary equipment thereon and the right of ingress and egress as long as required for such public purpose, including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem necessary or desirable, in and to the following tract of land in Kenosha, State of Wisconsin, described as:

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Commencing at the Northwest corner of said Southeast 1/4; thence South 88°56'01" East along the north line of said Southeast 1/4, 32.78 feet; thence South 00°13'11" East, 202.40 feet to the south right of way line; thence South 86°29'27" East along the south right of way line, 25.48 feet to the point of beginning; South 86°29'27" East, 290.26 feet; thence; thence South 01°03'59" West, 10 feet; thence North 86°29'27" West, 290.26 feet; thence North 01°03'59" East, 10 feet to the point of beginning.

This parcel contains **0.067 acres**, more or less.

**The above easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.**

# WARRANTY DEED

Wisconsin Department of Transportation  
Exempt from fee [s. 77.25(2r) Wis. Stats.]  
RE1560 05/2020

THIS DEED, made by **Kenosha County** GRANTOR, conveys and warrants the property described below to the **Wisconsin Department of Transportation**, GRANTEE, for the sum of **Two Thousand Eight Hundred and 00/100 Dollars (\$2,800.00)**.

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s. 32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property:

This is not homestead property.

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

This space is reserved for recording data

Return to  
Wisconsin Department of Transportation  
WisDOT SE Region 141 NW Barstow Street  
Waukesha, WI 53187-0798

Parcel Identification Number/Tax Key Number  
80-4-222-334-0300

Signature \_\_\_\_\_ Date \_\_\_\_\_

Kenosha County

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_

Date \_\_\_\_\_

State of Wisconsin

Kenosha

County

On the above date, this instrument was acknowledged before me by the named person(s).

The signer was: \_\_\_\_\_ Physically in my presence. OR

\_\_\_\_\_ In my presence involving the use of communication technology.

Signature, Notary Public, State of Wisconsin

Print Name, Notary Public, State of Wisconsin

Date Commission Expires \_\_\_\_\_



0 7 8 9 5 3 4 8

Project ID  
3220-09-20

This instrument was drafted by  
Wisconsin Department of Transportation

Parcel No.  
3



# COUNTY OF KENOSHA

## Division of Planning & Development

Andy M. Buehler, Director  
Division of Planning & Development  
19600 75<sup>th</sup> Street, Suite 185-3  
Bristol, WI 53104-9772  
(262) 857-1895

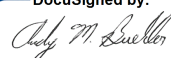
### MEMORANDUM

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

As required by Section 59.69(2)(e), the following report is being made on the petitions to the **October 13, 2021** Planning, Development & Extension Education Committee meeting that have been filed in the Kenosha County Clerk & Kenosha County Planning & Development Offices for future consideration by the County Board.

1. **John P. Lourigan Trust**, 844 172<sup>nd</sup> Ave., Union Grove, WI 53182 (Owner), John P. Lourigan, 844 172<sup>nd</sup> Ave., Union Grove, WI 53182 (Agent), requesting a **Final Plat** of Foxtail Hollow on Tax Parcel #45-4-221-091-0314, located in the east ½ of Section 9, T2N, R21E, Town of **Paris**.
2. **Wisconsin Electric Power Co.**, 333 W. Everett St. Milwaukee, WI 53203-0001 (Owner), Bobby Anderson, American Transmission Co., PO Box 47, Waukesha, WI 53187 (Agent), requesting a **rezoning** from A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., I-1 Institutional Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist., A-2 General Agricultural Dist., I-1 Institutional Dist., C-2 Upland Resource Conservancy Dist. & C-1 Lowland Resource Conservancy Dist. on Tax Parcel #45-4-221-041-0225, located in the northeast ¼ of Section 4 and the northwest ¼ of Section 3, T2N, R21E, Town of **Paris**.
3. **Wisconsin Electric Power Co.**, 333 W. Everett St. Milwaukee, WI 53203-0001 (Owner), Bobby Anderson, American Transmission Co., PO Box 47, Waukesha, WI 53187 (Agent), requesting to amend a **Conditional Use Permit** to allow an expansion to an electrical substation in the I-1 Institutional Dist. on part of Tax Parcel #45-4-221-041-0225, located in the northeast ¼ of Section 4 and the northwest ¼ of Section 3, T2N, R21E, Town of **Paris**.
4. Approval of Minutes
5. Citizens Comments
6. Any Other Business Allowed by Law
7. Adjournment

Sincerely,

DocuSigned by:  
  
5E5F88199951407...

ANDY M. BUEHLER, Director  
Division of Planning & Development

AMB:BF:aw



FILED  
08-27-2021  
Clerk of Circuit Court  
Kenosha County  
2021CV000786  
Honorable Angelina  
Gabriele  
Branch 6

**STATE OF WISCONSIN  
KENOSHA COUNTY**

**CIRCUIT COURT**

**BILL E. BETH  
c/o MacGillis Wiemer, LLC  
11040 W. Bluemound Road, Suite 100  
Milwaukee, WI 53226,**

**Petitioner,**

**vs.**

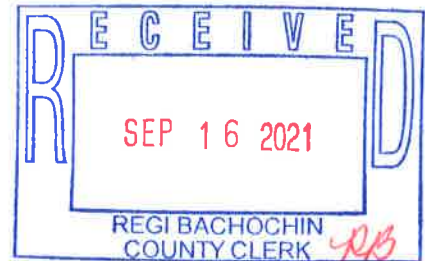
**KENOSHA COUNTY  
1010 56th Street  
Kenosha, WI 53140**

**and**

**KENOSHA COUNTY FINANCE/  
ADMINISTRATION COMMITTEE  
County Administration Building  
1010 56th Street, Second Floor  
Kenosha, WI 53140,**

**Respondents.**

**Case No:  
Case Code: 30955  
Case Type: Petition for  
Writ of Certiorari**



**PETITION AND COMPLAINT FOR REVIEW BY CERTIORARI**

NOW COMES the above-named Petitioner, Bill E. Beth, by his attorneys MacGillis Wiemer, LLC, by Attorney Christopher J. MacGillis and Attorney Kevin P. Todt, who shows and alleges to the Court as follows:

1. The Petitioner, Bill E. Beth ("Beth"), is an adult resident of Kenosha County and was employed as a Sergeant at the Kenosha County Sheriff's Office ("Sheriff's Office").
2. Respondent, Kenosha County (the "County") is a municipal corporation, organized and existing under the laws of the State of Wisconsin with offices located at 1010 56th Street, Kenosha, WI 53140, and can be reached via telephone at (262) 653-2460.

3. Respondent, Kenosha County Finance/Administration Committee ("Committee") is an administrative board of the County established pursuant to Wis. Stat. §§ 63.10 and 63.12, having jurisdiction over certain appeals of discipline recommended by Kenosha County Sheriff David Beth.

4. Beth was promoted to Captain of the Sheriff's Office in 2019 and was assigned to serve as Captain of the Detentions Division.

5. During the time Beth was serving as Captain of Detentions, an internal investigation was opened against the Captain of the Operations Division related to supervisor time off.

6. As a result of the investigation referenced in Paragraph 5, Beth was assigned to serve as Captain of the Operations Division on January 3, 2021.

7. In the course of his duties as Captain of the Operations Division, Beth attempted to codify the practice of the Department related to off days for supervisors due to widespread uncertainty among the supervisors.

8. Kenosha County Chief Deputy Marc Levin ("Chief Deputy Levin") filed charges against Beth, then-Captain Bill Beth, with the Committee Chair on May 6, 2021 alleging misconduct stemming from Beth's actions identified in Paragraph 7. The charges were served on Beth May 14, 2021 and Petitioner requested an appeal with the Committee that same day.

9. The charges filed against Petitioner by Chief Deputy Levin are as follows:

**Kenosha County Sheriff's Departmental Policies:**

- Policy 101 Standards of Conduct:
  - o 101.3.1 Unlawful or Conflicting Orders;
  - o 101.4(c), (d), (e) Direct Lines of Reporting - Chain of Command;
  - o 101.5(a), (c), (e) Supervisory Responsibilities;
  - o 101.7.1(a), (b), (c) Laws, Rules and Orders;
  - o 101.8.2(a), (b), (c) Efficiency;
  - o 101.8.3(a), (c) Performance; and
  - o 101.8.4(h), (o) Conduct.
- Policy 110 Investigations:

- 110.4.2(k) Internal Affairs Investigation Interviews.
- Policy 118 Leave Time and Scheduling.

**Kenosha County Civil Service Ordinances:**

- MCKC § 4.01(6)(a):
  - 4. Insubordination;
  - 5. Neglect or dereliction of duty;
  - 6. Willful neglect or disobedience of any legal order of superior officers or legal departmental rule;
  - 8. Conduct that adversely affects the morale or efficiency of the Sheriff's Department;
  - 10. Conduct that has a tendency to destroy, or distract from the officer's credibility as a witness in court;
  - 13. Making a false official statement or entry in official records; and
  - 21. Any other act or omission contrary to good order and discipline, or constituting a violation of any of the rules and regulations of the department.

**Kenosha County Code of Conduct:**

- 1. Behavior that is unprofessional, disrespectful, unethical or discourteous with coworkers, managers, clients, vendors, or to the citizens of Kenosha County or not reporting same to management;
- 2. Insubordination, refusing to follow direction from a supervisor or manager, or making false statements;
- 3. Performance that is not meeting expectations and/or not satisfactorily fulfilling job responsibilities including not completing assignments within expected timeframe;
- 4. Violating any federal or state law or codes, local ordinances, and any regulations that govern their respective departments;
- 14. Sabotaging another's work or intentionally causing delay of work, either employee's own or that of others or causing disruption in the workplace;
- 17. Making malicious, false and harmful statements about others; and
- 23. Falsifying or intentionally misrepresenting records, statements, claims or reports, including employee's own time records or the time records of another employee.

**Captain Position Description:**

- The rank of Captain is responsible for exercising "seasoned judgment," assisting in the formulation of Departmental policies and procedures, and ensuring that County and Departmental rules, regulations, and policies are enforced at all times.

10. Prior to the above charges, Beth's record lacked any significant previous disciplines during his 25 years of service with the Sheriff's Office.

11. Petitioner asserts that the charges brought against him by Chief Deputy Levin are unsupported by the factual record and/or legal standards.

12. Based on the charges alleged by Chief Deputy Levin, Chief Deputy Levin incorrectly found that there was just cause to reduce Beth's rank from Captain to Sergeant.

13. As stated in paragraph 8, Beth immediately and timely requested an appeal to the Committee.

14. The seven-member Committee heard and decided the appeal. The Committee submitted a Decision on June 22, 2021, after hearings and deliberations were held on June 2, June 3, June 8, June 14, and June 16, 2021. The Chair of the Committee filed a Dissent from the Decision on June 22, 2021. A copy of the Decision, the Chair's Dissent, and the cover letter dated June 23, 2021, are attached as **Exhibit A**.

15. The Committee's Decision incorrectly concluded that Beth had violated the Department Policies, the Civil Service Ordinance, and the County Code of Conduct as charged by Chief Deputy Levin.

16. The Committee's Decision incorrectly concluded that Chief Deputy Levin had proven, by a preponderance of the evidence, that the Seven Tests of Just Cause—as defined in Wis. Stat. § 59.26(8)(b)5m—were met as to the specified charges against Beth.

17. The Committee's Decision should be reversed because there is not sufficient evidence demonstrating just cause—as defined in Wis. Stat. § 59.26(8)(b)5m—to sustain the charges against Beth.

18. The Committee proceeded on an incorrect theory of law, exceeded its jurisdiction, lacked sufficient evidence to reach its decision, and acted in an arbitrary, oppressive, and unreasonable manner representing its will and not its judgment by:

- a. Demoting Beth when demotion was not proper;
- b. Making findings that were not supported by the record; and
- c. Ordering a penalty which was excessive and unreasonable.

**WHEREFORE**, the Petitioner requests that the court review the proceedings of the Board as set forth in this Complaint and enter Judgment:

- a. Reversing the Committee's decision;
- b. Providing back pay to the Petitioner for the reduction in compensation when demoted to Sergeant;
- c. Reinstating Petitioner to the position of Captain within the Sheriff's Office; and
- c. For such other relief as the court deems just and proper.

Dated at Milwaukee, Wisconsin, this 27<sup>th</sup> day of August, 2021.

**MacGILLIS WIEMER, LLC**  
Attorneys for the Petitioner, Bill Beth



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Christopher J. MacGillis  
State Bar No. 1068944  
Kevin P. Todt  
State Bar No. 1097341

This Document Drafted By:

MacGillis Wiemer, LLC  
11040 W. Bluemound Road, Suite 100  
Milwaukee, WI 53226  
T: (414) 727-5150  
F: (414) 727-5155  
chris@macgilliswiemer.com  
kevin@macgilliswiemer.com



## COUNTY OF KENOSHA

Joseph M. Cardamone III  
Corporation Counsel

Jennifer Kopp  
First Assistant

John Moyer  
Senior Assistant

Matthew Perz  
Senior Assistant

Courthouse  
912 – 56<sup>th</sup> Street, LL13  
Kenosha, WI 53140-3747  
(262) 925-8020  
Fax: (262) 925-8028

June 23, 2021

Sergeant Bill Beth  
3160 136<sup>th</sup> Avenue  
Kenosha, WI 53140

SENT VIA CERTIFIED MAIL

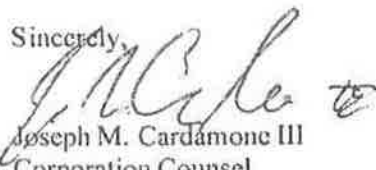
Re: Decision of Grievance Committee

Dear Sergeant Beth:

In my capacity as the Secretary for the Grievance Committee hearing your appeal of the discipline imposed by Chief Deputy Marc Levin, I am enclosing a copy of the Committee's Findings and Order upholding that disciplinary decision.

Pursuant to § 59.26 (8)(b) 6, Wis. Stats., you may appeal from the Committee's order to the Circuit Court by serving written notice of the appeal on the Secretary of the Grievance Committee within ten (10) days after the order is filed, which is the date on the Order. Pursuant to Municipal Code of Kenosha County § 4.01 (6)(c) 10, any such appeal must be filed in writing with the Secretary of the Grievance Committee within ten (10) days after notice of the Committee's Order is served on you. I cannot give you legal advice as to how to harmonize these two provisions. I can advise that I will not object to a filing which comports with the later date contemplated by the ordinance. I cannot speak to whether the Circuit Court would find that jurisdiction was lost by a filing which did not comport with the terms of the statute.

Sincerely,

  
Joseph M. Cardamone III  
Corporation Counsel

JC:ms

Cc Supervisor Terry Rose (via email)  
Attorney Kyle Gulya (via email)  
Attorney Kevin Todt (via email)  
Chief Deputy Marc Levin, Kenosha County Sheriff's Department (via email)  
Ms. Clara-Lin Tappa, Director of Human Resources (via email)



---

**Before the Kenosha County Grievance Committee:  
The Finance and Administration Committee**

---

**In the Matter of the Charges Filed Against:  
CAPTAIN BILL BETH**

**By**

**KENOSHA COUNTY CHIEF DEPUTY  
MARC LEVIN**

---

**FINDINGS AND ORDER**

---

This matter came before the Kenosha County Finance and Administration Committee ("Committee"), designated by Municipal Code of Kenosha County (MCKC) § 4.01 (6)(c) 4 as the Grievance Committee as described under that section and under Wisconsin Statute § 59.26 (8)(b). All members of that committee (Chair Terry Rose, Supervisor Jeff Gentz, Supervisor Ronald J. Frederick, Supervisor Edward D. Kubicki, Supervisor Jeff Wamboldt, Supervisor Monica M. Yuhas and Supervisor John Franco) were present throughout the duration of the hearing and deliberations, which commenced on June 2, 2021, and continued on June 3, June 8, June 14, and June 16, to consider the charges filed by Kenosha County Chief Deputy Marc Levin against then Captain (now Sergeant) Bill Beth<sup>1</sup>.

The charges were first filed with the Committee Chair on May 6 and received by the Committee on May 13, pursuant to MCKC § 4.01 (6)(c) 4 and § 59.26 (8)(b) 1, Wis. Stats. They were personally served on Captain Beth on May 14, 2021 and an appeal was requested on that same date. A prehearing conference was held telephonically with the Committee Chair on May

---

<sup>1</sup> At the time the events which led to this proceeding occurred, Bill Beth was a Captain with the Kenosha County Sheriff's Department. It is acknowledged and understood that as a result of these events, he was demoted to Sergeant, the rank held during this proceeding. In the interest of consistency and clarity, he will be referred to as Captain Beth throughout this Findings and Order.

17, 2021, at which Captain Beth was represented by Attorney Kevin Todt and Chief Deputy Levin was represented by Attorney Kyle Gulya. At that prehearing conference agreements were reached as to tentative scheduling and various procedural matters. When the hearing commenced, and throughout the taking of testimony, Chief Deputy Levin appeared in person, represented by Attorney Gulya. Captain Beth appeared in person, represented by Attorney Todt.

Chief Deputy Levin, through Attorney Gulya, presented testimony and other evidence during the hearing, which was subjected to cross examination by Captain Beth through Attorney Todt as well as questioning by members of the Committee. Captain Beth, through Attorney Todt, likewise presented testimony and other evidence during the hearing, which was subjected to cross examination by Chief Deputy Levin through Attorney Gulya as well as questioning by members of the Committee. Each parties' exhibits were entered into the record by stipulation. Further, the parties noted that there were no objections to the procedure, notice or scheduling of this matter. Witness testimony was concluded on June 16, 2021, and the Committee subsequently entered into deliberations.

### **SUMMARY OF CHARGES**

In December 2020, Kenosha County commenced a broad investigation involving use of paid leave time by supervisory personnel within the Kenosha County Sheriff's Department related to use of special assignment days (S/A days, S Days, trade days) rather than using traditional vacation or sick leave. While this investigation was ongoing, Captain Beth, despite being aware of the existence of the investigation, met with subordinate supervisory personnel in January 2021 to develop a defined plan whereby salaried-exempt supervisors could trade time



worked on non-scheduled work time as time off for scheduled work time instead of using vacation time or PTO. He produced a memorandum which was shared with those subordinates, solicited their feedback on it and then further refined it and implemented it without receiving authorization from Sheriff David Beth or Chief Deputy Levin. During a meeting on February 9, 2021, Captain Beth presented this already implemented shift trade plan to Sheriff Beth, Chief Deputy Levin, and his fellow Captains, repeatedly and insubordinately pushing Sheriff Beth to consider it. When it was determined that trades had already been approved by Captain Beth under this plan, the County initiated an investigation into his actions. During that investigation, Captain Beth failed to be honest regarding his conduct, including falsely stating whether certain conversations had taken place.

As a result of that investigation, Chief Deputy Levin found that Captain Beth violated Kenosha County Sheriff's Departmental Policies, specifically:

- Policy 101 Standards of Conduct.
  - 101.3.1 Unlawful or Conflicting Orders
  - 101.4(c), (d), (e) Direct Lines of Reporting - Chain of Command
  - 101.5 (a), (c), (e) Supervisory Responsibilities
  - 101.7.1 (a), (b), (c) Laws, Rules and Orders
  - 101.8.2 (a), (b), (c) Efficiency
  - 101.8.3 (a), (c) Performance
  - 101.8.4 (h), (o) Conduct
- Policy 110 Investigations
  - 110.4.2(k) Internal Affairs Investigation Interviews

- **Policy 118 Leave Time and Scheduling**

It was further found that Captain Beth's conduct violated the professional standards identified in MCKC § 4.01 (6)(a), the Civil Service Ordinance:

- 4. Insubordination
- 5. Neglect or Dereliction of Duty
- 6. Willful neglect or disobedience of any legal order of superior officers or legal departmental rule
- 8. Conduct that adversely affects the morale or efficiency of the Sheriff's Department
- 10. Conduct that has a tendency to destroy, or distract from the officer's credibility as a witness in court
- 13. Making a false official statement or entry in official records
- 21. Any other act or omission contrary to good order and discipline, or constituting a violation of any of the rules and regulations of the department

Additionally, Captain Beth is responsible for complying with the Kenosha County Code of Conduct, and his actions violated several of its provisions:

1. Behavior that is unprofessional, disrespectful, unethical or discourteous with co-workers, managers, clients, vendors, or to the citizens of Kenosha County or not reporting same to management;

2. Insubordination, refusing to follow direction from a supervisor or manager, or making false statements;
3. Performance that is not meeting expectations and/or not satisfactorily fulfilling job responsibilities including not completing assignments within expected timeframe;
4. Violating any federal or state laws or codes, local ordinances, and any regulations that govern their respective departments;
14. Sabotaging another's work or intentionally causing delay of work, either employee's own or that of others or causing disruption in the workplace;
17. Making malicious, false and harmful statements about others;
23. Falsifying or intentionally misrepresenting records, statements, claims or reports, including employee's own time records or the time records of another employee.

Finally, the rank of Captain is responsible for exercising "seasoned judgment," assisting in the formulation of Departmental policies and procedures, and ensuring that County and Departmental rules, regulations, and policies are enforced at all times, as noted in the Captain Position description.

As a result of his findings that Captain Beth had violated the above, and based upon his determination that Captain Beth's actions had demonstrated a serious lack of the sound judgment necessary to serve as a significant Department leader, Chief Deputy Levin found that there was just cause to reduce Captain Beth in rank to Sergeant. Further, as a result of his lack of truthfulness during the investigation, a Brady notice, indicating that he could be found to be not credible in court, has been filed with the District Attorney's office.

## **FINDINGS OF FACT**

Kenosha County initiated an expansive investigation in December 2020, reviewing the use of special assignment/SA/S/trade days by salaried exempt supervisors in the Sheriff's Department. Such salaried exempt supervisors are not hourly employees. Because they are salaried, they are not entitled to overtime pay or compensation for work performed outside of or in addition to their scheduled shifts. As part of this investigation, Community Security Solutions LLC (CSS) was retained in order to avoid any potential or perceived conflict of interest that could occur when reviewing the actions of a high-ranking officer of the Sheriff's Department. CSS had not worked with Kenosha County before and had no such conflict. They brought particularized expertise to the investigation in the form of significant prior experience in law enforcement on the part of the two investigators and a focus on interval investigations for command staff. Prior to that investigation beginning, the Captains, including Captain Beth, were all told by the Chief Deputy that special assignment days (S days, SA days, trade days) were no longer authorized.

On January 18, 2021, Captain Beth met with his Lieutenants to discuss use of trade time for salaried exempt supervisors to take scheduled work time off for work performed outside of scheduled work time. Neither Sheriff Beth nor Chief Deputy Levin were at this meeting. Later on January 18, 2021, Captain Beth led a meeting of the Operations Command Staff (Lieutenants and Sergeants) in the Emergency Operations Center ("EOC"). Chief Deputy Levin was present at this meeting for a short time and indicated that the administration was working on possible

solutions for the question of salaried exempt supervisors working significant time outside of their scheduled shifts.

Following the discussion with his subordinates on January 18, Captain Beth prepared and presented to them a memo, dated January 21, regarding "Work Time Adjustments" which would allow Supervisory staff to "exchange time worked outside of their normal shift for time off from their normal shift." This was circulated to his subordinate Lieutenants with a request for their feedback. On that same date, Captain Beth sent his draft to memo to Lieutenant Eric Klinkhammer, inquiring whether the Telestaff system would be able to accommodate the suggested policy. When Lieutenant Klinkhammer replied with his initial thoughts, he copied Captain Justin Miller, his immediate supervisor, as Captain Beth had not included him on the initial email. When Captain Beth responded to Lieutenant Klinkhammer, he once again did not include Captain Miller on that correspondence.

As a result of being made aware of what Captain Beth was preparing, Captain Miller met with Captain Beth the following week. He expressed to Captain Beth that the timing of this matter was not right, based upon the ongoing investigation, and that Captain Beth should seek approval from Chief Deputy Levin before putting "anything in motion." He further advised Captain Beth that Captains still needed to seek permission for certain matters and that he believed Chief Deputy Levin would not be okay with the memo.

On Thursday, January 28, 2021, Captain Beth approved several trades requested by Lieutenant Neal Paulsen. Specifically, Captain Beth allowed Lieutenant Paulsen to exchange time worked outside of his normal shift for time off from his normal shift. This resulted in an increase in Lieutenant supervisor coverage on certain days and a reduction in supervisor coverage on other days.

On February 8, 2021, Captain Beth held another meeting with his Lieutenants. He received additional feedback from his subordinate supervisors and as a result revised the memo to lengthen the time period when “[t]rades should [be] scheduled and concluded” from two weeks to one month.

On February 9, 2021, Sheriff Beth met with Chief Deputy Levin and the three Captains for their regular Command Staff Meeting. During this meeting Captain Beth presented his draft shift trades memo. This meeting was the first instance that either Sheriff Beth or Chief Deputy Levin learned of the existence of the memo. Sheriff Beth attempted to end any discussion of the memo as he had no interest in considering it while the investigation was ongoing. Captain Beth, however, continued to disrespectfully insist and demand that his memo be discussed, to the point of being insubordinate. He was described as being persistent, relentless, obnoxious and aggressive. Sheriff Beth became so upset that he left the meeting in order to calm down. When Sheriff Beth returned to the meeting, Captain Beth continued to insist that his memo needed to be discussed, further aggravating Sheriff Beth to the point where he angrily ended the meeting and sent all participants to their offices.

On or around February 11, 2021, Captain Miller met with Captain Beth and reminded him that he had advised Captain Beth to run the idea past Chief Deputy Levin. Captain Beth later told investigators that he told Captain Miller that Chief Deputy Levin had been present at a meeting where it was discussed. No one was able to corroborate that Chief Deputy Levin had been present for any discussions about shift trades or either the contents or concepts of the memo prior to the Command Staff Meeting on February 9, 2021. Additionally, Captain Beth did not raise at that meeting his claim that Chief Deputy Levin was aware of this issue.

On February 18, 2021, the County commenced an investigation into Captain Beth's approval of potentially unauthorized shift changes and his related conduct when trades he had approved for Lieutenant Paulsen were noted. When interviewed as part of the investigation, Captain Beth claimed either to have not met with Captain Miller prior to the February 9, 2021 Command Staff Meeting or to have no recollection of any such meeting where Captain Miller cautioned him against proceeding with the memo without advising Chief Deputy Levin. He further indicated that he was simply seeking clarification on the existing policy. Captain Beth was not placed on leave until after CSS advised it was their belief that he was not being truthful while being interviewed as part of the investigation.

As part of this investigation it was determined that several Lieutenants had believed that the memo as proposed by Captain Beth was being followed and were disheartened and disappointed upon learning that it would not be implemented.

Captain Beth's disciplinary history was discussed. It was noted that beyond minor infractions the only prior discipline of any significance came in 2016, when as a Lieutenant he received a "counseling" from then Captain Levin after composing a statement and requiring that it be read at Detention Center Roll Calls which could have been interpreted as intimidating and pressuring to Correctional Staff. He was advised by then Captain Levin that he had overreached his authority and failed to have the document properly authorized by his superiors before requiring that it be read in a manner which could have implied it was official Department policy. There was also uncontested testimony that when working in Detentions under Captain Miller he had arranged for a concert without seeking appropriate approval from his superiors resulting in the event being cancelled.

## **SEVEN TESTS OF JUST CAUSE**

Pursuant to § 59.26 (8)(b) (5m) a-g, Wis. Stats., the Committee must find that there is “just cause” to sustain the charges brought by Chief Deputy Levin in order to uphold the imposed discipline. Based upon all the evidence presented, including witness testimony and exhibits received by stipulation, the Committee hereby finds:

**1. Captain Beth could reasonably be expected to be aware of the probable consequences of his conduct.**

A Captain can be reasonably expected to understand the requirements of the chain of command as well as understanding that if there was confusion as to current policy, the appropriate process was to seek clarification from his superiors before taking action. Sergeant Beth provided examples in his testimony of prior initiatives he had spearheaded but always after discussing it with either the Sheriff or Chief Deputy. Additionally, a Captain can certainly be reasonably expected to understand the probable consequences of providing misleading or untruthful answers in responding to official investigations.

**2. The rules and expectations of conduct are reasonable.**

It is eminently reasonable to expect one of the third highest ranking members of the Sheriff's department to demonstrate sound and seasoned judgment. The policies are in place to ensure the safe, effective and efficient running of a law enforcement agency. These include the requirements of the chain of command, which are designed to guarantee a supervisor does not impair the Department's ability to carry out its duties by actions or inactions which are not fully



authorized, and which could impact the trust necessary to appropriately lead. Further, there can be no question that it is reasonable to expect a representative of law enforcement to at all times, but particularly in the framework of an investigation, speak plainly and honestly, without resort to dissembling, evasion, or misdirection.

**3. There was a reasonable effort to discover whether Captain Beth did in fact violate a rule or order.**

There was an extensive investigation into Captain Beth's conduct. It included comprehensive and multiple interviews with Captain Beth, his subordinate Lieutenants, Chief Deputy Levin, Sheriff Beth, Captain Miller, and Lieutenant Klinkhammer as well as review of documents, policies, training, and Captain Beth's work product. Captain Beth had an opportunity to share any statements or evidence prior to the filing of charges.

**4. The investigation was fair and objective.**

Due to the potential conflict inherent in investigating a high-ranking officer of the Sheriff's Department, particularly one related to the Sheriff, Kenosha County retained Community Security Solutions LLC to conduct the investigation. There had been no meaningful contact between the two primary investigators from CSS and any of the persons involved in this investigation prior to late 2020, when their first investigation of Sheriff Department personnel began. Captain Beth received notice of the investigation including its nature, was fully advised of his rights, was afforded the opportunity to have representation present when interviewed, and was given the opportunity to present any information he believed was pertinent to the investigation into his actions.

**5. The investigation discovered substantial evidence of wrongdoing showing Captain Beth violated a rule or order as described in the charges.**

The investigation showed Captain Beth to be insubordinate, by continuing to push an issue which the Sheriff indicated they were not discussing. Not only did he demonstrate insubordination through his actions, but his demeanor during the meeting showed a lack of respect for the chain of command and was described by one participant in that meeting as the most disrespectful exchange between a subordinate and superior that he had observed in twenty-eight years of service with the Sheriff's Department. Further, the investigation found that he had enacted an unauthorized policy regarding the trading of shifts without the approval or knowledge of the Sheriff or Chief Deputy, in violation of the chain of command, which resulted in confusion and resentment among his subordinates as well as one Lieutenant having to change an authorized trade for vacation time. Finally, it found that he had failed to be truthful and forthright when discussing the events which formed the basis of the investigation, including denying or failing to remember certain conversations and indicating the participation of the Chief Deputy in a meeting discussing the contents of the memo.

**6. The Sheriff's Department is enforcing the rules of orders fairly and without discrimination.**

Due to a lack of similar situations, it can be determined that this determination was made fairly and without discrimination.

**7. The recommended action of reduction in rank is consistent with the seriousness of the violation and Captain Beth's record of service.**

It is vital that the leadership of the Sheriff's Department has the utmost trust and confidence in its highest-ranking officers. This includes not only trust and confidence in the ability to exercise the "seasoned judgment" to which has been previously referred, trust and confidence in an understanding of the propriety of the chain of command and the appropriate role of subordinates, but also trust and confidence that responses from those officers will be wholly truthful. This is for the good of both the individual and of the whole. A lack of faith in any one of these would make it difficult to retain someone in such an elevated position. The lack of faith in all three makes it essentially impossible.

In this situation, Captain Beth sought to appease his subordinates, likely with the best of motives and intentions, by making promises related to a benefit he was not authorized to provide. He raised the hopes of the individuals who worked under his command in this regard and then sought the approval of his superiors, forcing the Sheriff and Chief Deputy into a situation where they needed to advise that no such plan was moving forward, creating a substantial risk of damaging Departmental relations.

Chief Deputy Levin testified eloquently that he took into consideration Captain Beth's long and distinguished record of service. He concluded, however, that he simply no longer had the requisite confidence in Captain Beth's judgment and felt it was necessary that there be a buffer between him and significant decision making-authority, which led him to the conclusion that the demotion to the rank of Sergeant was most consistent with the seriousness of the violations including the disregarding of the chain of command, the insubordinate behavior, and the lack of candor during the investigation.

### **FINDINGS, CONCLUSION AND ORDER**

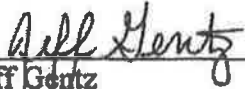
The Committee finds that Captain Beth, through his actions and statements, was insubordinate, violated the chain of command, and failed to provide truthful responses during the investigation into this matter, resulting in violations of Department Policies, the Civil Service Ordinance, and the County Code of Conduct as charged by Chief Deputy Levin.

Further, a majority of the Committee concludes that Chief Deputy Levin has proven, by a preponderance of evidence, that the Seven Tests of Just Cause were met in this instance. Like Chief Deputy Levin, they struggle with the lack of any significant discipline over the course of a quarter century career in the Sheriff's Department but ultimately defer to the determination and judgment of the Chief Deputy that the degree of trust necessary to be comfortable with retaining Captain Beth as one of his three "right hands" has been irretrievably damaged by his actions both before and during the investigation.

Ultimately, this is not a question of whether a policy should be or should have been created for the benefit of the salaried-exempt supervisory staff. It is one of whether the actions taken before and during the investigation show a lack of sound and seasoned judgment, understanding of the chain of command, and candor with superiors and those acting on their behalf. Captains do not, on their own authority, enact policies. Captain Beth clearly knew this based on his own experience of initiating changes after consultation with his superiors. Based upon all the testimony taken and the evidence presented in the form of stipulated exhibits, by a majority vote, **IT IS HEREBY ORDERED:**


That the determination of Chief Deputy Levin to impose discipline upon Captain Bill  
Beth by reduction of rank to that of Sergeant is hereby **affirmed**.

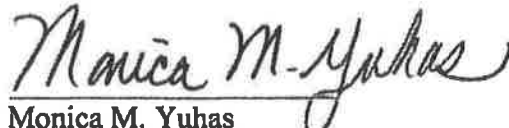
Dated this 22<sup>nd</sup> day of June, 2021.

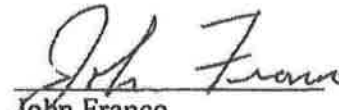
  
Jeff Gertz

  
Ronald J. Frederick

  
Edward D. Kubicki

  
Jeff Wamboldt

  
Monica M. Yuhas

  
John Franco

I respectfully dissent from the decision of the Committee. While cognizant of all the factors which led my colleagues to their determination, it is my conclusion that the imposed penalty is too harsh.

I agree that Captain Beth was insubordinate but due to his stellar record with the Department and the lack of any significant previous discipline or following of what I believe would have been a proper progressive approach to discipline, I simply do not feel that his actions merit a reduction in rank.

It is my belief that at some point the County Board may enact a policy similar to that which Captain Beth was proposing and while he may have been told not to circulate the memo, he was suggesting an idea whose time has likely come.

I would retain Captain Beth at that rank, impose a period of leave without pay, and effectively place him on a "last-chance" understanding that any future violations of rules, policies, or ordinances would result in the Department seeking termination.

Dated this 22<sup>nd</sup> day of June, 2021.



Terry Rose

**STATE OF WISCONSIN****CIRCUIT COURT****KENOSHA**

Bill E. Beth vs. Kenosha County et al

**Electronic Filing  
Notice**

Case No. 2021CV000786

Class Code: Petition for Writ of Certiorari

**FILED**

08-27-2021

Clerk of Circuit Court  
Kenosha County

2021CV000786

Honorable Angelina  
Gabriele

Branch 6

KENOSHA COUNTY  
1010 56TH STREET  
KENOSHA WI 53140

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If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-653-2664.

Kenosha County Circuit Court  
Date: August 30, 2021Gim  
9/16



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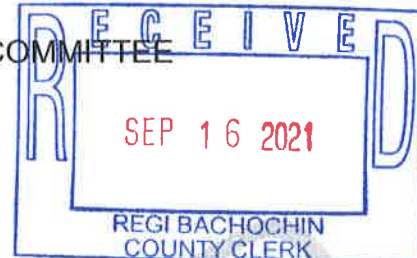
Clerk of Circuit Court  
Kenosha County

2021CV000786

Honorable Angelina  
Gabriele

Branch 6

KENOSHA COUNTY FINANCE/ADMINISTRATION COMMITTEE  
1010 56TH ST. 2ND FLOOR  
COUNTY ADMINISTRATION BUILDING  
KENOSHA WI 53140



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