

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

August 18th, 2009

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

Roll call was taken.

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

Excused: Supervisor Breunig.

Present: 27. Absent: 1.

At this time County Executive Kreuser recognized the St. Joseph High School Baseball Team for winning the WIAA Division 3 State Baseball Championship.

CITIZEN COMMENTS

Jim Smith, Chairman of the Town of Somers stated there has been problems with the bar El Fracazos. He stated that in April the bar appeared closed and became a used car lot. He took pictures and gave them to Supervisor Molinaro. There have also been other problems such as fighting, stabbings, and guns being shown. He asks on behalf of the Town Board that the County Board hold off on granting El Fracazos a Cabaret License.

Mary Dixon, 6201 5th Ave., stated she wanted to wish the YMCA well in their new spot. By moving out west, they are leaving the population base that they are supposed to be servicing. She has been an everyday participant in the YMCA for the past 30 years and she has seen the malignant neglect and lack of cleanliness in the facility. She hopes that in 30 years there is not someone else standing here saying the same about the new YMCA facility.

Jim Moore, 9218 74th Pl., stated this past week the Chairman of the County Board made a decision to fix a committee process that has been broken by reassigning two veteran supervisors and finance committee members to other committees. The stated reason in the chairman's August 10th memo was "the recent flip flop in votes by two leaders has violated the principals of an effective committee process". This action is without merit and sets a very poor precedent for the future. This was an isolated incident; we do not see a pattern of flip flop voting. It is irresponsible to say because of the change in one vote, the committee process has been broken. It's not only the right, but it's the responsibility of each and every supervisor to weigh carefully each new piece of information that becomes available through debate on the board floor, calls from constituents, interested parties, or further reflection on the issue at hand and to vote their conscience even if it's a change on how they previously voted. Jim Moore reminded the board that on this very same question one supervisor, after he had voted on the board floor called for reconsideration of the question and changed the vote. He was not placed in a penalty box for changing his vote, nor should he have been. He was able to do this without explanation, yet in the case of Supervisors Faraone and Rose they are being singled out for reassignment because "they have changed their votes without explanation or immaterial factor". The democratic process protects the right to not share why a vote is changed. The precedence set here is extremely dangerous. If you flip flop your vote for any reason no matter how legitimate in your thinking, you may find your committee reassigned.

Charles Olson stated he is homeless and is here with the Strength and Humanity Network and their purpose is to raise awareness of homelessness in the City of Kenosha and Kenosha County. He has been homeless for 14 months living completely outdoors for the past 11 months. He's had 3 bikes stolen in the past few months and he was jumped by 6 guys and beaten, it is a difficult existence.

Kristie Parker stated she has been homeless for 6 1/2 years. She hopes that someone could make an old school into a permanent homeless shelter. She stated they have to hustle to earn their food, clothing and shoes. She invited everyone to see First Step, Grace Lutheran, Bridges and other places they have been. It's hard for them to find a job because everywhere they go no one wants to hire the homeless. She asked for a chance to get a job so she can get back on her feet.

George Brock, 5707 13th Ave., stated when he moved here from Illinois he was appalled at the lack of treatment the homeless was given here in Kenosha and the State of Wisconsin. There are a lot of reasons people become homeless, such as lack of employment, death in the family, mental instability or family problems. There are only a few places for the homeless to go and he would like to see a permanent homeless shelter in Kenosha.

Monica Higgin stated she has been homeless for over a year. If it wasn't for First Step, Grace Lutheran or Bridges for the mentally ill, they would be lost. They do not choose to be homeless and are always being harassed. She would like to see a homeless shelter in Kenosha especially for the kids.

There were no Announcements of the Chairman.

SUPERVISOR REPORTS

Supervisor Huff stated he will present the Ethic's Policy at the next Legislative Committee. He would like each Legislative Committee member to go through it and highlight any changes, suggestions, or deletions and return it to Corporation Counsel. Supervisor Huff requested Supervisor O'Day have the Finance Committee do the same thing. Once Corporation Counsel has the changes, suggestions or deletions there will be a joint meeting with Finance and Legislative Committees and hopefully work out some of the sticking points and then bring it before the County Board.

Supervisor Modory stated Milwaukee's Mayor Tom Barrett was attacked while trying to intervene in a domestic violence situation and was hurt and hospitalized. Supervisor Modory will be passing a get well card around to send to the Mayor if anyone is interested in signing it.

Supervisor O'Day stated the Finance Committee adopted 5 resolutions at their meeting which are all on the agenda tonight. They also received 3 reports one from Kenosha Area Business Alliance 2009 2nd quarter loan report, the History Center review in lieu of an audit every other year and a report from the County Clerk on the new Domestic Partnership Law. On the supervisor's desks are letters in regards to the YMCA financing plan and the General Fund Balance Report.

Supervisor Rose requested the board invite the County Executive to meet with the board in closed session to report to the board regarding the progress of the negotiations with respect to the Intergovernmental Agreement. It's been approximately one year since the negotiations have commenced, we passed a bond resolution with respect to that. They need to meet in closed session to discuss what the specific problems are from the County Executive's perspective. Supervisor Rose would also like the County Executive to report to the board on the status of the finances and the budget for 2009. He thinks this is an issue that needs to be addressed in 2009 not 2010.

Supervisor Elverman stated there will be a County Executive Golf Outing which is a fund raiser for the Kenosha County Junior Golf Program at Brighton Dale on September 18, 2009. Registration can be done by contacting the County Executive's office, Brighton Dale Golf Course or the Highway & Parks Division. Supervisor Elverman reported that two of the shelters at the new unnamed county park on Hwy KD & F have been completed along with many of the trails. If anyone would like a tour, they should contact Supervisor Elverman or the Highway & Parks Department.

Supervisor Noble stated the county and city staff met for seven hours this past Friday and worked out the remaining issues relating to the Intergovernmental Agreement (IGA) involving the Public Safety Building Construction and operation. There is still one outstanding issue relating to the language and the City Administrator is expected to draft the language and present it to Corporation Counsel within the next two weeks. The parties plan on meeting on Thursday, August 27th to review the final draft of the language and expect the final documents could be placed on the Common Counsel Agenda in mid September. Supervisor Noble reported the bids for the construction Safety Building were let to the subcontractors, the total bid package No. 1 came in at about \$1,005,000, which is 20% lower than the bid package estimate was. This is probably the smallest package of all of them that will be let and was favorable with regards to the budget. They anticipate the digging to start the week of August 31st.

Supervisor Moore reported for the Administration Committee. The County has come to an agreement with Humana Health Care on a Medicare Supplement Health Insurance option for the County's Medicare eligible retirees. The new health insurance option provides comparable coverage when compared to the County's self funded plan and will be offered as a lower cost alternative to the County's self funded plan. The new health benefit will be introduced to the retirees in a series of information sessions scheduled for the last week of September. Administration Committee will have more information as the process continues.

NEW BUSINESS

Ordinances - one reading.

ORDINANCE 14

14. From the Land Use Committee regarding AM Community Credit Union requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Brighton.

It was moved by Supervisor Ekornaas to adopt Ordinance 14. Seconded by Supervisor Nudo.

Motion carried.

ORDINANCE 15

15. From the Land Use Committee regarding Town of Somers (Sponsor), Berwick Properties, Inc. (Owner) requesting rezoning from R-9 Multiple-Family Residential District to I-1 Institutional District in the Town of Somers.

It was moved by Supervisor Ekornaas to adopt Ordinance 15. Seconded by Supervisor West.

Roll call vote.

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

Nays: 0

Abstain: Chairman Clark.

Ayes: 26. Nays: 0. Abstain: 1.

Motion carried.

Resolutions - one reading.

36. From the Finance Committee a Resolution Providing for the Financing and Refinancing of a Public Indoor Recreational Facility; Authorizing the Issuance of its not to Exceed \$8,300,000 Principal Amount Kenosha County, Wisconsin Community Facility Revenue Bond (Kenosha YMCA Project), Series 2009 (The "Bond") Which Will be Payable Solely from the Receipts from a Bond and Sale Agreement and Related Documents; Authorizing the Execution and Delivery of a Bond and Sale Agreement; Authorizing the Execution and Delivery of Conveyances of Facilities; and Related Matters.

It was moved by Supervisor O'Day to adopt Resolution 36. Seconded by Supervisor Singer.

It was moved by Supervisor Elverman to refer Resolution 36 back to the Finance Committee. Seconded by Supervisor Haas.

Roll call vote.

Ayes: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Marks, Gentz, Faraone, Michel, Nudo, Moore, Molinaro, Morton, Jackson, Noble, Roger Johnson, Haas, Elverman.

Nays: Supervisors Clark, Hallmon, Modory, Ronald Johnson, O'Day, Singer, West, Ekornaas.

Ayes: 19. Nays: 8.

Motion carried.

RESOLUTION 37

37. From the Human Services and Finance Committees a Resolution to Modify Division of Aging & Disability Services 2009 Budget to add ARRA Funding for Senior Nutrition Services.

It was moved by Supervisor Kubicki to adopt Resolution 37. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

38. From Judiciary & Law Committee regarding Probationary Cabaret License for El Fracazo Tavern.

It was moved by Supervisor Michel to adopt Resolution 38. Seconded by Supervisor Huff.

It was moved by Supervisor Rose to refer Resolution 38 back to the Judiciary and Law Committee. Seconded by Supervisor Elverman.

Roll call vote.

Ayes: Supervisors Rose, Kessler, Kubicki, Hallmon, Marks, Michel, Moore, Molinaro, Jackson, West, Elverman.

Nays: Supervisors Grady, Zerban, Huff, Gentz, Modory, Faraone, Ronald Johnson, O'Day, Singer, Nudo, Morton, Clark, Noble, Roger Johnson, Haas, Ekornaas.

Ayes: 11. Nays: 16.

Motion failed.

It was moved by Supervisor Hallmon to call the question on Resolution 38. Motion dies for lack of a second.

It was moved by Supervisor Molinaro to send Resolution 38 back to the Judiciary and Law Committee. Seconded by Supervisor Rose.

Ayes: Supervisors Rose, Clark, Molinaro, West.

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

Ayes: 4. Nays: 23.

Motion failed.

Roll call vote on Resolution 38.

Ayes: Supervisors Huff, Hallmon, Marks, Gentz, Ronald Johnson, Michel, Moore, Jackson, Noble, West, Roger Johnson, Haas, Elverman.

Nays: Supervisors Grady, Zerban, Rose, Kessler, Kubicki, Modory, O'Day, Singer, Nudo, Clark, Molinaro, Morton, Ekornaas.

Abstain: Supervisor Faraone.

Ayes: 13. Nays: 13. Abstain: 1

Motion failed.

RESOLUTION 39

39. From Judiciary & Law Committee Establishing the month of September as Juror Appreciation Month.

It was moved by Supervisor Michel to adopt Resolution 39. Seconded by Supervisor Haas.

Motion carried.

RESOLUTION 40

40. From Judiciary & Law and Finance Committees regarding FY09 Round 2 Restraining Order Project.

It was moved by Supervisor Michel to adopt Resolution 40. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 41

41. From Judiciary & Law and Finance Committees regarding Kenosha County PreTrial Intensive Supervision Program XIII.

It was moved by Supervisor Michel to adopt Resolution 41. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 42

42. From the Judiciary & Law and Finance Committees regarding Organized Crime Drug Enforcement Task Forces Strategic Initiative.

It was moved Supervisor Michel to adopt Resolution 42. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

COMMUNICATIONS

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

Chairman Clark referred Communication 7 to the Land Use Committee.

It was moved by Supervisor Molinaro to approve the August 4, 2009 minutes with two changes. Seconded by Supervisor Huff.

Motion carried.

It was moved by Supervisor Marks to adjourn. Seconded by Supervisor Hallmon.

Motion carried.

Meeting adjourned at 9:45 p.m.

Prepared by: Edie LaMothe
Deputy Clerk
Submitted by: Mary Schuch-Krebs
County Clerk