

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING

October 19, 2004

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

Present: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Wipper, Faraone, R. Johnson, Michel, Singer, Deschler, Wisnefski, Clark, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, Noble, O'Day, Molinaro, Huff, Gorlinski, L. Johnson, West.

Excused: Supervisor Booth.

Present. 27. Excused. 1.

County Executive Allan Kehl presented a "Certificate of Appreciation" to Carly Werwie. Carly is the first female golfer in County history to win the Division-1 Wisconsin Interscholastic Athletic Association (WIAA) Girls State Tournament at University Ridge Golf Course in Verona, WI. On Tuesday, October 12, 2004.

CITIZENS COMMENTS

Jim Moore, 9218-74th Place, Kenosha stated that he is in favor of Supervisor Clark's Resolution regarding the City/County apportionment of payments received pursuant to the Intergovernmental Agreement. The 60/40 split is the way to go. Problem gambling is on the rise in Wisconsin and it will sky rocket in our area with the Casino. Our schools will be impacted. He is troubled by the huge discrepancy in the two Economic Studies. The Menominee's projected a annual number of 5.3 million visitors a year and the City's report projected 3.3 million per year. Is a Kenosha Casino viable in a near saturated market?

Paul Wokwicz, 7641-49th Avenue, Pleasant Prairie, stated that after looking at the Intergovernmental Agreement he as a almost retired attorney found at least 40 things wrong. What is going on? Mediation is just as hard as going to trial. The contract can be amended by the governor of the tribe not by County Government.

Lynne Horn, 6347-26th Avenue, Kenosha, stated that she could not believe we would even consider giving away 223 acres of land. The casinos in the state are already causing problems. We will never get that land back and this will not lower our property taxes.

Bill O'Toole, 8502-108th Avenue, Pleasant Prairie, stated that the county board did the right thing by having a referendum. Giving everyone a right to voice their opinion. He knows there are going to be added costs. He knows that Pleasant Prairie Supervisors will fight for Pleasant Prairie. Thanks to Supervisor Clark. In his opinion the city is not bargaining in good faith.

Bob Danbeck, 7626-27th Avenue, Kenosha, stated that he hopes the Intergovernmental Agreement regarding the 60/40 or 70/30 split can be settled before the election. He will be happy with either one.

Jennifer Franco, 10732-64th Street, Kenosha, going to the Casino in Milwaukee was one of the most depressing experiences she went through. The casino was right in the middle of an industrial area. There were no homes near the Casino. We are the ones going to be dealing with the social cost. We will be dealing with the increased traffic. They will take the money and leave. The money will not stay in Kenosha. She read in the Reader's Digest that Kenosha was one of the best places to raise a family. That is why she moved here. Her property value will decrease because nobody will want to buy a home close to the casino.

Morey Smith, 10519-69th Street, Kenosha, stated that he is glad to see the casino on the ballot. He went to a builder who is building homes less than half a mile away from Dairyland. He asked the sales people if they were telling perspective buyers about a proposed casino? The builder told him that they do not tell the buyers unless they ask about it. That showed him that the

casino is not a great amenity to Kenosha County. His neighbors are selling their homes. Gambling is going to be a problem.

Vickie Kwasny, 11003 - 84th Street, Pleasant Prairie, stated that we should demand to see studies that show the cost/benefit ratios and environmental issues.

John Franco, 10731-64th Street, Kenosha stated that all the money talk regarding the casino is just perspective.

CHAIRMAN ANNOUNCEMENTS

Chairman Elverman stated that the budget hearings have started. If anyone has questions on any budget and they have the time to attend the hearings, he highly recommends attending.

Chairman Elverman stated that our County Clerk was appointed to The National Association of Counties as a member of the Community and Economic Steering Committee.

Chairman Elverman stated that there will be a WCA Conference on Parliamentary Procedure and Open Meetings Laws on November 15th.

Chairman Elverman stated that we received a 'thank you' from Supervisor West and it is great to see him at his desk.

Chairman Elverman stated that there will be a Public Hearing on the Intergovernmental Agreement at the County Center next Wednesday, October 27th at 7:00 P.M. Attendance is not mandatory.

Chairman Elverman announced that there will be a 7 County Meeting, Wednesday, November 17th. Dinner at 6:15 P.M. A show of hands indicated that three would be attending.

Chairman Elverman announced that the Kenosha Commons will be holding their Grand Opening tomorrow at 10:30 A.M.

Chairman Elverman stated that Supervisor Reports is for reports and not debates. He will not allow any debates.

SUPERVISOR REPORTS

Supervisor Molinaro reported on Building & Grounds Committee. The budget was passed onto the Finance Committee. A report from the Sheriff's Department regarding a completion of a project started some time ago which a replacement and reconstruction of shower units. There is an effort underway of a public/private partnership in conjunction with the Bio CATT which is the new technology facility on the Gateway Campus in Kenosha to install redundant fiber-optic loop that will connect all the technology centers, corporate and industrial parks in Kenosha County. The county has dedicated over the next two years over \$200,000.00 towards that project. The county will then receive a quantity of dedicated fiber-optic lines for us to utilize. Over the last several weeks Supervisor Reports have deteriorated into something that is unfair to those who believe in the process of debate.

Supervisor Rose stated that he has a copy on everyone's desk of Title 25 United States Code Section 2710 regarding the inability of a State, County or City to tax an Indian Casino.

Supervisor Clark stated that he did look at the County Board Rules regarding Supervisor Reports and there is really not a definition.

Supervisor Clark wanted to respond to some of the citizens comments regarding the Intergovernmental Agreement. We will have a public hearing to receive their concerns and considerations. The Menominee Legislature has approved the Mohegan Contract. This is a fact. They have built the largest Indian Gaming Casino in the United States.

Supervisor Kerkman stated that he has a real hard time understanding the benefit of a casino.

Supervisor Molinaro called for point of order.

Chairman Elverman asked Supervisor Kerkman to wait with his comments until they are debating an issue on the casino.

Supervisor Kerkman stated that he was placed on the agenda and if he was told that he could not speak under Supervisor Reports he would have spoken under Citizen Comments. He is not debating just wanting to express his views on some items that he has experience with.

Supervisor Kerkman asked to be excused.

Supervisor Smitz asked to move Resolution 57 to the beginning of New Business. Seconded by Supervisor Molinaro.

Motion carried.

OLD BUSINESS

Ordinance - second reading.

ORDINANCE 35

35. From Legislative Committee regarding Amending Section 2.05 of the Municipal Code of Kenosha County Entitled "Standing Committees".

The Kenosha County Board of supervisors does hereby ordain that section 2.05 Standing Committees of the Municipal Code of Kenosha County be, and hereby is, amended to read as follows:

(b) Judiciary and Law Enforcement Committee.

1. All matters relating to law enforcement, the jail, the house of corrections, the court system, the Sheriff's Department, the Office of Juvenile Intake, the Department of Administration Division of Emergency Services, the Department of Corrections, Conservation Wardens, (remove) the Office of the Medical Examiner, the Office of the Clerk of Courts, and the Office of the District Attorney which are to come before the County Board shall be referred to the Judiciary and Law Enforcement Committee.

2. The Committee shall have the authority to review and act upon licenses and permits as set forth in Chapter 8 of the Municipal Code of Kenosha County.

(f) Human Services Committee. All matters relating to community health, aging services, Brookside, the public welfare, child support, (insert) the Office of the Medical Examiner and the Department of Human Services which are to come before the County Board shall be referred to the Human Services Committee.

Submitted by:

LEGISLATIVE COMMITTEE

Ronald Johnson

Richard Kessler

Mark Modory

Christine Wipper

It was moved by Supervisor R. Johnson to adopt Ordinance 35. Seconded by Supervisor Kessler.

It was moved by Supervisor Rose to defer Ordinance 35 to both committees. Seconded by Supervisor Wisniewski.

Roll call vote to defer.

Ayes: Supervisors Grady, Rossow, Rose, Wipper, Marrelli, Michel, Deschler, Wisniewski, Noble, Gorklinski, Ekornaas.

Nays: Supervisors Elverman, Kessler, Huff, Carbone, Modory, Faraone, R. Johnson, O'Day, Singer, L. Johnson, Molinaro, Carey-Mielke, Clark, West, Smitz. Ayes. 11. Nays. 15.

Motion failed.

Roll vote on Ordinance 35.

Ayes: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Wipper, Faraone, R. Johnson, Singer, Wisniewski, Clark, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, O'Day, Molinaro, Huff, Gorklinski, L. Johnson, West.

Nays: Supervisors Michael, Noble.

Abstain: Supervisor Deschler.

Ayes. 23. Nays. 2. Abstain. 1.

Motion carried.

NEW BUSINESS

RESOLUTION 57

57. From Land Use Committee regarding Supporting a Cooperation Planning Process among Kenosha County, Participating Local Governments, and SEWRPC to prepare a Multi-Jurisdictional Comprehensive Plan and Apply for a Planning Grant From the State of Wisconsin.

WHEREAS, Section 66.1001 of the Wisconsin Statutes sets forth requirements for the preparation of county and local comprehensive plans; and

WHEREAS, the comprehensive planning law effectively requires that comprehensive plans be completed and adopted by counties, cities, towns, and

villages by January 1, 2010, in order for a county or local government to engage in zoning, subdivision control, or official mapping regulations and activities; and

WHEREAS, a cooperative approach among Kenosha County, local governments interested in partnering with the County, and the Southeastern Wisconsin Regional Planning Commission (SEWRPC) will result in the preparation of County and local comprehensive plans that meet State requirements and local, County, and regional needs in an efficient and cost-effective manner; and

WHEREAS, a proposed cooperative planning process was described during a series of meetings held between Kenosha County and interested cities, towns, and villages beginning on April 28, 2004, whereby the County would contract with SEWRPC to develop a multi-jurisdictional comprehensive plan for Kenosha County and comprehensive plans for participating cities, towns, and villages; and

WHEREAS, Kenosha County will apply for a 2005 comprehensive planning grant from the Wisconsin Department of Administration under Chapter Adm 48 of the Wisconsin Administrative Code to help fund preparation of a multi-jurisdictional comprehensive plan for Kenosha County and comprehensive plans for participating local governments; and

WHEREAS, the grant award will be paid to SEWRPC to prepare comprehensive plans for the County and participating cities, towns, and villages, with required matching funds to be provided by SEWRPC and Kenosha County. Kenosha County's matching funds will be provided by in-kind services which anticipates having no additional effect on the tax levy.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors hereby agrees to sponsor and participate in the development of a Multi-jurisdictional Comprehensive Plan for Kenosha County in cooperation with participating local governments and SEWRPC, provided the County is awarded a comprehensive planning grant by the State of Wisconsin; and

BE IT FURTHER RESOLVED that the Kenosha County Board of Supervisors hereby authorizes the submission of a multi-jurisdictional grant application to the Wisconsin Department of Administration to help fund the preparation of a multi-jurisdictional comprehensive plan for Kenosha County and comprehensive plans for participating local governments; and

BE IT FURTHER RESOLVED that the Kenosha County Board of Supervisors hereby authorizes the County Executive to execute all cooperative agreements with participating local units of government, and to sign the grant application on behalf of the County.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

Janice D. Marrelli

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

Motion carried.

Ordinances - one reading.

From Land Use Committee regarding:

ORDINANCE 36

36. Richard Maloni and David E. and Kathleen J. Miller (Owners), requesting rezoning from A-1 Agricultural Preservation District and R-1 Residential District to A-2 General Agricultural District in the Town of Brighton.

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

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

That Tax Parcels #30-4-220-041-0102 and #30-4-220-041-0107 located in the northeast quarter of Section 4, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District (12 acres) and R-1 Rural Residential District to A-2 General Agricultural District. For informational purposes only, these properties are generally located on the

southwest corner of the intersection of County Trunk Highway "KR" (1st Street) and 264th Avenue.

Richard Maloni - (Owner)

#30-4-220-041-0102

David E. and Kathleen J. Miller - (Owners)

#30-4-220-041-0107

Descriptions: That part of the north ½ of the fractional northeast ¼ of Section 4, Town 2 North, Range 20 East, Town of Brighton, Kenosha County, Wisconsin and described as follows: Commence at the northeast corner of said ¼ section; thence south 88°24'24" west along the north line of said ¼ section, 846.88 feet to the point of beginning; thence continue south 88°24'24" west along said north line, 484.80 feet; thence south 01°23'30" east 1082.30 feet; thence north 87°27'07" east along the south line of the north ½ of said ¼ section, 484.90 feet; thence north 01°23'30" west 1074.22 feet to the point of beginning. Containing 12.000 acres of land. Subject to the rights of the public over the north 33.00 feet thereof for right-of-way purposes. Containing 11.633 acres of land excluding right-of-way.

In addition: Part of the northeast quarter of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East of the Fourth Principal Meridian bounded and described as follows: Commence at the northeast corner of said section; thence south 88°24'24" west for a distance of 846.88 feet along the north line of said quarter section to a point; thence south 01°23'29" east for a distance of 1074.25 feet along the west line of the east 21 acres, more or less, of the north half of said quarter section to a point; thence north 87°27'29" east for a distance of 847.05 feet along an existing fence line to a point; thence north 01°23'29" west for a distance of 1060.13 feet along the east line of said quarter section to a point of commencement; excepting therefrom part of the northeast quarter of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East of the Fourth Principal Meridian, being more particularly described as follows: Commence at the northeast corner of said Section 4; thence south 01°23'29" east, 760.13 feet along the east line of said quarter to the point of beginning of parcel of land hereinafter described; thence continue south 01°23'29" east, 300.00 feet; thence south 87°29'29" west, 847.05 feet; thence north 01°23'29" west, 300.00 feet; thence north 87°29'29" east, 847.05 feet to the point of beginning; further excepting part of the northeast quarter of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East of the Fourth Principal Meridian, and being more particularly described as follows: Commence at the northeast corner of said Section 4; thence south 01°23'29" East, 460.13 feet along the east line of said quarter section to the point of beginning of parcel of land hereinafter described; thence continue south 01°23'29" east, 300.00 feet; thence south 87°29'29" west, 847.05 feet; thence north 01°23'29" west, 300.00 feet; thence north 87°29'29" east, 847.05 feet to the point of beginning; lying and being in the Town of Brighton, County of Kenosha and State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

ORDINANCE 37

37. Daniels Dairy Farm II/Dale Daniels (Owner), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Brighton.

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

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

That Tax Parcels #30-4-220-041-0102 and #30-4-220-041-0107 located in the northeast quarter of Section 4, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District (12 acres) and R-1 Rural Residential District to A-2 General Agricultural District. For informational purposes only, these properties are generally located on the southwest corner of the intersection of County Trunk Highway "KR" (1st Street) and 264th Avenue.

Richard Maloni - (Owner)

#30-4-220-041-0102

David E. and Kathleen J. Miller - (Owners)

#30-4-220-041-0107

Descriptions: That part of the north ½ of the fractional northeast ¼ of Section 4, Town 2 North, Range 20 East, Town of Brighton, Kenosha County, Wisconsin and described as follows: Commence at the northeast corner of said ¼ section; thence south 88°24'24" west along the north line of said ¼ section, 846.88 feet to the point of beginning; thence continue south 88°24'24" west along said north line, 484.80 feet; thence south 01°23'30" east 1082.30 feet; thence north 87°27'07" east along the south line of the north ½ of said ¼ section, 484.90 feet; thence north 01°23'30" west 1074.22 feet to the point of beginning. Containing 12.000 acres of land. Subject to the rights of the public over the north 33.00 feet thereof for right-of-way purposes. Containing 11.633 acres of land excluding right-of-way.

In addition: Part of the northeast quarter of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East of the Fourth Principal Meridian bounded and described as follows: Commence at the northeast corner of said section; thence south 88°24'24" west for a distance of 846.88 feet along the north line of said quarter section to a point; thence south 01°23'29" east for a distance of 1074.25 feet along the west line of the east 21 acres, more or less, of the north half of said quarter section to a point; thence north 87°27'29" east for a distance of 847.05 feet along an existing fence line to a point; thence north 01°23'29" west for a distance of 1060.13 feet along the east line of said quarter section to a point of commencement; excepting therefrom part of the northeast quarter of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East of the Fourth Principal Meridian, being more particularly described as follows: Commence at the northeast corner of said Section 4; thence south 01°23'29" east, 760.13 feet along the east line of said quarter to the point of beginning of parcel of land hereinafter described; thence continue south 01°23'29" east, 300.00 feet; thence south 87°29'29" west, 847.05 feet; thence north 01°23'29" west, 300.00 feet; thence north 87°29'29" east, 847.05 feet to the point of beginning; further excepting part of the northeast quarter of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East of the Fourth Principal Meridian, and being more particularly described as follows: Commence at the northeast corner of said Section 4; thence south 01°23'29" East, 460.13 feet along the east line of said quarter section to the point of beginning of parcel of land hereinafter described; thence continue south 01°23'29" east, 300.00 feet; thence south 87°29'29" west, 847.05 feet; thence north 01°23'29" west, 300.00 feet; thence north 87°29'29" east, 847.05 feet to the point of beginning; lying and being in the Town of Brighton, County of Kenosha and State of Wisconsin.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinances 36 & 37. Seconded by Supervisor Marrelli.

Motion carried.

ORDINANCE 38

38. John A. Jr. and Carol Schaefer, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Brighton.

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

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

That Tax Parcel #30-4-220-041-0202 located in the northeast quarter of Section 4, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District. For informational purposes only, this property is located on the south side of 1st Street approximately 0.16 miles west of the intersection of 264th Avenue.

John A. Jr. and Carol Schaefer - (Owners)

Description: That part of the north ½ of the fractional northeast quarter of Section 4, Town 2 North, Range 20 East, Town of Brighton, Kenosha County, Wisconsin and described as follows: Commence at the northeast corner of said ¼ section; thence south 88°24'24" west along the north line of said ¼ section, 1331.68 feet to the point of beginning; thence continue south 88°24'24" west along said north line, 1027.37 feet; thence south 01°46'08" east 759.00 feet; thence south 88°24'24" west 300.00 feet; thence south 01°46'08" east along the west line of said ¼ section, 345.30 feet; thence north 87°27'07" east along the south line of the north ½ of said ¼ section, 1320.36 feet; thence north 01°23'30" west 1082.30 feet to the point of beginning. Containing 27.9975 acres of land. Subject to the rights of the public over the north 33 feet thereof for right-of-way purposes containing 27.219 acres of land excluding right-of-way.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

ORDINANCE 39

39. Peace Evangelical Lutheran Church (Owner), Milton Schenning (Agent), requesting rezoning from I-1 Institutional District to R-4 Urban Single-Family Residential District in the Town of Salem.

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

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

That Tax Parcel #67-4-120-303-0615 located in the southwest quarter of Section 30, Township 1 North, Range 20 East, Town of Salem be changed from I-1 Institutional District to R-4 Urban Single-Family Residential District. For informational purposes only, this property is located on the south side of County Trunk Highway "C" at the Fox River.

Peace Evangelical Lutheran Church - (Owner)

Milton Schenning - (Agent)

Description: Lots 4 and 5, Block 13 Village of Wilmot Section 30, Township 1 North, Range 20 East, Town of Salem.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinances 38 & 39. Seconded by Supervisor Molinaro.

Motion carried.

ORDINANCE 40

40. Stanley J. and Janice M. Putra, requesting rezoning from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District in the Town of Somers.

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

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

That Tax Parcel #81-4-223-064-0100 located in the southeast quarter of Section 6, Township 2 North, Range 23 East, Town of Somers be changed from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District. For informational purposes only, this property is located on the east side of 13th Avenue approximately 0.6 miles north of the intersection of County Trunk Highway "A" (7th Street).

Stanley J. and Janice M. Putra - (Owners)

Description: It is a division of Certified Survey Map No. 832, as recorded in Volume 1089 on Page 945 as Document No. 676557, the exterior boundaries of which are described as that part of the northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 6, Township 2 North, Range 23 East, in the Town of Somers, Kenosha County, Wisconsin, described as follows: Begin at the northwest corner of said Certified Survey Map No. 832, said point being the northwest corner of said southeast $\frac{1}{4}$ of Section 6; run thence north 88°04'13" east 235.37 feet along the north line of said certified survey map and the north line of the southeast $\frac{1}{4}$ of said Section 6 to the east line of said certified survey map and the westerly line of the abandoned Chicago, North Shore and Milwaukee Railroad; thence south 14°22'48" west 684.26 feet along said west line to the east line of 13th Avenue; thence north 06°29'11" west 56.73 feet along said east line to the point of curvature of a curve of westerly convexity whose radius is 2258.83 feet and whose chord bears north 03°59'11" west 197.06 feet; thence northerly 197.12 feet along the arc of said curve and said east line; thence north 01°29'11" west 184.85 feet along said east line; thence south 88°30'49" west 34.75 feet to the west line of the southeast $\frac{1}{4}$ of said Section 6; thence north 01°29'11" west 218.12 feet along said west line to the point of beginning. Containing 1.761 acres.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

ORDINANCE 41

41. Jean M. Brackett (Owner)/Jeff Erickson (Agent), requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District in the Town of Wheatland.

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

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

That part of Tax Parcel #95-4-219-344-0450 located in the southeast quarter of Section 34, Township 2 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the east side of County Trunk Highway "KD" approximately 0.2 miles north of the intersection of State Trunk Highway "50."

Jean M. Brackett - (Owner)

Jeff Erickson - (Agent)

Description: Being a part of the southwest ¼ of the southeast ¼ of Section 34, Township 2 North, Range 19 East of the Fourth Principal Meridian, in the Township of Wheatland, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the southwest corner of said southeast ¼ section; thence north 01°27'05" west along the west line of said southeast ¼ section 1017.12 feet to the place of beginning of this description; thence continue north 01°27'05" west along said west line 300.00 feet; thence north 88°30'06" east 1325.05 feet; thence south 01°35'48" east 300.00 feet; thence south 88°30'06" west 1325.81 feet to the place of beginning. Containing 9.12 acres of land more or less. Excepting the west 40.00 feet thereof being dedicated for public highway purposes (County Trunk Highway "KD"). This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinances 40 & 41. Seconded by Supervisor Ekornaas.

Motion carried.

Resolutions - one reading.

RESOLUTION 54

54. From Finance Committee regarding Initial Resolution Authorizing the Issuance of General Obligation Refunding Bonds in an Amount not to Exceed \$3,095,000 and Providing for the Sale of the Bonds.

WHEREAS, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") has determined that the County is in need of an amount not to exceed \$3,095,000 for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding the County's outstanding General Obligation Refunding Bonds dated March 1, 1996 (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding");

WHEREAS, counties are authorized by the provisions of Section 67.04 of the Wisconsin Statutes to borrow money and to refund outstanding obligations; and,

WHEREAS, the County Board of Supervisors of the County hereby finds and determines that general obligation bonds should be issued in an amount not to exceed \$3,095,000 for the purpose described above; and it is now necessary and desirable to authorize their sale.

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

Section 1. Authorization of the Bonds. For the purpose of paying costs of the Refunding, there shall be borrowed pursuant to Section 67.04 of the Wisconsin Statutes, a principal amount not to exceed THREE MILLION NINETY-FIVE THOUSAND DOLLARS (\$3,095,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Bonds. To evidence such indebtedness, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, general obligation bonds aggregating a principal amount not to exceed THREE MILLION NINETY-FIVE THOUSAND DOLLARS (\$3,095,000), which bonds shall be designated "General Obligation Refunding Bonds" (the "Bonds"). The County shall offer the Bonds for public sale on or about November 16, 2004.

Section 3. Notices of Sale. The County Clerk (in consultation with the County's financial advisor, Ehlers & Associates, Inc.) shall cause a Notice of Sale to be prepared and distributed and may prepare or cause to be prepared an Official Statement or other form of offering circular setting forth the details of the Bonds.

Section 4. Award of the Bonds. Following receipt of bids for the Bonds, the County Board of Supervisors shall consider taking further action to provide the details of the Bonds; to award the Bonds to the lowest responsible bidder therefor; and to levy a direct annual irrepealable tax sufficient to pay the principal of and interest on the Bonds as the same becomes due as required by law.

Section 5. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Submitted by:
FINANCE COMMITTEE
Robert Carbone
Mark Wisnefski
Terry Rose
Anita Faraone

It was moved by Supervisor Carbone to adopt Resolution 54. Seconded by Supervisor Rose.
Roll call vote.

Ayes: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Wipper, Faraone, R. Johnson, Singer, Deschler, Wisnefski, Clark, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, O'Day, Molinaro, Huff, Gorlinski, L. Johnson, West.

Nays: Supervisors Deschler.

Ayes. 25. Nays. 1.
Motion carried.

RESOLUTION 55

55. From Judiciary & Law and Finance Committees regarding Recognizing Unanticipated Revenue 2004 Sheriff Budget.

WHEREAS, the County of Kenosha did establish in the 2004 Sheriff's Department Budget a revenue line item for Federal Inmate Housing projected for \$1,941,800 and,

WHEREAS, by July 2004, the Sheriff had met the Federal Housing Revenue obligation and has experienced nearly the same housing level through September 2004 resulting in a surplus, and

WHEREAS, the Sheriff entered into an agreement this summer with Long Island Productions to provide security at a movie set in Salem, WI for which the costs would be reimbursed, and

WHEREAS, the total invoiced for the Movie Set Security came to \$35,305.

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the attached budget modification, which is incorporated herein by reference, to recognize a portion of the surplus Federal Inmate Revenue of \$392,700 and the anticipated Movie Set Revenue of \$35,305 and increase expenditure appropriations by \$428,005 for 2004, summarized as follows:

\$20,000 to Detentions Food & Groceries.

\$37,735 to Gas/Oil, Etc. to support costs associated with the unanticipated fuel cost increase and fuel used during Movie Set Security.

\$578 to Officers Equipment to afford incidental supplies used during the Movie Set Security.

\$369,692 for Overtime and Benefits for Patrol and Detentions business units to cover expected overtime for Patrol and Detentions through year end and cover costs associated with the Movie Set Security.

Note: This resolution does not require funds from the General Fund. It increases Revenue by \$428,005 and Expenditures by \$428,005.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE	FINANCE COMMITTEE
James Huff	Robert Carbone
Brenda Carey-Mielke	Mark Wisnefski
Susan Deschler	Terry Rose
Terry Rose	Anita Faraone
William Michel II	Mark Madory

It was moved by Supervisor huff to adopt resolution 55. Seconded by Supervisor Carey-Mielke.
Motion carried unanimously.

RESOLUTION 56

56. From Judiciary & Law regarding Probationary Cabaret License for Michael's Pub.

WHEREAS, the applicant Marie Jonas, (Jonas, Jonas, & Jonas, Inc.) received approval by County Board action for a probationary cabaret license for the establishment known as Michael's Pub, and

WHEREAS, the application of Marie Jonas, (Jonas, Jonas, & Jonas, Inc.) for a probationary cabaret license for Michael's Pub, 12417 Antioch Road, Trevor, Wisconsin, in the Town of Salem, was made during the month of July, 2004, was turned over to this office on July 6, 2004, and

WHEREAS, the Kenosha Sheriff's Department has conducted an inspection of the premises, and

WHEREAS, the premises were found to be in conformity with the Cabaret Ordinance Number 8.02, and

NOW, THEREFORE BE IT RESOLVED, that because this is the initial application by the license holder, a probationary license be granted to Marie Jonas, (Jonas, Jonas, & Jonas, Inc.) for Michael's Pub.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT COMMITTEE
James Huff
Brenda Carey-Mielke
Susan Deschler
William Michel, II
Terry Rose

It was moved by Supervisor Huff to adopt Resolution 56. Seconded by Supervisor L. Johnson.
Motion carried.

RESOLUTION 58

58. From Land Use Committee regarding Final Plat of Covelli Heights Subdivision, Armando Covelli (Developer), located in the Town of Somers.

WHEREAS, at a regularly held public hearing of the Kenosha County Land Use Committee meeting on October 13, 2004 review was given to the Final Plat of Covelli Heights Subdivision located on Tax Parcel #80-4-222-072-0242 in the northwest quarter of Section 7, Township 2 North, Range 23 East, Town of Somers. For informational purposes only, this property is located on the east side of County Trunk Highway "Y" (22nd Avenue) approximately 1/3 mile south of the intersection of County Trunk Highway "A" (7th Street).

WHEREAS, the plat was submitted in accordance with the requirements of Chapter 236 of Wisconsin State Statutes and the developer agreed to comply with those land platting laws; and

WHEREAS, the plat is in conformance with the Kenosha County Subdivision Control Ordinance and the developer agreed to all county conditions for approval (Exhibit 1, on file in the Department of Planning and Development); and

WHEREAS, the Town of Somers recommended approval of Covelli Heights Subdivision subject to the conditions presented in (Exhibit 1, on file in the

Department of Planning and Development) and subject to the signing of the developer's agreement between the developer and the Town; and

WHEREAS, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) reviewed the subject plat with regards to stormwater management and erosion control and recommended approval of the plat.

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the Final Plat of Covelli Heights Subdivision subject to the conditions as approved by the

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred Erkornaas

Janice Marrelli

It was moved by Supervisor Smitz to adopt Resolution 58. Seconded by Supervisor Gorlinski.

Motion carried.

RESOLUTION 59

59. From Supervisor William Grady regarding Setting Board Agenda Item Listing Supervisors to speak During "Reports".

WHEREAS, The routine County Board meeting agenda includes an opportunity for "Supervisor Reports" wherein County Board members give informal verbal reports of upcoming community activities in their district, or general information about conferences a member attended, or regional meetings a supervisor attended on behalf of the Board, and so forth; and

WHEREAS, The "Supervisor Reports" are always conducted in open session; Further, no debate is allowed on such reports and no formal action is ever taken upon such reports at such meeting, unless the Chairman or the Board wishes to assign a certain issue to a Committee of the County Board for further study and recommendation/resolution back to the Board; and

WHEREAS, A question has developed on whether the Open Records Law requires more definition for such agenda item, and the Wisconsin Attorney General recommends a listing of those particular supervisors who will speak during such "Supervisors Reports"; and

WHEREAS, A complete avoidance of such informal reports would limit the flow of information to the public and to the Board Supervisors.

NOW THEREFORE BE IT RESOLVED, That the matter of the revised County Board agenda item for "Supervisors Reports" shall be studied by the Legislative Committee for a resolution with a recommended standard practice for the County Board to follow;

BE IT FURTHER RESOLVED, That until such resolution from the Legislative Committee is presented, the County Board shall, as a temporary measure to provide good faith compliance with the Open Meeting Law, list all supervisors on its agenda as speakers under the "Supervisor Reports" agenda item, except those supervisors who ask the County Clerk not to be listed therein.

Submitted by:

William Grady

John O'Day

Donald Smitz

Judy Rossow

Anita Faraone

Robert Carbone

Fred Ekornaas

Ronald Johnson

Leonard Johnson

Richard Kessler

Jim Hoff

Mark Wisnefski

David Singer

Christine Wipper

Tom Gorlinski

Mark Modory

Susan Deschler

It was moved by Supervisor Grady to adopt Resolution 59. Seconded by Supervisor Faraone.

It was moved by Supervisor Molinaro to refer Resolution 59 to Legislative Committee. Seconded by Supervisor Faraone.

Roll call vote.

Ayes: Supervisors Elverman, Wipper, Deschler, Faraone, Molinaro, Noble.

Nays: Supervisors Grady, Rose, Kessler, Huff, Marrelli, Carbone, Modory, Faraone, Michel, O'Day, Singer, L. Johnson, Wisnefski, Carey-Mielke, Clark, West, Gorlinski, Smitz, Ekornaas.

Abstain: Supervisor Rossow.
Ayes. 6. Nays. 19. Abstain 1.
Motion lost.

It was moved by Supervisor Clark to amend Resolution 59 to have all agendas include Supervisor Comments along with Citizen Comments. Then Supervisor Reports. Seconded by Supervisor Noble.
Roll call vote on the amendment.

Ayes: Supervisor Clark, Noble.
Nays: Supervisors Elverman, Grady, Rose, Kessler, Huff, Wipper, Marrelli, Carbone, Modory, Faraone, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Carey-Mielke, West, Gorkinski, Smitz, Ekornaas.

Abstain: Supervisor Rossow.
Ayes. 2. Nays. 23. Abstain 1.
Motion lost.

Roll call vote on Resolution 59.
Ayes: Supervisors Elverman, Grady, Rossow, Kessler, Huff, Wipper, Marrelli, Carbone, Modory, Faraone, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Wisnefski, Carey-Mielke, Clark, West, Gorkinski, Smitz, Ekornaas.

Nays: Supervisors Molinaro, Noble.
Ayes. 23. Nays. 2.
Motion carried.

RESOLUTION 60

60. From Supervisor Joe Clark regarding the City/County Apportionment of Payments Received Pursuant to the Intergovernmental Agreement with the Menominee Indian Tribe of Wisconsin.

WHEREAS, the Menominee Indian Tribe of Wisconsin has proposed purchasing 223 acres from Dairyland Greyhound Park and has petitioned the Bureau of Indian Affairs to place that land into trust for the Menominee Indian Tribe of Wisconsin, and

WHEREAS, this site, located within the City of Kenosha, borders the Town of Somers and is in close proximity to the Town of Paris, and

WHEREAS, the Menominee Indian Tribe of Wisconsin has proposed developing a Class 3 Indian gaming casino and entertainment center on the Dairyland Greyhound Park site, and

WHEREAS, in determining whether to place this land into trust, the Bureau of Indian Affairs will need to make a determination that there is a benefit to the tribe and further that any detriment to the surrounding community has been addressed and/or mitigated, and

WHEREAS, the Menominee Indian Tribe of Wisconsin and the City and County of Kenosha have met over the period of several months for the purpose of addressing the impact of the proposed development on the surrounding communities; and whereas, the Menominee Indian Tribe of Wisconsin and the City and County of Kenosha have reached a tentative agreement on an Intergovernmental Agreement under the terms of which the Menominee Indian Tribe of Wisconsin will, among other payments and provisions, pay a certain percentage, (3%-4%) of net win to the City and County of Kenosha or in the alternative, a certain minimum payment in lieu of taxes, whichever is greater, and

WHEREAS, the above payment is intended as a combined payment the City and County of Kenosha for addressing the needs of both units of government; and whereas there has been no agreement between the City and County as to a fair and equitable apportionment of the payments made by the Menominee Indian Tribe of Wisconsin under the terms of the tentative Intergovernmental Agreement, and

WHEREAS, the City will be impacted by the proposed development mainly in the areas of law enforcement and fire protection, and

WHEREAS, the County will be impacted by the proposed development in the areas of road construction and maintenance as well as traffic control, Joint Services, Courts, Social Services, and

WHEREAS, based upon an analysis of City and County cost impacts, the County's anticipated cost will equal or exceed those of the City, and

WHEREAS, the City's population of 92,871 is 59.4% of the total County population of 156,209, and

WHEREAS, the City's portion of the total County equalized value for 2004 of \$10,840,805,500 is 45.91%, (i.e., \$4,977,254,900), and

WHEREAS, the City has insisted upon an apportionment of tribal payments of 70% for the City and 30% for the County and such a split is not justified and fails to adequately, fairly and equitably address the impact of the proposed development on County government operations, on non-city residents in close proximity to the proposed site and on non-city taxpayers throughout the County, and

WHEREAS, under a similar agreement reached between the Potawatomi Tribe and the City and County of Milwaukee, the City and County each receive 50% of the tribal payments, and

WHEREAS, under the City's proposed 70%/30% split, the City taxpayer will realize 85% of the benefit of the proposed payment.

NOW, THEREFORE, BE IT RESOLVED by the Kenosha County Board of Supervisors that subject to a positive outcome of the upcoming referendum on this project, a 40% apportionment of the payments made by the Menominee Indian Tribe of Wisconsin to County government is recommended and deemed acceptable, and

BE IT FURTHER RESOLVED that in the event such an apportionment is deemed unacceptable by the City of Kenosha, that the question of the apportionment be submitted to binding arbitration before the American Arbitration Association.

Submitted by:

Judith Rossow	Richard Kessler	Christine Wipper	John O'Day
Terry Rose	Jim Huff	Mark Modory	David Singer
Susan Deschler	Brenda Carey-Mielke	William Michel	William Grady
D4ennis Elverman	Mark Wisnefski	Joseph Clark	Doug Noble
Gordon West	Thomas Gorlinski	Fred Ekornaas	

It was moved by Supervisor Clark to adopt Resolution 60. Seconded by Supervisor Wisnefski.

Roll call vote.

Ayes: Supervisors, Elverman, Grady, Rossow, Rose, Kessler, Huff, Wipper, Marrelli, Modory, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Noble, Carey-Mielke, Clark, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Carbone, Faraone.

Ayes. 24. Nays. 2.

Motion carried.

COMMUNICATIONS

9. From Jean A. Morgan City Clerk/Treasurer regarding Attachment and Temporary Zoning District Classification of Land in the Town of Bristol.

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

Chairman Elverman referred Communications 9 & 10 to Land Use Committee.

It was moved by Supervisor Kessler to approve the October 5th, 2004 minutes as amended. Seconded by Supervisor Wisnefski.

Motion carried.

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

Meeting adjourned at 10:15 P.M.

Prepared by: Pam Young
Chief Deputy

Submitted by: Edna R. Highland
County Clerk

