

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
March 2, 2010**

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, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Excused: Supervisors Marks, West.

Present: 26. Absent: 2.

**CITIZEN COMMENTS**

Robert Zapf, 912 56<sup>th</sup> St. stated he is the District Attorney. He thanked the supervisors for considering Resolution 114 which is being presented by the Legislative Committee. He asked for the supervisors support opposing what might be the State's permanent lay-offs of ADAs. We need to have a voice in Madison. When we entered into the partnership between the State picking up ADA salaries and the County continuing to pay for the bricks and mortar, paper and the rest of the DA's operation that it was a partnership and that Kenosha County has a voice in Madison. Over the past few years there has been some manpower issues and in 2007 the legislative audit said they were short ADAs throughout the State. He wants everyone to know the disastrous effect lying off ADAs will have. The court system is not shutting down; law enforcement is not shutting down or taking furlough days. The DA's office knows that crime is not shutting down or stopping when the government says the ADAs have to take furlough days. Tonight he is asking for support of the resolution, in as much as a vote of confidence in standing for a strong viable District Attorney's Office. They're not asking for more ADAs, although there is a need. They're asking to maintain the level of manpower that they have in their office so they can continue to do the job that he was elected to do.

Dick Ginkowski, 912 56<sup>th</sup> St., stated he appreciates the opportunity to be of service the past 29 years being the most senior person not only in the Kenosha District Attorney's Office but one of the most senior ADAs in the State. He stated that what was supposed to be a prosecution network when they went from County to State employment has failed in being able to recruit and keep people. There is 75% turnover statewide. It is a crisis situation. The State Board Bar of Governors this past week has adopted this statement: "...understaffing and underfunding of the District Attorney's Offices threatens the quality of justice in the criminal justice system by depriving the public of effective representation..." By the state's own admission, out of some 400 prosecutors we are 117 - 132 positions short. It's a problem statewide and unfortunately we don't have the contact in Madison we used to have. He thanks the supervisors for their support.

Mary Hart, 912 56<sup>th</sup> St. stated she is an Assistant District Attorney. At her request, she has been assigned to the Juvenile Court for more than 18 years. The general public does not know much about the workings of the Juvenile Court primarily due to the laws of confidentiality. What many people may not know is the DA's office also handles cases involving abused and neglected children, the most defenseless citizens of our community. As a society we need to make sure that experienced prosecutors are retained in the District Attorney's Office so people with greater life and legal experiences can competently handle these important cases. In juvenile court decisions are made which will forever affect the life of a child. The DA's Office, when appropriate also files actions seeking to terminate the legal rights of the parent to the child. Children who languish in foster care waiting for the system to file a petition for termination of parental rights are being harmed by the very people charged with the responsibility to ensure their safety and well being. A reduction in the number of Assistant District Attorneys in this county may adversely affect the ability of their office to adequately represent the interest of the children of our community. She hopes the board will support the District Attorney's Office and the citizens of our community including our children by passing the resolution by opposing further reduction of Assistant District Attorneys in Kenosha County and around the State.

**ANNOUNCEMENT OF THE CHAIRMAN**

Chairman Clark stated Karl Ostby will give an update at the next County Board meeting instead of at tonight's meeting. He also announced the Wisconsin County Association District Meetings will be on April 29<sup>th</sup> in Germantown. He has more detailed information if anyone is interested. On the supervisors desks are the related party disclosure which is filled out every year. Please fill it out and return it to the Finance Department by March 31<sup>st</sup>.

**SUPERVISOR REPORTS**

Supervisor Molinaro moved that Resolution 114 be moved up to first on the agenda in light of the staff present at the meeting. Seconded by Supervisor Rose. Motion carried.

Supervisor Elverman stated by mid May the new 18 Hole Disc Golf Course at Fox River Park should be opening. The local 4-H Club has volunteered to plant 200 trees into a nursery which will serve as stock as the future park is developed. Lakeland Little League has plans to begin construction on the concession and restrooms buildings this year at the Brighton Dale Ball Fields.

Supervisor Zerban stated there have been citizens who have come before the board during citizen comments and state there is not a homeless problem in our community. He decided to visit the Christian Reform Church on 75<sup>th</sup> St. which is part of the INNS program. He got there around 9:30 and there were 17 people seeking shelter for the night. He learned that was a low turnout and many of the homeless go to the First Step Services located at 1017 63<sup>rd</sup> St. At that location there were 21 people. He felt fortunate he was able to see this first hand and be able to come back to this board and report that we do have a problem in our community and it is not being addressed completely.

**At this time there was a presentation by State Treasurer Dawn Sass.**

**COUNTY EXECUTIVE APPOINTMENT**

26. Ms. Rita Kadamian to serve on the Kenosha County Board of Health.

Chairman Clark referred County Executive Appointment 26 Human Services.

**NEW BUSINESS**

**RESOLUTION 114**

From the Legislative Committee a Resolution Opposing Permanent Layoffs of Assistant District Attorneys in Kenosha County.

**WHEREAS** the Department of Administration has notified the Kenosha County District Attorney and the Assistant District Attorneys that they are subject to permanent layoffs; and

**WHEREAS**, "permanent layoffs" of assistant district attorneys in the Kenosha County District Attorney's office would seriously jeopardize and interfere with the operations of the District Attorney's office, and would further seriously threaten the ability to protect the community, enforce criminal laws and county ordinances and do justice; and

**WHEREAS**, public safety is a primary responsibility and priority of government.

**NOW, THEREFORE BE IT RESOLVED**, THAT THE Kenosha County Board of Supervisors oppose the permanent layoff of assistant district attorneys in Kenosha County.

**BE IT FURTHER RESOLVED**, that the County Clerk is directed to transmit a copy of this resolution to the Governor of the State of Wisconsin, Kenosha County State Legislative Delegation and the Wisconsin Counties Association.

SUBMITTED BY:

Legislative Committee

James Huff

Terry Rose

William Michel, II

Bob Haas

Dayvin Hallmon

It was moved by Supervisor Huff to adopt Resolution 114. Seconded by Supervisor Hallmon.

Roll call vote passed unanimously.

**OLD BUSINESS**

Ordinance - second reading two required.

**ORDINANCE 25**

25. From Land Use Committee, Amendments to Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Adding Three New Zoning Districts: 1) AE-1 Agricultural Equestrian District, 2) B-94 Interstate Highway 94 Special Use

Business District and 3) BP-1 Business Park District and one new Overlay District being TCO Town Center Overlay District, as well as amending the existing Planned Unit Development Overlay District.

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

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

The Kenosha County Board of Supervisors does hereby ordain that Chapter 12 of the Municipal Code of Kenosha County entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" adding three new Districts: 1) AE-1 Agricultural Equestrian District, 2) B-94 Interstate Highway 94 Special Use Business District and 3) BP-1 Business Park District and one new Overlay District being TCO Town Center Overlay District, as well as amending the existing Planned Unit Development Overlay District 12.26-4

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 25. Seconded by Supervisor Nudo.

It was moved by Supervisor Ekornaas to amend Ordinance 25; striking #21 "Limited Adult Media Stores...", #28 "Pawn shops" and #30 "Secondhand stores". Seconded by Supervisor Molinaro.

It was moved by Supervisor Zerban to amend the amendment of Ordinance 25 to strike #32 "Tobacco shops". Seconded by Supervisor Jackson.

It was moved by Supervisor Moore to call the question on the amendment to the amendment of Ordinance 25. Seconded by Supervisor Rose.

Roll call vote passed unanimously.

Roll call vote on the amendment to the amendment on Ordinance 25 striking #32 Tobacco shops.

Ayes: Supervisors Grady, Zerban, Kessler, Hallmon, Singer, Moore, Jackson.

Nays: Supervisors Rose, Huff, Kubicki, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Nudo, Molinaro, Morton, Clark, Noble, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Ayes: 7. Nays: 19.

Motion failed.

It was moved by Supervisor Moore to call the question on the amendment of Ordinance 25. Seconded by Supervisor Rose.

Roll call vote.

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

Nay: Supervisor Zerban.

Ayes: 25. Nays: 1

Motion carried.

Roll call vote on the amendment to Ordinance 25 striking #21 "Limited Adult Media Stores...", #28 "Pawn shops" and #30 "Secondhand stores".

Roll call vote passed unanimously.

It was moved by Supervisor Moore to call the question on Ordinance 25 as amended. Seconded by Supervisor Rose.

Roll call vote.

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

Nays: Supervisors Zerban, Hallmon.

Ayes: 24. Nays: 2.

Motion carried.

Motion carried on Ordinance 25 as amended.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 109**

109. From the Finance, Building & Grounds, and Judiciary and Law Committees a Resolution to Approve an Intergovernmental Cooperation Agreement Between Kenosha County and the City of Kenosha and Kenosha Public Safety Building Lease Agreements with the City of Kenosha and the Kenosha Joint Services Board.

**WHEREAS**, the County is the owner of the Kenosha Public Safety Building [KPSB], and whereas the County has leased space in the Kenosha Public Safety Building to both the City and the KENOSHA JOINT SERVICES BOARD [KJSB], and whereas these leases have now expired, and

**WHEREAS**, there is currently a need to expand the space needed by the current occupants of the KPSB, and

**WHEREAS**, the KENOSHA JOINT SERVICES operation was created by the City and County and is a state-wide model of joint municipal cooperation and consolidation of services that could be performed by civilian employees at a lower cost to both Parties, and which services include communications, 911 emergency fire, police and, emergency medical service dispatch, law enforcement records management and custody of crime scene evidence, public counter service, property room operations, law enforcement vehicle maintenance; and whereas the cost for operating KENOSHA JOINT SERVICES has been split between the County and the City on a 50-50 basis, and

**WHEREAS**, the KENOSHA JOINT SERVICES operation is an integral and essential part of both the County's and City's charge to maintain law enforcement and public safety within their respective jurisdictions, and

**WHEREAS**, lack of adequate funding for the KENOSHA JOINT SERVICES operation would severely hamper and jeopardize the delivery of law enforcement, fire and rescue services to the citizens of both the City and the County as well as to fire, rescue and law enforcement personnel responding to crisis situations; and whereas, the County has maintained that the 50-50 split in the cost of operating KENOSHA JOINT SERVICES has been fair, but because the City has raised the issue of tax equity as residents of the City pay taxes levied by the City and the County, the City and County have agreed to resolve their differences on a non-precedential basis by having a Fiscal Review Analysis completed with respect to how the Parties could split the costs for operating KENOSHA JOINT SERVICES in the future, and

**WHEREAS**, a Fiscal Review Analysis provided by Maximus for the purpose of determining the dollar value of services provided by the KJSB to CITY and COUNTY residents has been completed, and whereas this review has examined all services performed by KENOSHA JOINT SERVICES and furthermore has reviewed services or costs incurred by the CITY or COUNTY that would normally be within KENOSHA JOINT SERVICES as originally contemplated, but are incurred exclusively by the CITY or COUNTY for the benefit of the KENOSHA JOINT SERVICES operation. And whereas, the analysis has measured each service provided by KENOSHA JOINT SERVICES as a service unit, and has determined the cost to provide each unit of service, in accord with the fiscal services proposal used to procure the Maximus contract as mutually agreed to and issued by the CITY and the COUNTY, and

**WHEREAS**, an operational study of KENOSHA JOINT SERVICES provided by Performance Methods Inc. dated March 21, 2008 has been completed, and

**WHEREAS**, the Parties rely upon all the laws of the State of Wisconsin for authority to enter into an Intergovernmental Cooperation Agreement, particularly Section 66.0301 of the Wisconsin Statutes, and

**WHEREAS**, it is in the interest of both the City and County, their respective employees and their respective citizens that an addition to the KPSB be constructed to meet the needs of the current occupants and that the existing Kenosha Public Safety Building be remodeled, and further that the County, the City and the KJSB enter into new leases as provided for herein, and that an Intergovernmental Cooperation Agreement be executed between the City and the County to address cost sharing and to establish new protocols for the operation of the KJSB, and

**WHEREAS**, it is the intent of the City and County to enter into such an Intergovernmental Cooperation Agreement [IGA] relative to the current intergovernmental service sharing arrangement known as KENOSHA JOINT SERVICES. Furthermore, this Agreement is intended to define the legal basis for the relationship, basic terms and conditions, scope of service and operational requirements of KENOSHA JOINT SERVICES, governance, KENOSHA JOINT SERVICES organizational structure, liability issues, cost allocation formula and

amendments to this formula, dispute resolution, contract monitoring, auditing and accountability issues, and contract amendments, and

**WHEREAS**, the City and County have met and agreed to general guidelines for resolving outstanding issues pertaining to cost allocation of construction and remodeling costs and operations of and cost sharing for KENOSHA JOINT SERVICES and which understandings form the basis for the attached Agreement; and whereas, it is acknowledged that by co-locating law enforcement agencies and functions, each Party will receive cost savings and a maximization of tax dollars as a result of this cooperative Agreement and that services may also be provided under separate Agreements to other municipalities seeking the services provided by KENOSHA JOINT SERVICES.

**NOW THEREFORE BE IT RESOLVED THAT** the Kenosha County Board of Supervisors approve the attached Intergovernmental Cooperation Agreement with the City of Kenosha pertaining to the construction and remodeling of the Kenosha Public Safety Building, and the creation of the KENOSHA JOINT SERVICES BOARD and the attached leases with the City of Kenosha and the KENOSHA JOINT SERVICES BOARD. And be it further resolved that the Kenosha County Executive be authorized to execute the aforementioned documents.

It was moved by Supervisor O'Day to adopt Resolution 109. Seconded by Supervisor Noble.

SUBMITTED BY:

Finance Committee	Building & Grounds	Judiciary & Law
John O'Day	Douglas Noble	William Michel, II
Mark Molinaro, Jr.	Mark Molinaro, Jr.	Bob Haas
Jeff Gentz	Gabe Nudo	Roger Johnson
	Roger Johnson	Ronald Johnson
	Rob Zerban	

Roll call vote passed unanimously.

#### **RESOLUTION 110**

110. From the Human Services Committee a Resolution to Approve the Re-appointment of Supervisor Ronald Johnson to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2009/10-20, the County Executive has appointed Supervisor Ronald Johnson to serve on the Kenosha County Human Services Board, and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Supervisor Ronald Johnson to the Kenosha County Human Services Board. Supervisor Johnson's appointment shall be effective immediately and continuing until the 31st day of December, 2012 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Johnson will serve without pay and will be succeeding himself.

SUBMITTED BY:

Human Services Committee  
Edward Kubicki  
Terry Rose  
Richard Kessler  
Jennifer Jackson  
Jeff Gentz

#### **RESOLUTION 111**

111. From the Human Services Committee a Resolution to Approve the Re-Appointment of Denis Wikel to the Kenosha County Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2009/10-22, the County Executive has appointed Denis Wikel to serve on the Kenosha County Human Services Board, and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Denis Wikel to the Kenosha County Human Services

Board. Mr. Wikel's appointment shall be effective immediately and continuing until the 31st day of December, 2012 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Wikel will serve without pay and will be succeeding himself.

SUBMITTED BY:

Human Services Committee  
Edward Kubicki  
Terry Rose  
Richard Kessler  
Jennifer Jackson  
Jeff Gentz

**RESOLUTION 112**

112. From the Human Services Committee a Resolution to Approve the Re-Appointment of Richard Willoughby to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2009/10-21, the County Executive has appointed Richard Willoughby to serve on the Kenosha County Human Services Board, and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Richard Willoughby to the Kenosha County Human Services Board. Mr. Willoughby's appointment shall be effective immediately and continuing until the 31st day of December, 2012 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Willoughby will serve without pay and will be succeeding himself.

SUBMITTED BY:

Human Services Committee  
Edward Kubicki  
Terry Rose  
Richard Kessler  
Jennifer Jackson  
Jeff Gentz

**RESOLUTION 113**

113. From the Human Services Committee a Resolution to Approve the Re-Appointment of Supervisor John O'Day to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2009/10-23, the County Executive has appointed Supervisor John O'Day to serve on the Kenosha County Human Services Board, and

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

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Supervisor John O'Day to the Kenosha County Human Services Board. Supervisor O'Day's appointment shall be effective immediately and continuing until the 31st day of December, 2012 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor O'Day will serve without pay and will be succeeding himself.

SUBMITTED BY:

Human Services Committee  
Edward Kubicki  
Terry Rose  
Richard Kessler  
Jennifer Jackson  
Jeff Gentz

It was moved by Supervisor Kubicki adopt Resolutions 110 - 113. Seconded by Supervisor Gentz.  
Roll call vote.

Ayes: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Hallmon, Gentz, Modory, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro,

Morton, Jackson, Clark, Noble, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Nays: None.

Abstain: Supervisor Faraone.

Ayes: 25. Nays: 0. Abstain: 1

Motion carried.

**RESOLUTION 115**

115. From the Legislative Committee regarding "Consumer Protection" Assembly Bill 447/Senate Bill 530.

**WHEREAS**, predatory lenders issue small, short term high rate loans to consumers that are to be repaid within a specific timeframe (usually two weeks) and

**WHEREAS**, the predatory loan industry entered Wisconsin in 1995 when state laws that prohibited interest rates above 18% were removed

**WHEREAS**, between 1995 and 2008 the number of, lenders in Wisconsin, grew from 2 to 503

**WHEREAS**, according to a Department of Financial Institutions (DFI) study the average payday loan applicant made \$24,673 of gross income in the year 2000

**WHEREAS**, the Wisconsin (DFI) reports that payday lenders made \$723 million in loans in 2008 with an average loan value of \$428.00

**WHEREAS**, the 2007 National Defense Authorization Act included an amendment to limit interest rates on payday loans made to military personnel at 36%

**NOW THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors Supports protecting all Wisconsin citizens and families against exploitive lending practices by placing an interest rate cap of 12%.

**NOW THEREFORE BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the Wisconsin Counties Association and the Kenosha County delegation within the Wisconsin

SUBMITTED BY:

Legislative Committee

Jim Huff

Terry Rose

William Michel, II

Bob Haas

Dayvin Hallmon

It was moved by Supervisor Huff to adopt Resolution 115. Seconded by Supervisor Hallmon.

Roll call vote passed unanimously.

**COMMUNICATIONS**

12. From Mike K. Higgins, City Clerk, regarding Attachment and Temporary Zoning District Classification of Land in the Town of Somers.

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

Chairman Clark referred Communications 12 & 13 to Land Use Committee.

**CLAIMS**

26. Steven Felicelli - denied medical attention while incarcerated

27. Robert L. Johnson - property damage

28. Fred J. Loomis - property damage

29. Suzanne Bieri - fell on ice at Brookside Care Center parking lot

Chairman Clark referred Claim 26 - 29 to Corporation Counsel.

It was moved by Supervisor Zerban to approve the February 17, 2010 minutes. Seconded by Supervisor Roger Johnson.

Motion carried.

It was moved by Supervisor Gentz to adjourn. Seconded by Supervisor Haas.

Motion carried.

Meeting adjourned at 9:10 p.m.

Prepared by: Edie LaMothe

Deputy Clerk

Submitted by: Mary Schuch-Krebs

County Clerk