

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
March 15, 2011**

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

Present: Supervisors Grady, Zerban, Rose, Goebel, Celebre, Kubicki, Hallmon, Grulich, J. Gentz, Arrington, R. Frederick, Johnson, O'Day, Singer, B. Frederick, Kohlmeier, Esposito, Clark, Noble, Underhill, Decker, Breunig, Haas, Elverman, Ekornaas.

Excused: Supervisors G. Gentz, Michel, Molinaro.  
Present: 25. Excused: 3.

**CITIZEN COMMENTS**

Ron Frederick, 6038 34<sup>th</sup> Ave., stated he hopes the County Board does what is right and eliminate the Health Insurance benefit for County Board Supervisors when the issue is on the agenda.

Mark Montague, 7835 36<sup>th</sup> Ave., stated Highway Department Local 70 has been in a long contract dispute. They really want to get a contract in place and hopes that the County Board would support them.

Jack Rose, 4315 68<sup>th</sup> St., stated 21% of our population receives some sort of Medicaid. The Budget Repair Bill could greatly reduce programs currently in place. We need these programs now more than ever and he wanted the County Board to be aware of the impact this could have on the community.

Donna Dickenson, 7522 12<sup>th</sup> Ave., Vice-president of Local 990. She wanted to thank the board for their support of local unions. She wanted the board to know that the jail union has an open contract and is available for negotiations and is willing to offer financial concessions. They would like to get an extension on the 900 Professional's contract also.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Vice-chairman Ekornaas stated there will be a joint meeting of Legislative and Finance at the County Center next Tuesday. The issues will be the size of the County Board and a request from the Menominee Tribe to extend the current IGA. Anyone interested in attending a Road Show on Redistricting in Wisconsin can contact the County Clerk.

**SUPERVISOR REPORTS**

Supervisor Rose stated there will be a special meeting of the Human Services Committee regarding possible cuts in the State's budget. This is an important meeting he felt supervisors would like to attend.

Supervisor Breunig stated the Kenosha Transit Planning Advisory Committee met. They went through Chapter 5 of the Transit Plan they're working on. If anyone is interested, she has the preliminary drafts available.

Supervisor Elverman stated the golf people have been aggressively campaigning for the new season, the response has been good. Time will tell how successful they were. Parks is developing the updated open space plan so they can apply for certain grants. The ongoing Green Ribbon Committee continues to work at a good pace to get the KD park trails ready for spring.

Supervisor Clark stated supervisors received the general fund forecast 2010 closeout report in their packets. Also in the packets was information on the bond rating. He encourages all to take a look at both reports.

**OLD BUSINESS**

Ordinance - second reading, two required

**ORDINANCE 19**

19. From Legislative Committee an Ordinance to create Section 2.06(4) of the Municipal code of Kenosha County Regarding Consent Agendas.

It was moved by Supervisor Kubicki to adopt Resolution 19. Seconded by Supervisor Hallmon.

Roll call vote.

Aye: Supervisors Kubicki, R. Frederick, Haas.

Nay: Supervisors Grady, Zerban, Rose, Goebel, Celebre, Hallmon, Grulich, J. Gentz, Johnson, O'Day, Singer, B. Frederick, Kohlmeier, Esposito, Clark, Noble, Underhill, Decker, Breunig, Elverman, Ekornaas.

Abstain: Supervisor Arrington.

Aye: 3. Nay: 21. Abstain: 1

Motion failed.

Resolution - one reading

**RESOLUTION 112**

112. From Finance Committee to Authorize Sale and Transfer of County Tax Deeded Property in the Village of Paddock Lake.

**WHEREAS**, Kenosha County has acquired tax deed and title to Parcel 40-4-120-031-1033 in the Village of Paddock Lake, County of Kenosha State of Wisconsin, and

**WHEREAS**, the Village of Paddock Lake has expressed an interest in acquiring title to this property, to be utilized as open green space, and

**WHEREAS**, Section 59.07(1)(c) and 75.69(2) of the Wisconsin Statutes permits sale of this property to a municipality,

**NOW, THEREFORE, BE IT RESOLVED** that Kenosha County execute a quit claim deed on the above parcel to the Village of Paddock Lake for One Dollar (\$1.00) and other good and valuable consideration and on the condition that said Village of Paddock Lake waive any and all special assessments that are due and owing on said parcel to be utilized only for open green space and must remain under the ownership of said village.

SUBMITTED BY:

Finance Committee

Joseph Clark

John O'Day

Jeff Gentz

David Singer

Fred Ekornaas

It was moved by Supervisor Clark to adopt Resolution 112. Seconded by Supervisor O'Day.

Motion carried.

**NEW BUSINESS**

Ordinance - first reading, two required

20. From Supervisor Rose, Repeal of Municipal Code of Kenosha County Section 3.01(1)(d) regarding Elimination of Per Diem.

Vice-chairman Ekornaas referred Ordinance 20 to the Administration Committee.

Ordinance - one reading

**ORDINANCE 21**

21. From Land Use Committee regarding Town of Salem (Sponsor) 9814 Antioch Rd., (Sponsor), Wesley & Cheryl Schroder, (Owner), requesting a rezoning from R-4 Urban Single-Family Residential Dist. & B-2 Community Business Dist. to R-4 Urban Single-Family Residential Dist., B-2 Community Business Dist., & C-2 Upland Resource Conservancy Dist. in the Town of Salem.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF

KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

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

That Tax Parcels 67-4-120-303-0655, 67-4-120-303-0660, 67-4-120-303-0675 and 67-4-120-30

3-0680 located in the southwest quarter of Section 30 Township 1 North, Range 20 East, Town of Salem be changed from R-4 Urban Single-Family Residential Dist. & B-2 Community Business Dist. to R-4 Urban Single-Family Residential Dist., B-2 Community Business Dist., & C-2 Upland Resource Conservancy Dist.

For informational purposes only, this property is located on the southwest corner of 113<sup>th</sup> Street and 306<sup>th</sup> Court.

SUBMITTED BY:

Land Use Committee

Kimberly Breunig

Daniel Esposito

Aaron Kohlmeier

Erin Decker

It was moved by Supervisor Breunig to adopt Ordinance 21. Seconded by Supervisor Esposito.

Motion carried.

**ORDINANCE 22**

22. From the Land Use Committee regarding Equity Trust Company, requests a rezoning from B-5 Wholesale Trade & Warehousing Dist., A-2 General Agricultural Dist, & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation

Dist, A-2 General Agricultural Dist., C-1 Lowland Resource Conservancy Dist., & C-2 Upland Resource Conservancy Dist. 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:

Equity Trust Company requesting a rezoning from B-5 Wholesale Trade & Warehousing Dist., A-2 General Agricultural Dist, & C-2 Upland Resource Conservancy Dist. to A-1 Agricultural Preservation Dist, A-2 General Agricultural Dist., C-1 Lowland Resource Conservancy Dist., & C-2 Upland Resource Conservancy Dist. on Tax Parcel #65-4-120-201-0120 located in the NE ¼ Section 20, T1N, R20E, Town of Salem.

For informational purposes only, this property is located on the north side of 98<sup>th</sup> St. approximately 0.24 miles west of the intersection of 278<sup>th</sup> Ave.

SUBMITTED BY:

Land Use Committee

Kimberly Breunig

Daniel Esposito

Aaron Kohlmeier

Erin Decker

It was moved by Supervisor Breunig to adopt Ordinance 22. Seconded by Supervisor Esposito.

Motion carried.

Resolutions - one reading

**RESOLUTION 122**

122. From Highway & Parks Committee a Resolution to file a petition with the Office of Commissioner of Railroads for the alteration of an at-grade crossing of the Canadian Pacific Railway with County Trunk Highway K in the City of Kenosha and Town of Somers.

**WHEREAS**, Kenosha County proposes to alter the at-grade crossing of County Trunk Highway K, a public highway with the tracks of the Canadian Pacific Railway, and

**WHEREAS**, the alteration of the crossing is necessary to promote public safety and convenience by accommodating a newly reconstructed and expanded County Trunk Highway K including bicycle and pedestrian facilities, and

**WHEREAS**, Wisconsin Statutes 195.29 authorizes the Office of Commissioner of Railroads to determine whether the alteration of the crossing is necessary to promote public safety and convenience, to determine the necessary warning devices for the new crossing and to apportion all costs for the crossing, including the costs of any automatic warning devices, and

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Kenosha County Board of Supervisors hereby directs the Kenosha County Department of Public Works staff to take all necessary steps to petition the Office of Commissioner of Railroads for an investigation and order to approve the alteration of the crossing, to determine the necessary warning devices and to apportion the costs for the crossing of County Trunk Highway "K" with the tracks of the Canadian Pacific Railway in the City of Kenosha and Town of Somers, Kenosha County.

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the Kenosha County Department of Public Works staff shall comply with Chapter 195, Wisconsin Statutes and RR 1.025, Wisconsin Administrative Code in the filing of the petition.

SUBMITTED BY:

Highway & Parks Committee

Dennis Elverman

Douglas Noble

John O'Day

Gail Gentz

Michael Underhill

It was moved by Supervisor Elverman to adopt Resolution 122. Seconded by Supervisor Noble.

Motion carried.

**RESOLUTION 123**

123. From Highway & Parks and Finance Committees a Resolution to release Marsh Disposal Easement Rights associated with 1964 County Trunk Highway "H" Reconstruction Project.

**WHEREAS**, County Trunk Highway "H" from the Illinois State Line to State Trunk Highway 50 was reconstructed in 1964, and

**WHEREAS**, During the 1964 project, Kenosha County encountered marsh soils that were inadequate to construct a solid foundation for the highway and determined it necessary to dispose of the marsh soils outside the project limits, and

**WHEREAS**, Kenosha County obtained two Limited Highway Easements for the purpose of disposing of marsh material in connection with the construction of the highway, and

**WHEREAS**, The Limited Highway Easements are located on private property outside the County Trunk Highway right-of-way, and

**WHEREAS**, There is no further public purpose or need for the Limited Highway Easements, and

**WHEREAS**, CENTERPARK WISPARK LAND CO., LLC owns the property where the Limited Highway easements are located and

**WHEREAS**, CENTERPARK WISPARK LAND CO., LLC has requested Kenosha County release the Limited Highway Easement rights to allow for development of the property congruent with the concept plan of Lakeview Corporate Park, specifically the location of the Limited Highway Easement inhibits the location of a planned storm water management pond and also reduces the flexibility and efficiency of the developments site plan.

**NOW, THEREFORE, BE IT RESOLVED** that Kenosha County hereby releases the rights to the Limited Highway Easements for marsh disposal as described on Exhibit 1 attached to this Resolution, and

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the Kenosha County Highway Commissioner has the authority to execute any documents necessary to execute the Release of Easement Rights as described in this resolution.

SUBMITTED BY:

Highway & Parks Committee

Dennis Elverman

Douglas Noble

John O'Day

Gail Gentz

Michael Underhill

It was moved by Supervisor Elverman to adopt Resolution 123. Seconded by Supervisor Clark.  
Motion carried.

#### **RESOLUTION 124**

124. From Human Services Committee a Resolution to approve the Appointment of Lillian Brown to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2010/11-51, the County Executive has appointed Lillian Brown to serve on the Kenosha County Commission on Aging; 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 Commission on Aging 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 Lillian Brown to the Kenosha County Commission on Aging. Ms. Brown's appointment shall be effective immediately and continuing until the 31st day of December, 2013 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Brown will serve without pay and will be filling a vacant position.

SUBMITTED BY:

Human Services Committee

Terry Rose

Jeff Gentz

David Celebre

Michael Goebel

David Arrington

It was moved by Supervisor Rose to adopt Resolution 124. Seconded by Supervisor J. Gentz.  
Motion carried.

**RESOLUTION 125**

125. From Human Services Committee a Resolution to approve the Re-appointment of Timothy Thompkins to the Kenosha County Aging and Disability Resource Center Board.

**WHEREAS**, pursuant to County Executive Appointment 2010/11-52, the County Executive has appointed Timothy Thompkins to serve on the Kenosha County Aging and Disability Resource Center Board (ADRCB); 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 Aging and Disability Resource Center Board (ADRCB) 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 Timothy Thompkins to the Kenosha County Aging and Disability Resource Center Board (ADRCB). Mr. Thompkins' appointment shall be effective immediately and continuing until the 31st day of December, 2013 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Thompkins will serve without pay and will be succeeding himself.

SUBMITTED BY:

Human Services Committee  
Terry Rose  
Jeff Gentz  
David Celebre  
Michael Goebel  
David Arrington

It was moved by Supervisor Rose to adopt Resolution 125. Seconded by Supervisor J. Gentz.  
Motion carried.

**RESOLUTION 126**

126. From Human Services and Finance Committees a Resolution to modify Division of Aging & Disability Services 2010 Budget to add ARRA Living with Chronic Conditions Funding.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Aging and Disability Services has been awarded ARRA Communities Putting Prevention to Work, Living Well with Chronic Conditions Grant for volunteer training and marketing expenses, and

**WHEREAS**, the Kenosha County Department of Human Services, Division of Aging and Disability Services will receive a total of \$2,500 for Living Well volunteer training and marketing expense, and

**WHEREAS**, no additional County Levy is required;

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Department of Human Services, Division of Aging and Disability Services 2011 budget be modified as follows:

Authorize increase of expenditures of \$2,500 and to increase revenues by \$2,500, per the attached budget modification incorporated herein by reference.

SUBMITTED BY:

Human Services Committee  
Terry Rose  
Jeff Gentz  
David Celebre  
Michael Goebel  
David Arrington

It was moved by Supervisor Rose to adopt Resolution 126. Seconded by Supervisor Clark.  
Roll call vote passed unanimously.

**RESOLUTION 127**

127. From Judiciary & Law Committee a Resolution to Approve the Appointment of Cynthia Johnson to Serve as a Member of the Local Emergency Planning Committee.

**WHEREAS**, pursuant to County Executive Appointment #2010/11-50, the County Executive has appointed Cynthia Johnson to serve a three-year term as a member of the Local Emergency Planning Committee, and

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

on this committee and is recommending to the County board the approval of this appointment, and;

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors approve the appointment by the County Executive and confirmed by the Kenosha County Board of Supervisors.

SUBMITTED BY:

Judiciary & Law Committee

William Michel, II

Ronald Johnson

David Singer

Ronald Frederick

It was moved by Supervisor Singer to adopt Resolution 127. Seconded by Supervisor R. Frederick.

Motion carried.

#### **RESOLUTION 128**

128. From Judiciary & Law Enforcement Committee regarding Probationary Cabaret License for Lumpy's Sports Bar & Grill.

**WHEREAS**, the application of Raymond Leimuller for a probationary cabaret license for Lumpy's Sports Bar & Grill, 9251 Antioch Road, Salem, Wisconsin, in the Town of Salem, was made during the month of January, was turned over to this office on January 7<sup>th</sup>, 2011, 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

**NOW, THEREFORE BE IT RESOLVED**, that because this is the initial application by the license holder, a probationary license be granted to Raymond Leimuller for Lumpy's Sports Bar & Grill.

SUBMITTED BY:

Judiciary & Law Committee

William Michel, II

Ronald Johnson

David Singer

Ronald Frederick

It was moved by Supervisor Singer to adopt Resolution 128. Seconded by Supervisor R. Frederick.

Motion carried.

#### **RESOLUTION 129**

129. From Judiciary & Law and Finance Committees regarding Kenosha County Detentions Facility Improvements.

**WHEREAS**, the Kenosha County Sheriff's Department Detentions Division requires some infrastructure upgrades and furniture/fixtures for a total cost of \$24,780.00, and

**WHEREAS**, these upgrades will enhance the operations and capacity of the Kenosha County Sheriff's Department Detention Center, and

**WHEREAS**, the monies will be used to install a bathroom and purchase 24 bunks and a Security Tool Locker for the Kenosha County Sheriff's Department Detentions Facility, and purchase Office Equipment for the Pre-Trial Facility, for a total cost of \$24,780.00, and

**WHEREAS**, the project will be funded from surplus capital funds and/or surplus federal inmate revenue and the final amount will be determined as part of the year end closeout resolution, and

**NOW, THEREFORE BE IT RESOLVED**, that surplus capital outlay funds be used to fund the project and that if there are not sufficient funds available, that the balance of the funds will come from surplus 2010 federal inmate housing revenue.

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors approve the Revenue and Expenditure line items modified as per the attached budget modification form, which is incorporated herein by reference, notwithstanding

that the budget modification may be modified to reduce the use of surplus federal inmate revenue and increase the use of surplus capital, if surplus capital is determined to be sufficient for the project.

SUBMITTED BY:

Judiciary & Law Committee  
William Michel, II  
Ronald Johnson  
David Singer  
Ronald Frederick

It was moved by Supervisor Singer to adopt Resolution 129. Seconded by Supervisor Clark.

Roll call vote passed unanimously.

**RESOLUTION 130**

130. From Judiciary & Law Enforcement and Finance Committees Request for waiver of competitive bid process for Tactical Team ballistic vests.

**WHEREAS**, in the Capital Outlay of the Sheriff's 2011 budget, \$40,000 is authorized for the purchase of ballistic vests for the Sheriff's Department Tactical Team, and

**WHEREAS**, the vest manufacturer, Mine Safety Appliances Company (MSA) is the manufacturer of choice for the Paraclete/MSA vest style preferred for the Tactical Team, and

**WHEREAS**, the vendor, 5-Alarm Law Enforcement Equipment, is the only authorized distributor of the MSA law enforcement products in the State of Wisconsin.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the competitive bidding process to be suspended for this purchase only, as described in County Ordinance 3.11(4)(d), and allow 5-Alarm Law Enforcement Equipment the sole source vendor for the Tactical vest purchase.

SUBMITTED BY:

Judiciary & Law Committee  
William Michel, II  
Ronald Johnson  
David Singer  
Ronald Frederick

It was moved by Supervisor Singer to adopt Resolution 130. Seconded by Supervisor Clark.

Motion carried.

**RESOLUTION 131**

131. From Land Use Committee Request for an Amendment to the Final Plat of Parkside Springs Subdivision regarding the reduction of the street yard setback to 30' from 40' on lots 1 - 6 in the Town of Somers.

**WHEREAS**, on June 19, 2007, the Kenosha County Board of Supervisors approved the Final Plat of Parkside Springs Subdivision following a public hearing of the Kenosha County Land Use Committee on June 13, 2007 with said plat being part of the northwest quarter of the northwest quarter of Section 14, Township 1 North Range 20 East, Town of Salem; and

**WHEREAS**, the plat was approved by the Kenosha County Board of Supervisors with street yard setbacks of 40'; and

**WHEREAS**, the original developer Scot Pocius and the current developer Burco Holdings LLC have petitioned to amend the final plat to reduce the street yard setback to 30' (from 40') on lots 1 through 6 being Tax Parcels 80-4-222-142-0201, 80-4-222-142-0202, 80-4-222-142-0203, 80-4-222-142-0204, 80-4-222-142-0205, & 80-4-222-142-0206, being part of the northwest ¼ of the northwest ¼ of Section 14, Township 12 North, Range 22 East, Town of Somers. For informational purposes only, these lots are located southwest of the intersection of 12<sup>th</sup> Street and 53<sup>rd</sup> Avenue; and

**WHEREAS**, the Town of Somers recommended approval of the revised street yard setback of 30' on lots 1 - 6; and

**WHEREAS**, the Land Use Committee discussed the issue at their March 9, 2011 public hearing and recommended that the amendment to the Final Plat of Parkside Springs Subdivision be approved to allow a 30' street yard setback on lots 1 - 6 (described above);

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the amendment to the Final Plat of Parkside Springs to allow 30' street yard setbacks on the above described lots.

It was moved by Supervisor Breunig to adopt Resolution 131. Seconded by Supervisor Esposito.  
Motion carried.

132. From Supervisor Rose regarding Health Insurance Contribution by Elected Officials.

Vice-chairman Ekornaas referred Resolution 132 to Administration Committee

133. From Supervisor Rose regarding Supervisor Compensation.

Vice-chairman Ekornaas referred Resolution 133 to Administration Committee

**COMMUNICATION**

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

Vice-chairman Ekornaas referred Communication 15 to Land Use.

**CLAIMS**

32. Frontier Facilities - damaged cable.

33. Alan Fonk - mailbox damage.

34. Kimberly M. Pfarr - tire damaged by pothole.

Vice-chairman Ekornaas referred Claims 32 & 34 to Corporation Counsel.

It was moved by Supervisor Esposito to approve the March 1, 2011 minutes.  
Seconded by Supervisor Grulich.

It was moved by Supervisor Breunig to adjourn. Seconded by Supervisor Grulich.  
Motion carried.

Meeting adjourned at 8:18 p.m.

Prepared by: Edie LaMothe  
Deputy Clerk

Submitted by: Mary Schuch-Krebs  
County Clerk