

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**January 6, 2004**

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

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski, Kerkman.

Excused: Supervisors Boyer, Marrelli, Ruffolo, Larsen.

Present. 24. Excused. 4.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler expressed the County Board's sympathy to Supervisor Gorlinski. Supervisor Gorlinski's mother died.

Chairman Kessler stated that on everyone's desk there is a copy of the second draft of the Tax Equity Study. If anyone needs more information please contact Dave Geersten, Finance Director at 653-2700.

Chairman Kessler stated that he had attended the dedication and ribbon cutting for Bio-Catt structure at Gateway Technical College.

Chairman Kessler stated that the first meeting with the Kemper Center is January 12, 2004 at 5:00 p.m. This meeting will be a tour of the entire facility.

Chairman Kessler stated that a comprehensive plan for the Des Plaines River Watershed. The plan consists of three volumes. Anyone interested in reading this information please contact him.

Chairman Kessler stated that the 7-County Meeting in Waukesha will be on January 21st. Dinner starts at 6:00 p.m. and the meeting will start at 7:00 p.m.

**SUPERVISORS REPORTS**

Supervisor Clark stated that the Tax Equity Phase One was undertaken and apparently there was an agreement of the parties to not release the study until they all signed off on it. On November 12th there was a request for that information and Dave Geersten did not release any information because he felt that it was a draft and then Nick Arnold released the information. In January the Village of Pleasant Prairie thought it necessary in one of their newsletters to talk about the Tax Equity Study and stated that the village and the city are paying more than they are getting. On January 27th there was a meeting held and Supervisor Noble, Carey-Mielke, Dave Geersten and himself attended. Representative Wirch also attended and he stated that something has to happen at the state level and it has been tried before and failed. He also talked about local intergovernmental agreements that should take place. You need to have all the parties at the table, together. At the conclusion of that meeting they were targeting a March 31st date to have a meeting of all who are involved in this issue. Michael Pollocoff, Village of Pleasant Prairie Administrator said that he would coordinate the meeting. It was then decided not to do anything until the Tax Equity Study Phase II came out. At that time he was told it would be done in June or July. He inquired frequently. After time went by and no answers he put a public record request in for that information. At no time was it ever said that this report is available to look at. After the public records request, and the denial, Supervisor Rose agreed with him that this should be a resolution brought to the County Board. The mayor talks about trust and he stated that he did not know if he could trust the County to make an agreement. The people that put us in office trust us to do what is right. Not having something resolved yet is not acceptable. Another problem is: How can you hire a consultant to come in and tell you what

to do and then say that nobody can release it until everybody has signed off on it. As of December 30th 93% of the \$90,000.00 has been billed, for a incomplete report. Someone is lying and someone needs to be held accountable. In his opinion Virchow Krause should finish the report, say what they have to say and get the report delivered.

Supervisor Singer stated that a deal has been made by the Menominee Nation and the Mohegan Tribe of Connecticut. 100% purchase of Dairyland Park.

Supervisor Smitz stated that on December 11th he attended the Kenosha County Safety Meeting and it was reported that we have had 837 deaths in the State this last year. The year before it was 805. Half the deaths could be prevented if people wore their safety belts. Also, one of the players on Westosha Central High School Volleyball Team has been picked freshman player of the year for the nation. This is really quite an honor.

Supervisor Elverman reported on the Highway & Parks Committee Meeting. Discussed was the Hwy KD Property. There is a farmer adjacent that is farming 40 acres of tillable land. He inquired about the KD property and is worried about drainage. Also, there is a portion of entry to The Kenosha County Snowmobile Alliance due to the lack of snow. Regarding the golf operation. There was a unaudited financial report that did not include the November revenues. The report showed that we had cut our deficit almost in half. More work needs to be done. He will put the November totals on everyone's desk next month. Another hot item is the residences on park properties. As a committee they have not received the appraisals of those properties. This item will not be dropped.

Supervisor Noble commented on the article in the Kenosha News that painted a picture about five supervisors clamoring for release of a half finished study on consolidating services. It sounded like they were five rogue supervisors. The fact of the matter is that they were told by the County Board Chairman that the study was complete and the report was coming in January. The resolution was in response to Chairman Kessler's report. How do we go from a report that was to be complete in June, finalized in October and now has "entire chapters" left blank. Each and every supervisor should be alarmed by this. It took eight years to get the final report for the Des Plaines River Watershed Study. If we are not diligent this report will take years. Two years is long enough. He demands an explanation for this delay and Chairman Kessler should get an answer from Virchow Krause & Company.

Supervisor Rose stated that since the study was put on everyone's desk tonight, he would like to withdraw Resolution 95 and asked Chairman Kessler to take leadership and authorize and convene in March an invitation to the City and Village of Pleasant Prairie to join with us and listen to Michael Ley, the person in charge of this study. 93% of the study has been paid so he is assuming that 93% of the work has been done. The whole issue of consolidation of services is being discussed at the national and state level. This is the time to discuss it.

Supervisor Gorlinski commented on the growth in the Town of Salem. He has had an opportunity to talk with some of the new residents in a subdivision along county road JF. West of RT 83. The speed limit is 55 mph. The people in these new subdivisions are asking that the speed limits be reviewed and perhaps in the future be reduced.

Supervisor Molinaro stated that there is a bus with five rogue supervisors running around and he is not on it! If there is room let him know. He hopes that Chairman Kessler's contact is directly with Virchow Krause & Company and not through County Administration or anyone else. Also, he is not in favor of eliminating the reviewing of bills over \$5,000.00 and now it appears that we paid 93% of a draft contract that has chapters missing. He suggests that the county not pay anymore.

Supervisor Ekornaas stated that the longer it takes to get this report done the more seriously you have to consider if it is a creditable report or not. The purpose of this study is to give objective answers to all questions. Having spent 15 years in the Administration of the Sheriff's Department he can tell you that the people that are running or governing a study can influence the outcome of the study a great deal.

Supervisor Carbone stated that we did not hire Virchow Krause. We came in after the City and Pleasant Prairie had already hired him. So he does not know how much we can demand of him.

Supervisor Kerkman stated that from the get-go he did not support the County financing this study. It is 'east ended directed'. There was a meeting in the town of Paris six months ago and people from the City, Pleasant Prairie, Towns and other villages attended. It gave Dave Geersten an opportunity to explain the facts that he had. We need a report but he would rather see the report made to all the municipalities. Hear all the questions and all the answers at the same time. Have the meeting at Highway 45 & 50.

Supervisor Molinaro asked that the signers on Resolution 95 be polled. Supervisors Carey-Mielke, Noble, Clark and Rose voted together to pull Resolution 95 from the agenda.

Supervisor Carey-Mielke stated that she concurs with everything that has been said tonight regarding the report. She has a constituency that has been spoon-fed a lot of half truths and they are demanding answers. Especially since the Village of Pleasant Prairie first stated that there was tax inequity in the village and the village was not getting their share.

Supervisor Pitts stated that the Council of Governments meets the last Saturday of January and this would be the right time to invite someone from Virchow Krause to attend and give a report. This is a broad study involving the whole county.

#### COUNTY EXECUTIVE APPOINTMENTS

##### APPOINTMENT 13

13. John J. O'Day to serve on the Kenosha County Human Services Board.  
Chairman Kessler referred Appointment 13 to Human Services Committee.

##### APPOINTMENT 14

14. Richard Willoughby to serve on the Kenosha County Human Services Board.  
Chairman Kessler referred Appointment 14 to Human Services Committee.

##### APPOINTMENT 15

15. Leonard Johnson to serve on the Kenosha County Human Services Board.  
Chairman Kessler referred Appointment 15 to Human Services Committee.

##### APPOINTMENT 16

16. Virgil Gentz to serve on the Kenosha County Traffic Safety Commission.  
Chairman Kessler referred Appointment 16 to Highway & Parks Committee.

##### APPOINTMENT 17

17. Shirley M. Boening to serve on the Kenosha County Library Committee.  
Chairman Kessler referred Appointment 17 to Finance Committee.

##### APPOINTMENT 18

18. D. Noel Sheer to serve on the Kenosha County Library Committee.  
Chairman Kessler referred Appointment 18 to Finance Committee.

#### NEW BUSINESS

Ordinances - first reading two required.

From Land Use Committee regarding:

##### ORDINANCE 42

42. Amendment to the Kenosha County Subdivision Ordinance Requiring Preliminary and Final Subdivision Plats to be Submitted in a Digital Format in Addition to Paper Copies currently being submitted for review and approval.

##### ORDINANCE 43

43. Proposed Amendment to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Prohibiting Tower Signs Currently Permitted along I-94 Frontage Roads.  
Ordinances - one reading.

##### ORDINANCE 41

41. John Zielinski Trustee, John Zielinski Revocable Living Trust, and Richard K. and Donna J. Forgue (Owners)/ Howard I. Haubrich (Agent), requesting rezoning from A-2 General Agricultural District to R-2 Suburban 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 Parcels #80-4-122-032-0102 and #80-4-122-032-0111 located in the northwest quarter of Section 3, Township 1 North, Range 22 East, Town of Somers be changed from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District. For informational purposes only, these properties are located on the south side of County Trunk Highway "K" (60<sup>th</sup> Street) approximately ¼ mile west of the intersection of State Trunk Highway "31" (Green Bay Road).

**John Zielinski Revocable Living Trust - #80-4-122-032-0111 - (Owner)**

**Richard K. and Donna J. Forgue - #80-4-122-032-0102 -(Owners)**

**Howard O. Haubrich - (Agent)**

**Description:** Commencing at a point 219.52 feet east of the northwest corner and the north line of the northwest quarter of Section 3, in Town One North, Range 22 East of the following described thirty-five acre parcel, more or less, of land: The west thirty-five acres of the following described premises, to wit: Part of the northwest quarter of Section 3 in Town 1 North, Range 22 East of the Fourth Principal Meridian, more particularly described as follows: Commencing at the northeast corner of the northwest quarter of Section 3, Town and Range aforesaid; thence south along the east line of said quarter section 1329.00 feet and to the center of State Trunk Highway "31" (Green Bay Road); thence southwesterly along the center of said road to a point which is 1389.00 feet south of the north line of the quarter section and 12.00 feet west of the east line of said quarter section; thence west and parallel to the north line of said quarter section 1619.20 feet; thence north parallel to the east line of the quarter section 1389.00 feet to the north line of the quarter section; thence east along the said north line of the quarter section 1631.20 feet to the place of beginning, and containing 52 acres, more or less, lying and being in the County and State aforesaid; thence easterly along the north line of the northwest quarter of Section 3, Town 1 North, Range 22 East, 156.80 feet; thence southerly parallel with the west line of said parcel 1389.00 feet, and to the south line of said parcel; thence westerly along the south line of said parcel 313.60 feet; thence northerly parallel to the west line of said parcel 1389.00 feet and to the north line of the northwest quarter of Section 3, thence easterly along the northline of the northwest quarter of Section 3, Township 1 North, Range 22 East, 156.80 feet to the point of beginning.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 41. Seconded by Supervisor Gorlinski.

Motion carried.

Resolutions - One reading.

#### **RESOLUTION 94**

94. From Legislative Committee regarding Supporting Assembly Bill 658.

**WHEREAS**, by Attorney General opinion, current law prohibits cities over 4,000 in population from creating a joint county-city law enforcement agency. See 60 OAG 85 (1971). Legislation is being brought forward which clarifies matters by expressly authorizing a city or a village to abolish its police department and enter into a contract with a county for law enforcement services.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors does support legislation which would allow a city or a village to abolish its police department and enter into a contract with a county for the sheriff to provide law enforcement services for those services for those parts of the city or village that are located within the county, and

**BE IT FURTHER RESOLVED**, that the County clerk be directed to forward a copy of this resolution to the governor, our state representatives, the Kenosha County sheriff, and City and Village Clerks within Kenosha County.

Approved by:

LEGISLATIVE COMMITTEE

Ronald Johnson  
Thomas Kerkman  
Fred Ekornaas  
Anita Faraone

It was moved by Supervisor Johnson to adopt Resolution 94. Seconded by Supervisor Kerkman.  
Motion carried unanimously.

**RESOLUTION 95**

95. From Supervisors Joseph Clark, Terry Rose, Brenda Carey-Mielke, Anita Faraone and Douglas Noble regarding calling for the Release of the County Sponsored Tax Equity Study. (Possible suspension of rules for non-referral to committee)

Removed from the agenda by Supervisor Rose.

**COMMUNICATION**

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

Chairman Kessler referred Communication 29 to the Land Use Committee.

**CLAIMS**

57. Abbey Revolinski - fell on cart path.

58. Donna and Donald Swift - car accident.

Chairman Kessler referred Claims 57 & 58 to the Corporation Counsel.

It was moved by Supervisor Huff to approve the December 2nd minutes. Seconded by Supervisor Ekornaas.

Motion carried.

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

Meeting adjourned at 8:30 p.m.

Prepared by:	Pam Young Chief Deputy
Submitted by:	Edna R, Highland County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**January 20, 2004**

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

Roll call was taken.

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, Gorlinski, Huff, Elverman, O'Day, Wisnefski, Kerkman, Ruffolo.

Excused: Supervisors Boyer, Marrelli, West, Larsen.

Present. 24. Excused. 4.

It was moved by Supervisor Kerkman to limit citizen's comments to three minutes. Seconded by Supervisor Faraone.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Rose, Huff, Bergo, Modory, Faraone, Johnson, Pitts, Singer, Wisnefski, Clark, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Molinaro, Carbone, O'Day, Ruffolo, Montemurro, Carey-Mielke.

Ayes. 18. Nays. 6.

Motion carried.

**CITIZEN COMMENTS**

Marty Hogan, 1421-43rd Avenue, Kenosha. He has lived in Kenosha his whole life. He sees no reason to have a referendum. This is why we have a county board to make these kind of decisions. Waiting could bring on a lost opportunity that Kenosha may never have again. The expansion and benefits would be so great for our community.

Edward R. Gray, 9222-48th Avenue, Kenosha. He is the business manager for the electricians of Kenosha County. Also, the secretary for the building and construction trades representing 18 local unions. A referendum would be a needless delay. They need the jobs.

Lou DeMarco, 2018-23rd Street, Kenosha. Retired people love entertainment. Bus loads leave everyday. We could have it all here. We do not need a referendum to get this going.

Gary Andreucci, 7107-104th Avenue, Kenosha. He has worked at Dairyland Greyhound Park for twelve years as a food and beverage director. There is no need for a referendum and there would be nothing better for Kenosha than a Casino.

Joyce March, 2516-73rd Street, Kenosha. She is a retired concerned citizen. She believes that there are many social as well as business problems the Kenosha Community will have to face if the Casino becomes a reality. Nothing needs to be pushed. We need to investigate further. Lets think about giving land away and the ramifications of proposing such a process. November would be the time to vote.

Jeff Cassity, 4921-20th Avenue, Kenosha. There is no need for a referendum but if one does come about have it in November. All details need to be made public. Also, add the rail-link to Milwaukee on the ballot.

Bob Lee, 1504-47th Avenue, Kenosha. He is in favor of the proposed Casino. It will provide many jobs in our area. A big boost to the construction industry in our area. Many jobs have left our area by moving south or overseas. Why can't Kenosha have a 1st class venue with the shows, restaurants, shopping and etc. like the Dells.

Ken Bastian, 2805-22nd Avenue, Kenosha. Business manager for the plumbers and pipe fitters union. He represents 500 people. They are all in support of the Casino and not a referendum.

David Janza, 6716-27th Avenue, Kenosha. Works at the Greyhound Park and is against the referendum. This should be put on the fast track.

Renee Aull, 5232- Greenbay Road, Kenosha. She has worked at the dog track since it opened. The citizens of the city already voted in favor of a Casino and we do not need another referendum.

Joe Nero, 6017-12th Avenue, Kenosha. He has been working at the dog track for ten years and he believes the Casino would enhance Kenosha by bringing much needed jobs.

David Marifern, 9650-84th Place, Pleasant Prairie. Union President for Kenosha Firefighters Local 404 is opposed to this referendum and in favor of having a casino. We all know about the state revenue cuts. This have impacted the Sheriff's Department, Police Department and the Fire Department. Programs have been cut. This is an opportunity for the City and County.

Catherine Tenuta, 2522-29th Avenue, Kenosha. She supports the referendum because the last one was for only city voters. The county voters should express their opinion. The date should be set for November. An April referendum does not give enough time to become familiar with all the issues. All talks have been done in private. Plus, November is the Presidential Election.

Steve Engstrom, 7310-12th Avenue, Kenosha. He recently moved from Illinois to Kenosha because he heard it was a great place to raise a family. Gambling has a complex effect on local communities in many dimensions. Becoming fixated on the dollar signs we'll miss an opportunity to think clearly about this issue. Wait until November.

Lou Rugani, 4529-29th Avenue, Kenosha. Does Kenosha ever do anything in a timely fashion? The Bonnie Hame Housing Development, was temporary and supposedly for a year or two but it lasted twenty years until it collapsed! Metro to Milwaukee has been discussed for 23 years and everything is there! Now, the casino needs to be done immediately? There are too many impacts and we do not know what they are. All the more reason to study it. We are a bedroom community.

Bob Danbeck, 7626-27th Avenue, Kenosha. The same old stories over and over. What is really happening in this community? Taxes keep going up, we are losing jobs, the state is costing us more and more. His brother-in-law retired from Kenosha and moved up north. He has a part-time job at a casino and makes \$14.00 an hour. Our community needs to grow. Madison County is going to get nine million dollars a year from the expansion of the casino in Madison. Can we afford not to have the casino? We want the casino. We can't even come up with enough money to televise the County Board Meetings live.

Duane Anderson, 6403-72nd Street, Kenosha. Spokesman and board member against legalized gambling. The clergy in Kenosha is against the casino.

Dan Colter, 2721-73rd Street, Kenosha. He works at Dairyland Greyhound Park. We have already been through the referendum before and the people voted for it. The county people want it too. It boils down to business and jobs. Get the ball rolling.

Virginia Tenuta, 2522-29th Avenue, Kenosha. Since when is democracy a waste of time? She supports having a referendum. A county board supervisor was quoted in the Kenosha News stating that a referendum was not necessary because the County Board could make the decision for the people. Wisconsin was the birth place of The Progressive Government Movement. The people of Kenosha should be heard.

Brian Pulera, 7527-19th Avenue, Kenosha. He is for a casino and no need for another referendum.

James Davidison, 19123-101st Street, Kenosha County. He is in favor of the casino. We could actually have tourist dollars coming here. People in the county are in favor of the casino.

#### ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that he received a thank-you card from Supervisor West's wife thanking the board for the beautiful plant and the surgery was successful.

Chairman Kessler stated that due to the insufficient number of people that would have been attending the 7-County Meeting has been cancelled. Hopefully they can meet the second week in March and make it a day meeting instead of a night meeting.

Chairman Kessler stated that he had attended Dr. Martin Luther King Jr. sixth annual unity breakfast at Mahone Middle School. It was fabulous.

Chairman Kessler stated that he also attended the tenth annual Dr. Martin Luther King Jr. celebration at Gateway Technical College.

#### SUPERVISORS REPORTS

Supervisor Rose stated that at the last meeting there was some discussion about scheduling a meeting with the City, County and Pleasant Prairie to talk about consolidation of services. He wondered if Chairman Kessler had given it some thought and followed up on it.

Chairman Kessler stated he had given it a considerable amount of thought and all the players have an agreement that there will not be anything coming forward until everyone has signed off on it. He does not want to circumvent any progress that has been made. When the report is finalized we will hear it.

Supervisor Rose stated the other issue has to do with golf. The Corporation Counsel should seek a legal opinion from bond counsel. When we sold and issued bonds for the golf course there was a commitment in that bond that we would operate a public course.

Supervisor Wisniewski stated that the appointed committee met with the Kemper Center Board had their first meeting last week. A long range plan outlook and how it would be conducted was discussed. They took a tour of the existing facilities. Another meeting has been set up but the date not finalized. When it happens he will report back to the County Board.

Supervisor Bergo stated that at the last meeting of the Board of Health they passed a resolution that The Kenosha County Board Of Health Applauds & Commends the Joint Efforts of the Sheriff's Department, Kenosha Visiting Nurse Association and Division of Health Employees on the Creation and Implementation of the Tuberculosis Infection Control Plan for Kenosha County Detention Center.

#### COUNTY EXECUTIVE APPOINTMENTS

##### APPOINTMENT 19

19. Jane A. Prince to serve on the Kenosha County Library Committee.  
Chairman Kessler referred Appointment 19 to Finance Committee.

##### APPOINTMENT 20

20. Robert Carbone to serve on the Brookside Board of Trustees.  
Chairman Kessler referred Appointment 20 to Human Services Committee.

#### OLD BUSINESS

Ordinances - second reading two required.

From Land Use Committee regarding:

##### ORDINANCE 42

42. Amendment to the Kenosha County Subdivision Ordinance Requiring Preliminary and Final Subdivision Plats to be Submitted in a Digital Format in Addition to Paper Copies currently being submitted for review and approval.

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" be and hereby is changed as follows:

- 1. Repeal Section 12.14-5(d) which currently reads as follows:  
12.14-5(d) Tower Signs (6/2/92)**

Tower signs may be permitted adjacent to or within 100 feet of the right-of-way of a freeway, or an abutting frontage road, and shall not exceed 65 feet in height. No tower sign shall be located closer than 300 feet to a ground sign, projecting sign, or wall sign. No tower sign shall be located closer than 1,000 feet to another tower sign. Said signs shall be properly secured to the ground to the satisfaction of the Office of Planning and Development. Said signs shall be at least 30 feet from the right-of-way of any highway or street and shall not exceed 300 square feet in display area on any one side nor 600 square feet in display area in all sides for any one premise.

**2. Recreate Section 12.14-5(d) to read as follows:**

**12.14-5(d) Tower Signs**

Tower Signs are prohibited. A tower sign is defined as a freestanding sign that exceeds 30 feet in height.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 42. Seconded by Supervisor Gorlinski.

Motion carried.

**ORDINANCE 43**

43. Proposed Amendment to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Prohibiting Tower Signs Currently Permitted along I-94 Frontage Roads.

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" be and hereby is changed as follows:

**1. Repeal Section 12.14-5(d) which currently reads as follows:**

**12.14-5(d) Tower Signs (6/2/92)**

Tower signs may be permitted adjacent to or within 100 feet of the right-of-way of a freeway, or an abutting frontage road, and shall not exceed 65 feet in height. No tower sign shall be located closer than 300 feet to a ground sign, projecting sign, or wall sign. No tower sign shall be located closer than 1,000 feet to another tower sign. Said signs shall be properly secured to the ground to the satisfaction of the Office of Planning and Development. Said signs shall be at least 30 feet from the right-of-way of any highway or street and shall not exceed 300 square feet in display area on any one side nor 600 square feet in display area in all sides for any one premise.

**2. Recreate Section 12.14-5(d) to read as follows:**

**12.14-5(d) Tower Signs**

Tower Signs are prohibited. A tower sign is defined as a freestanding sign that exceeds 30 feet in height.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 43. Seconded by Supervisor Molinaro.

Motion carried.

NEW BUSINESS

Resolutions - One reading.

**RESOLUTION 96**

96. From Administration and Finance Committees regarding Approval of the Successor Labor Agreement Between Kenosha County and SEIU Local 168 Maintenance and Custodial Workers.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and SEIU Local 168, Maintenance and Custodial Workers, were recently concluded, and

**WHEREAS**, the negotiations have culminated in a three-year labor agreement ending on December 31, 2006, which agreement has since been ratified by the union, and

**WHEREAS**, Kenosha County is desirous of maintaining and promoting a sound and stable relationship with its employee organizations, and

**WHEREAS**, the Administration Committee and Finance Committees of the County Board have reviewed said labor agreement,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve and adopt said labor agreement, the originals of which are herewith attached and on file in the County Clerk's Office.

**BE IT FURTHER RESOLVED** that the County Executive be directed and empowered for and on behalf of this body to make, sign, and execute all documents necessary to implement this directive.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Tom Kerkman

Mark Modory

Joseph Clark

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

It was moved by Supervisor Singer to approve Resolution 96. Seconded by Supervisor Carbone.

Motion carried.

#### **RESOLUTION 97**

97. From Buildings & Grounds, Highway & Parks and Finance Committees regarding Authorizing Demolition of Kemper Building known as "The Carriage House".

**WHEREAS**, A building known as the "Carriage House" on the Kemper Park grounds has come into severe disrepair over the years and recently the City of Kenosha Housing & Building Inspections Department has issued a "Repair or Raze" order for such building because it is unsafe and hazardous; and

**WHEREAS**, The Carriage House building is part of the real estate leased by the County to Kemper Center, Inc., however, it is not an essential facility to the operation of Kemper Center and has not been used for years; and the Kenosha County Public Works Department has determined that it is not cost effective to repair this building.

**WHEREAS**, The federal restrictive covenant on this building has lapsed by time and no consent is required from the U. S. Government related to the original grant used to buy the Carriage House; However, permission would still be required from the Wisconsin Office of Preservation Planning at the State Historical Society under Section 66.111, Wis. Statutes before the Carriage House could be razed; Further, written agreement from the Kemper Center, Inc. Board of Directors should be obtained because of their lease interests; and

**WHEREAS**, funding for such demolition of the Carriage House in the amount of \$12,000 is available from excess insurance premiums for property and boiler insurance in the 2004 Budget of the Facilities Division, Public Works Dept., all as more particularly described in the attached Budget Modification form.

**NOW THEREFORE BE IT RESOLVED**, That the Board of Supervisors authorizes the demolition of the building known as the "Carriage House" on the grounds of the Kemper Center Park due to its state of disrepair and unsafe condition and the existing order from the City of Kenosha to repair or raze the building;

**BE IT FURTHER RESOLVED**, That such demolition may take place as soon as all necessary state and local approvals, as described above, are obtained;

**BE IT FURTHER RESOLVED**, That no additional levy funds are appropriated for this demolition, however a budget appropriation shall be established as shown in the attached Budget Modification form.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

HIGHWAY & PARKS

Dennis Elverman

Robert Pitts

Doug Noble

William Grady

BUILDING & GROUND

Mark Wisniewski

Mark Molinaro

Doug Noble

Anne Bergo

It was moved by Supervisor Wisniewski to adopt Resolution 97. Seconded by Supervisor Elverman.

Motion carried.

It was moved by Supervisor Ruffolo to take Resolution 109 out of order. Seconded by Supervisor Pitts.

Motion lost.

**RESOLUTION 98**

98. From Extension Education and Finance Committees regarding UW-Extension 2004 Budget Modification - Project Grants.

**WHEREAS**, Kenosha County UW-Extension has received \$15,000 from the Palmer Foundation for the Youth Quest Project, and

**WHEREAS**, Kenosha County UW-Extension has received \$4,000 from the Root-Pike Watershed Initiative Network for the Land and Water Links Project, and

**WHEREAS**, county levy remains unaffected by this budget amendment,

**NOW, THEREFORE, BE IT RESOLVED** that the 2004 Kenosha County UW-Extension budget be amended as follows:

Fund: 100 Business Unit# 67400 Youth Quest Revenue  
Youth Quest Revenue Object Code: 446620 \$15,000  
Fund: 100 Business Unit # 67400 Youth Quest Project  
Other Professional Services 521900 \$10,000  
Other Operating Supplies 534900 \$ 5,000  
Fund: 100 Business Unit# 67200 UW-Extension Office Revenue  
Sundry Department Earnings 448520 \$4,000  
Fund: 100 Business Unit # 67200 UW-Extension Office  
Other Operating Supplies 534900 \$4,000

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Other Operating Supplies budget may be modified between appropriation units as necessary to reflect grant expenditures; and

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Other Operating Supplies budget may be modified to increase the grant revenues and corresponding expenditures if a grant award comes in higher than expected and any expended dollars as of December 31, 2004, should be rolled over into the 2005 budget.

Submitted by:

EXTENSION EDUCATION COMMITTEE

Mark Modory  
Brenda Carey-Mielke  
Joe Montemurro  
Joe Clark

FINANCE COMMITTEE

Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts

It was moved by Supervisor Modory to adopt. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 99**

99. From Finance Committee regarding Initial resolution Authorizing the Issuance of General Obligation Refunding Bonds in an Amount not to Exceed \$10,720,000 and Providing for the Sale of the Bonds.

INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF

GENERAL OBLIGATION REFUNDING BONDS

IN AN AMOUNT NOT TO EXCEED \$10,720,000

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 \$10,720,000 for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding portions of the County's General Obligation Corporate Purpose Bonds, Series 1997C, dated December 1, 1997 and General Obligation Promissory Notes, dated September 1, 1999 (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 \$10,720,000 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 TEN MILLION SEVEN HUNDRED TWENTY THOUSAND DOLLARS (\$10,720,000) 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 TEN MILLION SEVEN HUNDRED TWENTY THOUSAND DOLLARS (\$10,720,000), which bonds shall be designated "General Obligation Refunding Bonds" (the "Bonds"). The County shall offer the Bonds for public sale on or about February 3, 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.

Adopted and recorded this 20th day of January, 2004.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 99. Seconded by Supervisor Rose.

Roll call requested.

Motion carried unanimously.

#### **RESOLUTION 100**

100. From Finance Committee regarding the Appointment of Shirley M. Boening to the Kenosha County Library Committee.

**WHEREAS**, pursuant to County executive Appointment 2003/04-17, the County Executive has appointed Shirley M. Boening to serve on the Kenosha County Library Committee, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha county board of supervisors confirm the apppointment of Shirley M. Boening to serve on the Kenosha County Library Committee. Ms. Boenig's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31st day of December 2006, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Boening will serve without pay as defined under Resolution 65 (1982-83).

Ms. Boening will be succeeding herself.

Submitted by:

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts.

**RESOLUTION 101**

101. From Finance Committee regarding the Appointment of D. Noel Sheer to the Kenosha County Library Committee.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-18, the County Executive has appointed D. Noel Sheer to serve on the Kenosha County Library Committee, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha county board of supervisors confirm the appointment of D. Noel Sheer to serve on the Kenosha County Library Committee. Mr. Sheer's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31st day of December 2006, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Sheer will serve without pay as defined under Resolution 65 (1982-83).

Ms. Sheer will be succeeding himself.

Submitted by:

FINANCE COMMITTEE  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts.

It was moved by Supervisor Carbone to adopt Resolution 100 and 101.

Seconded by Supervisor Pitts.

Motion carried.

**RESOLUTION 102**

102. From Judiciary & Law and Finance Committees regarding Homeland Security Regional Emergency Response Team Funding.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$53,474 through the State of WI, Office of Justice Assistance, Homeland Security Funding program entitled Homeland Security - Part 2. The grant becomes effective January 1, 2004 and funds must be expended by October 31, 2004, and

**WHEREAS**, the grant funds have been awarded to provide support equipment and training for the Kenosha County Hazardous Device Squad which is a nationally recognized regional response team, and

**WHEREAS**, the funding will allow for the purchase of Personal Protective Equipment for the team members, an Explosive Device Mitigation and Remediation Implement, training costs for the HDS team members and sustainable costs associated with equipment purchases.

**WHEREAS**, the grant program award will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve the Revenue and Expenditure line items modified within the Sheriff's Department Budget as per the attached budget modification form, which is incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$53,474 and increases expenditures by \$53,474.

Submitted by:

Judiciary and Law Enforcement Committee  
Jim Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro

Finance Committee  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 102. Seconded by Supervisor Carbone.  
2/3 vote required.  
Motion carried unanimously.

**RESOLUTION 103**

103. From Judiciary & Law, Administration and Finance Committees regarding Authorized Position Reduction of Lieutenant/Authorized Position Increase of Deputy.

**WHEREAS**, there currently exists one opening for the position of Lieutenant, and

**WHEREAS**, with on-going re-organization, one FTE position of Lieutenant would be eliminated, leaving 8 authorized FTE's of Lieutenant, and the FTE's of Deputy increase by one from 64 to 65, and

**WHEREAS**, this will not increase the overall authorized FTE's at 310.17 within the Sheriff's Department for 2004.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve the reduction of FTE's in position of Lieutenant from 9 to 8, and the increase of FTE's in the position of Deputy from 64 to 65.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE	FINANCE COMMITTEE	ADMINISTRATION
Jim Huff	Robert Carbone	David Singer
Brenda Carey-Mielke	Terry Rose	Mark Modory
Anita Faraone	John O'Day	Joseph Clark
Joe Montemurro	Robert Pitts	Thomas Kerkman
Terry Rose		

It was moved by supervisor Huff to adopt Resolution 103. Seconded by Supervisor Singer.  
Motion carried.

**RESOLUTION 104**

104. From Judiciary & Law and Finance Committees regarding Budget Modification to transfer funds within 2003 District Attorney Line Item Budget.

**WHEREAS**, the District Attorney must transfer funds to cover overdrafts in two line items in its 2003 budget, and

**WHEREAS**, the District Attorney has sufficient funds to cover such overdrafts in its Witness Fees account,

**NOW THEREFORE BE IT RESOLVED**, funds in the amount of \$7500 be transferred from account 16100.527200 to cover overdrafts as identified on the attached Budget Modification form.

Submitted by:

Judiciary and Law Committee  
James Huff  
Anita Faraone  
Brenda Carey-Mielke  
Terry Rose  
Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 104. Seconded by Supervisor Pitts.  
Roll call vote.

Ayes: Supervisors Kessler, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Wisnefski, Carey-Mielke, Clerk, Noble, Kerkman, Gorlinski, Smits, Elverman, Ekornaas.

Nays: Supervisors Grady, Molinaro.

Ayes. 21. Nays. 2.

Motion carried.

**RESOLUTION 105**

105. From Judiciary & Law and Finance Committees regarding OJP (Office of Justice Programs) FY03 Exercise Grant.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded an Office of Justice Programs (OJP) Exercise funding Grant totaling \$33,089.82 from the State of Wisconsin Division of Emergency Management (WEM), and

**WHEREAS**, this grant will be used to hire a consultant to design, coordinate and conduct an exercise/exercises and to pay for materials,

supplies, and expendable equipment for these exercises, and possibly, may be used for overtime personnel costs associated with exercise participants, and  
**WHEREAS**, these exercises will be conducted in FY04 and may extend into FY05, and

**WHEREAS**, the cost of this grant is 100% funded by WEM, requiring no tax levy, and

**WHEREAS**, the Kenosha County Emergency Management Budget will require a FY04 Budget Modification of \$33,089.82,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

**BE IT FURTHER RESOLVED**, that the Administration be authorized to modify these Budget Expenditures for purposes of expending all of the grant dollars in accordance with Grant criteria.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Anita Faraone

Terry Rose

Brenda Carey-Mielke

Joe Montemurro

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

It was moved by Supervisor Huff to adopt Resolution 105. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 106**

106. From Judiciary & Law and Finance Committees regarding Jail Literacy Project Funding.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$25,000 by the State of WI, Office of Justice Assistance through their Jail Literacy Project funding program. The project period will be January 1, 2004 and end December 31, 2004, and

**WHEREAS**, the grant funds have been awarded to provide primary literacy services to incarcerated individuals as well as support secondary education services, specifically, job search skills, all to reduce the recidivist rate experienced with inmates of low income and poor education skills, and

**WHEREAS**, the funding will allow for the purchase of services through community support/educational organizations to provide classroom instruction, personal tutoring services for participating inmates, and post release job search follow-up, and

**WHEREAS**, the required local match of 10% will be met with in-kind costs provided by Gateway Technical College staff hours through a contract for services currently funded by the Sheriff's Department Detention Division, and

**WHEREAS**, in order to continue this grant funded program in succeeding years, that any unobligated grant award funds remaining available at the end of the budget year shall be carried over in the succeeding budget year following approval by the State of WI, Office of Justice Assistance, and

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve the Revenue and Expenditure line items modified within the Sheriff's Department Budget as per the attached budget modification form, which is incorporated herein by reference.

Note: This resolution requires NO funds from the general fund. It increases revenues by \$25,000 and increases expenditures by \$25,000.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day, Secretary

Robert Pitts

It was moved by Supervisor Huff to adopt Resolution 106. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 107**

107. From Judiciary & Law and Finance Committees regarding Double Bunking Staffing Agreement - Pre-Trial Facility.

**WHEREAS**, 50 out of the 90 general assignment single bed hard cells at the Kenosha County Pre-Trial Facility, are to be double bunked increasing hard cell capacity to 140 beds, and

**WHEREAS**, Wisconsin Administrative Code, DOC 350.07 (2), requires a joint signed agreement between the County Board of Supervisors and the Sheriff on the staffing needs of the double bunked area, and

**WHEREAS**, this increase in general population inmate bed space at the Pre-Trial Facility, does not appear at this time to require an increase in permanent personnel to ensure the health , safety and security of the detentions staff or inmates, and

**WHEREAS**, county levy remains unaffected by this Resolution.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept this resolution as a signed agreement with the Sheriff as to the staffing needs of the double bunked area at the Pre-Trial Facility.

**BE IT FURTHER RESOLVED**, that this written mutual agreement will remain in effect until rescinded or amended by mutual written agreement of the County Board and the Sheriff.

Submitted by:

Judiciary and Law Enforcement Committee

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 107. Seconded by Supervisor Carey-Mielke.

Motion carried.

**RESOLUTION 108**

108. From Highway & Parks Committee Commending Years of Service of the Honorable Robert W. Pitts.

**WHEREAS**, the Honorable Robert W. Pitts has announced his retirement from public service as an elected County Board Supervisor effective April 2004; and

**WHEREAS**, Robert W. Pitts has dedicated himself to the cause of improving transportation, parks and highway safety; and

**WHEREAS**, Robert W. Pitts began public service as a member of the Parks Commission in 1978; and

**WHEREAS**, Robert W. Pitts was elected as a County Board Supervisor on April 17, 1984; and

**WHEREAS**, Robert W. Pitts has served on the Highway & Parks, Finance, Legislative and Administrative Committees; and

**WHEREAS**, Robert W. Pitts has served as a member of the Brookside Trustees for more than a decade; and

**WHEREAS**, Robert W. Pitts has served four years on the Wisconsin County Association Transportation Committee and ten years as Vice-Chair of the Transportation Sub Committee of the National Association of Counties.

**NOW, THEREFORE, BE IT RESOLVED** that Robert W. Pitts be commended for his years of dedicated service to the public.

**BE IT FURTHER RESOLVED** that this commendation be forwarded to the Wisconsin Counties Association Winter Conference in January 2004.

Submitted on behalf of the Highway and Parks Committee on this the 20th day of January 2004.

It was moved by Supervisor Elverman to adopt resolution 108. Seconded by

Supervisor Noble.

Motion carried.

**RESOLUTION 109**

109. From Supervisors Terry Rose and Tom Gorlinski regarding an Advisory referendum Placed on the Ballot Regarding Casino Gambling in Kenosha.

**WHEREAS**, the Menominee Tribe of Wisconsin has expressed an interest in operating a gambling casino at Dairyland Park and on surrounding property, and

**WHEREAS**, the Menominee Indian Tribe has sought County Board support for such a casino, and

**WHEREAS**, a referendum would give voters the opportunity to express their opinion on this important issue.

**NOW, THEREFORE, BE IT RESOLVED** that an advisory referendum be placed on the November 2, 2004 ballot to advise the County Board as to community support or disapproval for such a gambling casino.

**BE IT FURTHER RESOLVED** that said advisory referendum read as follows:  
*Should the Kenosha County Board of Supervisors support a proposal to allow casino gambling within Kenosha County?*

**BE IT FURTHER RESOLVED** that the Corporation Counsel's Office fulfill its statutory obligations with respect to drafting an explanation of the above referendum question and that the Clerk be directed to place said question and explanation on the April 6, 2004 ballot.

Submitted by:

Terry Rose

Tom Gorlinski

It was moved by Supervisor Rose to adopt Resolution 109. Seconded by Supervisor Gorlinski.

It was moved by Supervisor Kerkman to close debate on Resolution 109. Seconded by Supervisor Pitts.

Roll call vote

Ayes: Supervisors Boyer, Bergo, Carbone, Johnson, Pitts, O'Day, Wisnefski, Clark, Kerkman.

Nays: Supervisors Kessler, Grady, Huff, Molinaro, Modory, Faraone, Singer, Ruffolo, Montemurro, Carey-Mielke, Clark, Gorlinski, Smitz, Elverman, Ekornaas.

Ayes. 9. Nays. 15

Motion lost.

Discussion continued.

It was moved by Supervisor Clark to close debate. Seconded by Supervisor Kerkman.

Roll Call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, Singer, Ruffolo, Wisnefski, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Montemurro, Singer.

Ayes. 20. Nays. 4.

Motion carried.

Roll call vote on Resolution 109.

Ayes: Supervisors Grady, Rose, Singer, Wisnefski, Carey-Mielke, Gorlinski.

Nays: Supervisors Kessler, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Ruffolo, Montemurro, Clark, Noble, Kerkman, Smitz, Elverman, Ekornaas.

Motion lost.

**COMMUNICATION**

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

31. From Jean A. Morgan, City Clerk-Treasurer regarding Annexation of 408 acres of land, more or less in the Town of Somers.

Chairman Kessler referred Communications 30 & 31 to Land Use Committee.

**CLAIMS**

59. Robert L. Busche - mailbox damage.

Chairman Kessler referred Claim 59 to Corporation Counsel.

It was moved by Supervisor Molinaro to approval the January 6th minutes.

Seconded by Supervisor Faraone.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Modory.  
Motion carried and the meeting adjourned at 10:30 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R, Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**February 3, 2004**

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

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, Gorlinski, Elverman, O'Day, Wisnefski, Boyer, West.

Excused: Supervisors Marrelli, Larsen, Huff, Ruffolo, Kerkman.

Present. 23. Excused. 5.

**CITIZEN COMMENTS**

Bill O'Toole, 8502-108th Avenue, Pleasant Prairie. He was surprised at the outcome of the vote on the Casino Referendum Resolution. He feels the first vote was flawed. Also, the County Board should reduce it's size and this board should eliminate their free medical health insurance.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that the next County Board Meeting will be on February 24th due to the Spring Primary Election.

Chairman Kessler stated that the committee that meets with the Kemper Center Board will be meeting on February 25th at 6:30 p.m.

**SUPERVISORS REPORTS**

Supervisor Pitts stated that Senate Bill 214, allowing private citizens to carry concealed weapons under certain conditions lost by one vote in the Wisconsin Legislature.

Supervisor Elverman stated that the Highway & Parks Committee met last evening to discuss a variety of issues. They will be holding a special meeting on February 23rd, 6:30 P.M. at the County Center concerning the setting of the golf rates for the upcoming year. They are entered into a contract for a booth at the Milwaukee Golf Show on March 5th, 6th & 7th and they want the rates in hand so they can start advertising at the show. Also, a resolution was approved requiring Union Pacific Railroad to address three railroad crossings on County KR, S, and E all in the Town of Somers. The speed limit on Hwy JF in Salem has been reduced to 45 mph. The park homes have been appraised.

Supervisor Wisnefski stated that he was on the committee that interviewed Architectural Firms for the remodeling of an existing detention center facility. A recommendation was given to the County Executive.

Supervisor Gorlinski stated that he received a number of communications asking him to extend acknowledgement to Supervisors Grady, Rose, Singer, Wisnefski, Carey-Mielke for their courage in voting for a referendum on the casino.

**NEW BUSINESS**

Resolutions - One reading.

**RESOLUTION 110**

110. From Finance Committee regarding Awarding the Sale of \$10,720,000 General Obligation Refunding Bonds, Series 2004A; Providing the Form of the Bonds; and Levying a Tax in Connection Therewith.

**WHEREAS**, pursuant to a resolution adopted on January 20, 2004 (the "Initial Resolution"), the County Board of Supervisors of Kenosha County, Wisconsin (the "County") authorized the issuance of not to exceed \$10,720,000 General Obligation Refunding Bonds for the public purpose of refunding obligations of the County, including interest on them, to wit: refunding portions of the County's General Obligation Corporate Purpose Bonds, Series 1997C, dated December 1, 1997 (the "1997C Bonds") and General Obligation Promissory Notes, dated September 1, 1999 (the "1999 Notes") (collectively, the

"Prior Issues") (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding");

**WHEREAS**, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the Prior Issues for the purpose of achieving debt service cost savings;

**WHEREAS**, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds for the purpose of refinancing their outstanding obligations; and

**WHEREAS**, pursuant to the Initial Resolution, the County Clerk, in consultation with its financial advisor, Ehlers & Associates, Inc., has caused a Notice of Sale (a copy of which is attached hereto as Exhibit A , and incorporated herein by this reference) to be prepared and distributed setting forth the details of and the bid requirements for the County's General Obligation Refunding Bonds, Series 2004A (the "Bonds") and indicating that the Bonds would be offered for public sale;

WHEREAS, the following bids were received:

<u>BIDDER</u>	<u>NET INTEREST COST</u>	<u>TRUE INTEREST RATE</u>
	<u>\$</u>	<u>%</u>

**(SEE BID TABULATION ATTACHED AS EXHIBIT B)**

**WHEREAS**, it has been determined that the bid (the "Bid") submitted by the institution listed first on the attached Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the County. Ehlers & Associates, Inc. has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

**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 the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of TEN MILLION SIX HUNDRED THIRTY THOUSAND DOLLARS (\$10,630,000).

Section 1A. Ratification of the Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and other offering materials prepared and circulated by Ehlers & Associates, Inc. are hereby ratified and approved in all respects. All actions taken by officers of the County and Ehlers & Associates, Inc. in connection with the preparation and distribution of the Notice of Sale are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Bid of the Purchaser offering to purchase the Bonds for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Bonds bear interest at the rates set forth on the Bid.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2004A"; shall be dated February 1, 2004; shall be issued in the aggregate principal amount of \$10,630,000, in denominations of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on December 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on December 1, 2004.

Section 2A. Designation of Maturities. The Bonds of this issue which mature first are designated as being issued to refund the Prior Issues and any obligations refunded by the Prior Issues in the order in which the debt evidenced by said obligations was incurred.

Section 3. Redemption Provisions. At the option of the County , the Bonds maturing on December 1, 2014 and thereafter shall be subject to redemption prior to maturity on December 1, 2013 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory

redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2004 through 2016 for the payments due in the years 2005 through 2017 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

The County has heretofore levied a direct annual irrepealable tax with respect to the Prior Issues. Upon the Refunding, a sum sufficient shall be transferred from the debt service accounts for the Prior Issues and deposited into the debt service account for the Bonds and used to pay the interest coming due on the Bonds on December 1, 2004.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$10,630,000 Kenosha County General Obligation Refunding Bonds, Series 2004A, dated February 1, 2004", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purpose for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The County covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants Including Rebate. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations (whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The County covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

The County does not anticipate that it will qualify for any exemption from the rebate requirements of the Code with respect to the Bonds. Accordingly, the County hereby covenants and agrees that there shall be paid from time to time all amounts to be rebated to the United States pursuant to Section 148(f) of the Code and any applicable Regulations with respect to the Bonds. This covenant and agreement shall survive payment in full or defeasance of the Bonds. In order to fulfill such covenant and agreement, the County is hereby authorized to employ independent accountants, consultants or attorneys to assist in determining the rebate amounts.

Section 9A. Rebate Fund. If necessary, the County shall establish and maintain, so long as the Bonds are outstanding, a separate account to be known as the "Rebate Fund". The County hereby covenants and agrees that it shall pay from the Rebate Fund the rebate amounts calculated pursuant to the provisions of the Code and Regulations to the United States of America.

Amounts held in the Rebate Fund and the investment income therefrom are not pledged as security for the Bonds and may only be used to pay amounts to the United States.

The County shall maintain or cause to be maintained records of such calculations and shall make such records available upon reasonable request therefor.

The County hereby agrees it will disburse all moneys in the Rebate Fund to the United States of America at the times and in the manner set forth in any applicable Regulations proposed or promulgated thereunder.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 13. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 14. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the County, for the purpose of ensuring the payment of the principal of and interest on the callable portions of the Prior Issues (the "Escrow Agent").

The Chairperson and County Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit F (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of such agreement by said officers to constitute full approval of the County Board of Supervisors of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

The Bond Proceeds allocable to refunding the callable portions of the Prior Issues, other than any premium and accrued interest which shall be deposited in the Debt Service Fund Account created above, shall be deposited in a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and acquiring the United States obligations provided for in the Escrow Agreement.

Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding the callable portions of the Prior Issues to the Escrow Account, the taxes heretofore levied to pay debt service on the callable portions of the Prior Issues shall be abated to the extent such transfer together with investment earnings thereon is sufficient to pay the principal of and interest on the callable portions of the Prior Issues, but such abatement shall not affect the County's pledge of its full faith, credit and resources to make such payments. The refunding escrow account created by the Escrow Agreement shall hereinafter serve as the debt service (or sinking) fund account for the callable portions of the Prior Issues. The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

Section 15. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 16. Redemption of the Prior Issues. The County Board of Supervisors hereby calls the 1997C Bonds due on and after December 1, 2008 for redemption on December 1, 2007; and the 1999 Notes due on and after September 1, 2006 for redemption on September 1, 2005. The Prior Issues are called for redemption at the price of par plus accrued interest to their respective redemption dates. The County hereby directs the Escrow Agent appointed above to cause notices of redemption, in substantially the forms attached to the Escrow Agreement, to be provided at the times and in the manner provided thereon.

Section 17. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and addenda to it are hereby ratified and approved. In connection with the closing for the Bonds, the appropriate County official shall certify the Preliminary Official Statement and addenda. The County Clerk shall cause copies of the Preliminary Official Statement and addenda to be distributed to the Purchaser.

Section 18. 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.

Adopted and recorded February 3, 2004.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 110. Seconded by Supervisor Rose.  
Motion carried  
From Humans Services Committee regarding Approval of the re-appointments of the following:

**RESOLUTION 111**

111. George Vujovic to the Kenosha County Veterans Commission.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-11, the County Executive has appointed George Vujovic to serve on the Kenosha County Veterans Commission, 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 Veterans Commission 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 George Vujovic to the Kenosha County Veterans Commission. Mr. Vujovic's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Vujovic will serve without pay but will receive per diem as defined under Resolution 65 (1982-83). He will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Don Smitz

Anne Bergo

William Grady

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 111. Seconded by Supervisor Bergo.  
Motion carried.

**RESOLUTION 112**

112. Ronald L. Johnson to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-12, the County Executive has appointed Supervisor Ronald L. 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 L. Johnson to the Kenosha County Human Services Board. Supervisor Johnson's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Johnson will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer

Donald Smitz

Anne Bergo

William Grady

John O'Day

**RESOLUTION 113**

113. Richard Willoughby to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-14, 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, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Willoughby will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). He will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer  
Donald Smitz  
Anne Bergo  
William Grady  
John O'Day

#### **RESOLUTION 114**

114. Leonard R. Johnson to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-15, the County Executive has appointed Leonard R. 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 Leonard R. Johnson to the Kenosha County Human Services Board. Mr. Johnson's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Johnson will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). He will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyle  
Donald Smitz  
Anne Bergo  
William Grady  
John O'Day

#### **RESOLUTION 115**

115. John O'Day to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-14, 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, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Willoughby will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). He will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

Eunice Boyer  
Donald Smitz  
Anne Bergo

William Grady

John O'Day

It was moved by Supervisor Boyer to adopt Resolutions 112 thru 115.  
Seconded by Supervisor O'Day.

Motion carried.

COMMUNICATION

32. From Jean A. Morgan, City Clerk-Treasurer regarding Annexation of 9.872 acres of land, more or less in the Town of Somers.

Chairman Kessler referred Communication 32 to Land Use Committee.

CLAIMS

60. Amy Maciel - Courthouse injury.

61. Robert W. Beland - Mailbox damage.

Chairman Kessler referred Claims 60 & 61 to Corporation Counsel.

It was moved by Supervisor Carbone to approve the January 20th minutes.  
Seconded by Supervisor Carey-Mielke.

Motion carried.

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

Motion carried and the meeting adjourned at 8:30 p.m.

Prepared by:

Pam Young

Chief Deputy

Submitted by:

Edna R, Highland

County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**February 24, 2004**

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

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, Gorlinski, Elverman, O'Day, Wisnefski, Boyer, West, Larsen, Huff, Ruffolo, Kerkman.

Excused: Supervisors Marrelli.

Present. 27. Excused. 1.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler announced that the full County Board photo is scheduled for March 16th prior to the County Board Meeting at 7:00 p.m..

Chairman Kessler stated that a draft of the Tax Equity Study was placed on everyone's desk. Any questions please contact Dave Geersten.

Chairman Kessler stated that the County Board Committee meeting with the Kemper Center Board will be tomorrow night, February 25th at 6:30 p.m. Supervisor Wisnefski is the spokesman for the County Board. He will be making the reports. Fred Patrie, Director of Public Works will also be at the meeting.

Chairman Kessler stated that the next County Board Meeting is March 2nd.  
**SUPERVISORS REPORTS**

Supervisor Elverman stated that the Highway & Parks Committee has set the golf rates for the upcoming year. They have a booth at the Milwaukee Golf Show on March 5th, 6th & 7th.

Supervisor Gorlinski stated that Ordinance 45 in the packet for the first reading should be read by everyone and if anyone has questions call the planners at 45 & 50. They could explain the technical aspects. This has been a work in progress for two years. The towns should also look at this carefully.

Supervisor Carbone stated that the Kenosha Area Business Alliance Quarterly Report was on everyone's desk. Also, there is a document put together from a web-site page for Kenosha Area Land Management Committee. This is a new site. The Kenosha County Golf Course Fund report was handed out and any questions please call Dave Geersten.

Supervisor Noble stated that minutes for Highway & Parks Committee have not been posted on the Kenosha web site because the acting director was not aware that they were supposed to be posted. They will now be posted.

Supervisor Molinaro commented on an article that was in Monday's paper regarding an article titled *Ryan Seeks to Cut Budget Pork*. He supports this. Congress passed and the President signed a \$328.5 Billion Discretionary Bill. It included fifty million for an indoor rain forest outside Iowa City. Two million to encourage young people to play golf and etc. This has been met with resistant from those who try to control spending in Congress. His favorite comment was - shaving a few billion dollars of pork will not significantly slim down the budget. This should be discussed at our Legislative Committee.

Supervisor Molinaro stated that cost over runs should not be done until approved by the County Board. We have set up policies and rules and do not follow them. This is rude and unfair to the taxpayer.

Supervisor Molinaro asked why is a outgoing Supervisor going to Washington and who is funding it? Chairman Kessler stated we are.

Supervisor Rose asked to have Ordinance 45 removed from the agenda tonight for the first reading and be put on the next agenda due to missing pages.

Supervisor Wisniewski wanted to compliment our Public Works and Highway Department for the great job they have done on our roads this winter.

NEW BUSINESS

Ordinances - first reading two required.

**ORDINANCE 44**

44. From Highway & Parks Committee regarding Creating an Ordinance on speed limits for CTH "JF" from CTH "C" to STH 83.

**ORDINANCE 45**

45. From Land Use Committee regarding Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Repealing the Existing Adult Entertainment Overlay (AEO) District and Creating Sections Related to Restricting Adult Establishment Locations and Business Uses.

Removed from agenda.

Ordinance - one reading.

**ORDINANCE 46**

46. From Land Use Committee regarding Brian C. and Nadean K. Buchholtz, requesting rezoning from C-1 Lowland Resource Conservancy District to C-2 Upland Resource Conservancy 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:

That part of Tax Parcel #65-4-120-034-0102 located in the southeast quarter of Section 3, Township 1 North, Range 20 East, Town of Salem be changed from C-1 Lowland Resource Conservancy District to C-2 Upland Resource Conservancy District to allow a driveway. For informational purposes only, this property is located on the east side of State Trunk Highway "75" approximately ½ mile north of the intersection of State Trunk Highway "50" (75<sup>th</sup> Street).

**Brian C. and Nadean K. Buchholtz - (Owners)**

**Description:** Part of the northwest quarter of the southeast quarter of Section 3, Town 1 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Salem, Kenosha County, Wisconsin, bounded and described as follows: Commencing at the northwest corner of said quarter section; thence north 88°43'28" east along the north line of said quarter section 692.00 feet; thence south 11°05'35" east 289.51 feet; thence south 65°14'48" west 312.06 feet to the point of beginning; thence south 24°45'12" east 30.00 feet; thence south 65°14'48" west 70.00 feet; thence north 24°45'12" west 30.00 feet; thence north 65°14'48" east 70.00 feet to the point of beginning.

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

Submitted by:

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Gorlinski to approve Ordinance 46. Seconded by Supervisor Molinaro.

Motion carried.

Resolutions - one reading.

**RESOLUTION 116**

116. From Finance Committee regarding Appointment of Jane A. Prince to the Kenosha County Library Committee.

**WHEREAS**, pursuant to County Executive Appointment 2004/2004-19, the County Executive has appointed Jane A. Prince to serve on the Kenosha County Library Committee, and

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Kenosha County Board of Supervisors confirm the appointment of Jane A. Prince to serve on the Kenosha County Library Committee. Ms. Prince's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31<sup>st</sup> day of December 2006, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Prince will serve without pay as defined under Resolutions 65 (1982-83). Ms. Prince will be succeeding herself.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Robert Pitts

Terry Rose

Gordon West

It was moved by Supervisor Carbone to adopt Resolution 116. Seconded by Supervisor O'Day.

Motion carried.

#### **RESOLUTION 117**

117. From Finance Committee regarding Transfer of Funds for Palpable Errors for 2004.

**WHEREAS,** the State of Wisconsin has determined that an error in the determination of equalized value (known as a palpable error) has been made, and

**WHEREAS,** as a result of the palpable error, the State has ordered under s. 74.41 that the County make payments to certain municipalities.

**NOW, THEREFORE BE IT RESOLVED,** that \$18,743.72 be appropriated to account 15130.559100 for the purpose of paying \$1,257.69 to the City of Kenosha, and \$17,486.03 to the Village of Pleasant Prairie, in accordance with State Law, as ordered by the State of Wisconsin Department of Revenue. This amount of \$18,743.72 will be funded by property tax levy for collection in 2005 as allowed by the State of Wisconsin. Therefore, this appropriation will not affect the General Fund.

**BE IT FURTHER RESOLVED,** that the County Board hereby authorize disbursement in the amount of \$18,743.72 to the appropriate municipalities as set forth by orders of the State of Wisconsin which are attached as part of this Resolution.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

John O'Day

Gordon West

Terry Rose

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 117. Seconded by Supervisor 117.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 118**

118. From Highway & Parks regarding Requiring Highway Railroad Grade Crossing at Union Pacific Crossings on County Trunk Highway "S" and County Trunk Highway "E" and County Trunk Highway "KR".

**WHEREAS,** The Union Pacific Railroad crosses Kenosha County Trunk Highways at the following locations:

- CTH "S", 0.8 miles west of State Trunk Highway 31
- CTH "E", 0.2 miles west of State Trunk Highway 32
- CTH "KR", 0.75 miles west of State Trunk Highway 31, and

**WHEREAS,** the Kenosha County Department of Public Works has identified the railroad crossings at the above locations to be in disrepair and hazardous to public travel, and

**WHEREAS**, Wisconsin Statutes 86.12 (1) requires all railroad companies owning or operating tracks crossing streets or highway grade to keep the surface of the crossings between the tracks and rails and extending 4 feet on either side of the outside rails, in good condition and repair for highway travel, and

**WHEREAS**, the safety of the travelling public is impacted by the poor condition of the railroad crossings.

**NOW, THEREFORE, BE IT HEREBY RESOLVED:**

That in the interest of public safety, the Kenosha County Board of Supervisors, Kenosha County, Wisconsin hereby requires the Union Pacific Railroad to pave, plank, repair or otherwise improve the crossings at the locations indicated above.

Submitted by:  
HIGHWAY & PARKS COMMITTEE  
Dennis Elverman  
Robert Pitts  
Douglas Noble  
William Grady

It was moved by Supervisor Elverman to adopt Resolution 118. Seconded by Supervisor Pitts.  
Motion carried.

**RESOLUTION 119**

119. From Human Services and Finance Committees regarding Modifying 2004 Budget to create the grant employment position of Public Health Specialist within the Division of Health.

**WHEREAS**, the State of Wisconsin Department of Health and Family Services, Division of Public Health has recognized the need within Local Public Health Departments to support dedicated staff in meeting the Local Public Health Department's Bio Terrorism grant requirements, and

**WHEREAS**, these funds in the amount of \$83,710 have been previously included in the Division of Health's 2004 Adopted Budget, the Division of Health is requesting authorization to transfer the funds within the 2004 Adopted budget, and

**WHEREAS**, the grant-funded position of Public Health Specialist created through this Department of Public Health Consolidated Contract is solely supported by this grant and thus the position will be eliminated when the grant funding ceases, and

**WHEREAS**, this budget modification poses no additional levy-funded costs to the County, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health budget be modified, at no cost to the county, as follows: Revenue increases by \$83,710 and expenditures increase by \$83,710 as indicated in the attached budget modifications, which are incorporated into this resolution by reference.

Submitted by:	
HUMAN SERVICES	FINANCE COMMITTEE
Eunice Boyer	Robert Carbone
Anne Bergo	Terry Rose
John O'Day	John O'Day
Donald Smitz	Robert Pitts
William Grady	Gordon

It was moved by Supervisor Boyer to adopt Resolution 119. Seconded by Supervisor Carbone.  
2/3 vote required.  
Motion carried unanimously.

**RESOLUTION 120**

120. From Human Services and Finance Committees regarding Increasing the 2004 Division of Aging Budget to reflect the 2004 Prevention Grant.

**WHEREAS**, The Kenosha County Department of Human Services Division of Aging Services has received a Prevention Grant from the Wisconsin Department of Health and Family Services to implement a Chronic Disease Self-Management Program for people 40 years of age and over; and

**WHEREAS**, County Levy remains unaffected by this resolution;

**NOW, THEREFORE, BE IT RESOLVED**, that the 2004 budget of the Department of Human Services Division of Aging Services be modified as follows:  
Expenditures and Revenues increase by \$175,402 as indicated in the attached budget modification form, which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

William Grady

Don Smitz

John O'Day

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 120. Seconded by Supervisor West.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 121**

121. From Human Services, Administrative and Finance Committees regarding Modifying the Division of Workforce Development 2004 1st Quarter Budget to reflect Additional State and Federal Funding.

**WHEREAS**, the Kenosha County Department of Human Services, Division of Workforce Development developed a 2004 budget based on contract information projected by the State of Wisconsin, and

**WHEREAS**, the State of Wisconsin reduced the 2004 Income Maintenance Allocation by \$131,339 in State and Federal funds resulting in a reduction of Kenosha County Income Maintenance Services in 2004, and

**WHEREAS**, the Division of Workforce Development is receiving an additional \$130,772 in State and Federal funds through the State Department of Health and Family Services for the 2004 Income Maintenance Allocation, and

**WHEREAS**, this additional State and Federal funding will be used to assure that all available resources are used for timely and accurate eligibility determinations and to improve program access, and

**WHEREAS**, the Kenosha County Income Maintenance caseload has increased by over 28% during 2003, and

**WHEREAS**, the Division of Workforce Development requests to use these additional funds to add 1.5 Economic Support Specialist positions and if funding ceases so will these positions, and

**WHEREAS**, County levy remains unaffected by this resolution, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Department of Human Services, Division of Workforce Development budget be modified as follows:

Authorize the establishment of 1.5 Economic Support Specialists positions and increase of expenditures of \$130,772 and to increase revenues by \$130,772, per the attached budget modification incorporated herein by reference.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Mark Modory

Joe Clark

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

William Grady

Don Smitz

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

John O'Day

It was moved by Supervisor Boyer to adopt Resolution 121. Seconded by Supervisor Singer.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 122**

122. From Judiciary & Law and Finance Committees regarding Methamphetamine/Ecstasy Training Equipment Grant.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$5,553 for drug task force equipment purchases related to Methamphetamine/Ecstasy training through the State of WI, Office of Justice Assistance, and

**WHEREAS**, these funds are made available to the Kenosha County Sheriff's Department through June 30, 2004 for purchase of a laptop, projector, software and printer for use in public/departments/community groups education sessions regarding the awareness and recognition of methamphetamine and ecstasy abuse, offenses and manufacture, and

**WHEREAS**, the equipment purchased will enable the Sheriff's Department drug task force to create and provide dynamic, multi-media presentations and produce professional brochures regarding the project focus, and

**WHEREAS**, there is no local match required for this award.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve the increase in Revenue and Expenditure line item modifications as per the attached budget modification forms, which are incorporated herein by reference.

Note: This award requires no additional funds from the General Fund. It increases Revenues by \$5,553 and increases Expenditures by \$5,553.

Submitted by:

**Judiciary and Law Enforcement Committee**

James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

**Finance Committee**

Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 122. Seconded by Supervisor West.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 123**

123. From Judiciary & Law and Finance Committees regarding Modification of State OJA Funding for Jail Literacy Project.

**WHEREAS**, the Kenosha County Board of Supervisors approved a level of funding in Resolution 106, January 20, 2004 from the State of WI Office of Justice Assistance for \$25,000 to fund a Jail Literacy Project for 2004, and

**WHEREAS**, the State of WI Office of Justice Assistance (WI OJA) has confirmed the grant award at \$30,000 as was applied for in the initial grant application, and

**WHEREAS**, the required local match of \$3,333 is met as an in-kind match through a contract for inmate education services through Gateway Technical College currently funded by the Sheriff's Department's budget, and

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the additional \$5,000 award and approve the increase in Revenue and Expenditure for this project, as per the attached budget modification form, which is incorporated herein by reference.

**LET IT FURTHER BE RESOLVED**, that such grant funds are hereby authorized for carryover until such grant funds are expended in accord with WI OJA grant requirements

Note: This resolution requires NO additional funds from the General Fund. It increases Revenue by \$5,000 and increases Expenditures by \$5,000.

Submitted by:

**Judiciary and Law Enforcement Committee**

James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

**Finance Committee**

Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 123. Seconded by Supervisor West.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 124**

124. From Judiciary & Law and Finance Committees regarding Kenosha County Pre-Trial Intensive Supervision Program VII.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$70,749 for a Highway Safety Grant entitled, "Kenosha County Sheriff's Department Intensive Supervision Program VII", for the grant period of January 1, 2004 through December 31, 2004, and

**WHEREAS**, these funds have been made available to the Kenosha County Sheriff's Department for its seventh year through the State of Wisconsin, Department of Transportation, Bureau of Transportation Safety in their effort to improve traffic safety in Wisconsin, and

**WHEREAS**, the project will be facilitated by the Wisconsin Correctional Service (WCS) in conjunction with their Pre-Trial Release Program, and

**WHEREAS**, repeat DWI offenders will be screened to receive intensive counseling treatment and supervision in lieu of incarceration and to effectively deter repeat offenses, and

**WHEREAS**, the total operating budget for the Intensive Sanctions program is funded by four sources: (1) State DOT grant award, (2) Client Fees collected by WCS from participants totalling \$35,980, (3) Sheriff's Dept. soft match of \$24,771, and (4) Sheriff's Department hard match of \$10,000, and

**WHEREAS**, the Sheriff's Department's hard match of \$10,000 to support this program has been anticipated and is budgeted within the Sheriff's 2004 Budget.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve the revenue and expenditure line item modifications as per the attached budget modification forms, which are incorporated herein by reference.

Submitted by:

Judiciary and Law Enforcement Committee

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

Finance Committee

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Huff to adopt Resolution 124. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 125**

125. From Judiciary & Law Enforcement Committees regarding Probationary Cabaret License for Rob's River Edge.

**WHEREAS**, the applicant Robert Piper received approval by County Board action for a probationary cabaret license for the establishment known as Rob's River Edge, and

**WHEREAS**, the application of Robert Piper for a probationary cabaret license for Rob's River Edge, 7603 Shorewood Drive, Salem, Wisconsin, in the Town of Salem, was made during the month of July, 2003, was turned over to this office on July 3, 2003, 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 Robert Piper, for Rob's River Edge.

Submitted by:

James Huff

Anita Faraone  
Brenda Carey-Mielke  
Terry Rose  
Joe Montemurro

It was moved by Supervisor Huff to adopt Resolution 125. Seconded by Supervisor Carey-Mielke.  
Motion carried.

**RESOLUTION 126**

126. From Judiciary & Law Enforcement Committee regarding Cabaret License for El Fracazo, Inc.

**WHEREAS,** the application of Salomon Hernandez for a conversion of a probationary cabaret licence to a regular cabaret license for El Fracazo, Inc., 1778 Sheridan Road, Kenosha, Wisconsin, in the Town of Somers, was denied by County Board action on July 22, 2003 based upon incidents reported by the Sheriff's Department that created a lack of " general good order " and caused concern over the operations to maintain control, and

**WHEREAS,** the County Board of Supervisors approved an extended 6 months of probation so that the Kenosha Sheriff's Department could continue to monitor activity for corrective action and improvement, and

**WHEREAS,** the application of Salomon Hernandez for a regular cabaret license for El Fracazo, Inc., 1778 Sheridan Road Kenosha, Wisconsin, in the Town of Somers, was made during the month of January 2004, and

**WHEREAS,** substantial improvement has been made in the operation and management of the establishment minimizing violent incidents and underage drinking at the establishment during the extended probationary period.

**THEREFORE BE IT RESOLVED,** that because this is an application for conversion of an existing probationary cabaret license to a regular cabaret license by the license holder, that a regular cabaret license be granted to Salomon Hernandez, for El Fracazo, Inc.

It was moved by Supervisor Huff to adopt Resolution 126. Seconded by Supervisor Faraone.  
Motion carried.

**RESOLUTION 127**

127. From Judiciary & Law Enforcement Committee regarding Cabaret License for Nytro's.

**WHEREAS,** the application of Leann J McCarty for a conversion of a probationary cabaret licence to a regular cabaret license for Club Viper Inc., 32800 Geneva Road, Kenosha, Wisconsin, in the Town of Wheatland, was denied by County Board action on July 22, 2003 based upon incidents reported by the Sheriff's Department that created a lack of " general good order " and caused concern over the operations to maintain control, and

**WHEREAS,** the County Board of Supervisors approved an extended 6 months of probation so that the Kenosha Sheriff's Department could continue to monitor activity for corrective action and improvement, and

**WHEREAS,** the application of Leann J McCarty for a regular cabaret license for Club Viper Inc.

(Nytro's), 32800 Geneva Road, Kenosha, Wisconsin, in the Town of Wheatland, was made during the month of January 2004, and

**WHEREAS,** substantial improvement has been made in the operation and management of the establishment minimizing violent incidents and underage drinking at the establishment during the extended probationary period.

**THEREFORE BE IT RESOLVED,** that because this is an application for conversion of an existing probationary cabaret license to a regular cabaret license by the license holder, that a regular cabaret license be granted to Leann J McCarty for Club Viper Inc. ( Nytro's).

It was moved by Supervisor Huff to adopt Resolution 127. Seconded by Supervisor Montemurro.  
Roll call vote.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Noble, Ekornaas, Pitts, Molinaro, Elverman, O'Day, Boyer, West, Larsen, Huff, Kerkman.

Nays: Supervisors Grady, Ruffolo, Wisnefski, Clark, Gorlinski, Smitz.  
Ayes. 21. Nays. 6.  
Motion carried.

#### **RESOLUTION 128**

128. From Land Use Committee regarding Bristol Bay Condominiums, being part of the northwest quarter of Section 8, Township 1 North, Range 21 East, Town of Bristol.

**WHEREAS**, at a regularly held public hearing of the Kenosha County Land Use Committee on February 11, 2004 review was given to the Final Plat of Bristol Bay Condominiums located in the northwest quarter of Section 8, Township 1 North, Range 21 East, Town of Bristol. For informational purposes only, this property is located on the southeast corner of the intersection of U.S. Highway "45" (Bristol Road) and State Trunk Highway "50" (75<sup>th</sup> Street); 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 Bristol recommended approval of Bristol Bay Condominiums subject to the conditions presented in (*Exhibit 1, on file in the Department of Planning and Development*) and the developers agreement being prepared by the Town and the developer. Said agreement will be signed by both parties prior to recording the final plat.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the Final Plat of Bristol Bay Condominiums subject to the conditions as approved by the Land Use Committee.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Gorlinski to adopt Resolution 128. Seconded by Supervisor Ekornaas.  
Roll call vote.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Noble, Ekornaas, Pitts, Elverman, O'Day, Boyer, West, Larsen, Huff, Kerkman, Grady, Ruffolo, Wisnefski, Clark, Gorlinski, Smitz.

Nays: None

Abstain: Supervisor Molinaro.

Ayes. 21. Nays. 6.

Motion carried.

#### **RESOLUTION 129**

129. From Highway & Parks, Building & Grounds and Finance Committees regarding Approving Farm Lease for an unused portion of West End Kenosha County Park.

**WHEREAS**, The Kenosha County Board of Supervisors has created a new recreational county park located in the Town of Wheatland and the Town of Randall by buying 234 acres [West End Park]; and Kenosha County is in the process of developing a park plan for future use of this park; and

**WHEREAS**, A farmer named Mr. Tim Lois has farmed 40 acres of the northern section of such park for several years under the prior owners, and has expressed a desire to continue to farm such land; further said farmer has offered to rent this 40 acre space of the West End Park for \$700.00 from December 1, 2003 to November 30, 2004 for crop farming only, while also allowing Kenosha County entry at all times for park planning studies or testing or other evaluation, without penalty or compensation for damaged crops, without

any guarantee of extension or continuation of said lease, and with an agreement to hold harmless Kenosha County from any liability associated with said farming lease; and

**WHEREAS,** With limited available resources for park development, it is likely that only the southern portion of said Park will be developed into active parkland such as soccer, football and baseball fields in the near future, and the area now farmed will not be actively developed for several years.

**NOW THEREFORE BE IT RESOLVED,** That the Board of Supervisors hereby approves of the lease of approximately 40 acres of the northern area of the new West End Park, (formerly Meyer Materials property) which is currently under cultivation, to be more particularly described in the lease, to Mr. Tim Lois from the date 12/1/03 to 11/30/04 for the sum of seven hundred dollars, (\$700.00), if Mr. Lois agrees in the lease to hold Kenosha County harmless from all liability associated therewith and allow entry as needed for park development studies and tests without compensation for crop loss or other damage.

**BE IT FURTHER RESOLVED,** To account for this rental revenue, the 2004 Kenosha County budget shall be modified as shown in the attached Budget Modification form.

**BE IT FURTHER RESOLVED,** That the County Executive be authorized to sign all documents necessary for the lease of such land.

Submitted by:

HIGHWAY & PARKS COMMITTEE	BUILDING & GROUNDS COMMITTEE	FINANCE COMMITTEE
Irving Larsen	Mark Wisnefski	Robert Carbone
Dennis Elverman	Mark Molinaro Jr.	Terry Rose
Douglas Noble	Anne Bergo	Gordon West
Robert Pitts	Douglas Noble	John O'Day
		Robert Pitts

It was moved by Supervisor Elverman to adopt Resolution 129. Seconded by Supervisor Wisnefski.

Motion carried.

#### COMMUNICATION

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

Chairman Kessler referred Communication 33 to Land Use Committee.

#### CLAIMS

- 62. Gary Dennison - property damage.
- 63. Gary Dennison - mailbox damage.
- 64. Robert Zich - mailbox damage.
- 65. Terry Campton - lost clothing.
- 66. Richard LeMay - car damage.
- 67. Robert Busche - mailbox damage.

Chairman Kessler referred Claims 62 thru 67 to Corporation Counsel.

It was moved by Supervisor Modory to approve the February 3<sup>rd</sup> minutes. Seconded by Supervisor Bergo.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:30 P.M.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R, Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**March 2, 2004**

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

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, Gorlinski, Elverman, O'Day, Wisnefski, Boyer, West, Larsen, Huff.

Excused: Supervisors Marrelli, Ruffolo, Kerkman.

Present. 25. Excused. 3.

**CITIZEN COMMENTS**

Bob Danbeck, 7626-27th Avenue. Mr. Danbeck stated that the new golf rates are out and the residents are going to be paying 20% more. We need to solve the golf course problems but look where the cuts coming from! The golf course maintenance people, the lowest paid positions are not the way to go. The Golf Courses are top heavy. He hopes the courses open soon. Also, the Casino is City business. The County Board has nothing to do with City property. The County Board has enough to deal with. No referendum is needed.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler congratulated Supervisor West and his wife for receiving recognition of their support for the Kenosha Symphony.

Chairman Kessler announced that the full County Board photo is scheduled for March 16th prior to the County Board Meeting at 7:00 p.m..

Chairman Kessler stated that he received a letter from Supervisor Molinaro regarding resigning his position as Supervisor of the Sixth District and is currently on the General Election Ballot for the Eighteenth District. This will be effective March 24, 2004.

Chairman Kessler asked John Milisauskas, Manager of the Job Center, to give a report on the Economic Summit. Mr. Milisauskas stated that it had been about 2 1/2 years since the Economic Summit and the goals were divided. In a general sense in the last 2 1/2 years there has been collaboration between organizations that deal in communities in economic development.

**SUPERVISORS REPORTS**

Supervisor Elverman stated that the Highway & Parks Committee met last night and renewed a contract with Hoy Audubon Society for operating at the Pringle Nature Center in Bristol. This is a non-profit corporation. The committee also had an approval of the snowmobile trails. The committee is also reviewing the rental study on Park housing. They have passed a resolution. At the April meeting everything will be decided.

Supervisor Wisnefski reported on the meeting at Kemper Center with the Kemper Board. There is a plan and goals for 2004 and preserving the historic nature of the Kemper Center site and buildings and offer programs that promote the understanding of the local history. They also have a financial goal. Clarify relationships and financial responsibility for Kemper Center Inc. and Kenosha County Board of Supervisors. The next meeting will focus on the lease.

Supervisor Clark spoke regarding Assembly Bill 606 relating to the size of the county board of supervisors. This bill would allow the county boards to take a look at their size and modify them sometime during the ten-year period between adoption of decennial redistricting plans. This might be something for the Legislative Committee to look into.

County Executive Appointments.

21. Robert S. Trapp to serve on the Civil Service Commission.

Chairman Kessler referred Appointment 21 to Administration and Judiciary & Law Committees.

OLD BUSINESS

Ordinance - second reading, two required.

**ORDINANCE 44**

44. From Highway & Parks Committee regarding Creating an Ordinance on speed limits for CTH "JF" from CTH "C" to STH 83.

The County Board of Supervisors of Kenosha County, Wisconsin do ordain as follows:

A portion of existing Kenosha County Ordinance, Section 7.02 on TRAFFIC CONTROLS IS HEREBY CREATED:

Section 7.02 Speed Limits

(14.2) County Trunk Highway "JF", Town of Salem

45 M.P.H. from its intersection with CTH "C" southerly and easterly to its intersection with State Trunk Highway 83.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Robert Pitts

Douglas Noble

William Grady

It was moved by Supervisor Elverman to adopt Ordinance 44. Seconded by Supervisor Pitts.

Motion carried.

NEW BUSINESS

Ordinance - first reading, two required.

**ORDINANCE 45**

45. From Land Use Committee regarding Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Repealing the Existing

Adult Entertainment Overlay (AEO) District and Creating Sections Related to Restricting Adult Establishment Locations and Business Uses.

Resolutions - one reading.

**RESOLUTION 130**

130. From Administration and Finance Committees regarding approval of the Successor Labor Agreement Between Kenosha County and AFSCME -Local 70 Highway Department.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and AFSCME Local 70, Maintenance and Custodial Workers, were recently concluded, and

**WHEREAS**, the negotiations have culminated in two-year labor agreements the first ending on December 31, 2005, and the second ending on December 31, 2007, which agreements have since been ratified by the union, and

**WHEREAS**, Kenosha County is desirous of maintaining and promoting a sound and stable relationship with its employee organizations, and

**WHEREAS**, the Administration Committee and Finance Committee of the County Board have reviewed said labor agreement,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve and adopt said labor agreements, the originals of which are herewith attached and on file in the County Clerk's Office.

**BE IT FURTHER RESOLVED** that the County Executive be directed and empowered for and on behalf of this body to make, sign, and execute all documents necessary to implement this directive.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

John Ruffolo

Thomas Kerkman

Mark Modory

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

It was moved by Supervisor Singer to approve Resolution 130. Seconded by Supervisor Carbone.

Motion carried unanimously.

**RESOLUTION 131**

131. From Human Services Committee regarding Approval of the Re- Appointment of Supervisor Robert Carbone to the Brookside Board of Trustees.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-20, the County Executive has appointed Supervisor Robert Carbone to serve o the Brookside Board of Trustees, 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 Brookside Board of Trustees 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 Robert Carbone to the Brookside Board of Trustees. Supervisor Carbone's appointment shall be effective immediately and continuing until the 1st day of January, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Carbone will serve without pay but will receive per diem as defined under Resolution 65 (1982-83) and is succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald Smitz

William Grady

It was moved by Supervisor Boyer to adopt Resolution 131. Seconded by Supervisor Bergo.

Motion carried.

It was moved by Supervisor Faraone to adopt the February 24th minutes. Seconded by Supervisor Molinaro.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:15 p.m.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R, Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**March 16, 2004**

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

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, Gorlinski, Elverman, O'Day, Wisnefski, Boyer, West, Larsen, Huff, Kerkman.

Excused: Supervisors Marrelli, Ruffolo.

Present. 26. Excused. 2.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler announced that Resolution 134 was incorrectly put on tonight's agenda. This resolution had been on the prior County Board Agenda.

Chairman Kessler stated that Supervisor Carey-Mielke had put together a brochure explaining the Duties and Responsibilities of Kenosha County Government. One was placed on each desk.

Chairman Kessler stated that due to the April 6th Spring Election the next County Board Meeting will be April 13th.

**SUPERVISORS REPORTS**

Supervisor Elverman stated that Brighton Dale will be opening tomorrow and Petrifying Springs on Thursday. Weather permitting. Two fund raisers planned so far this year are for June 17th at Brighton Dale and June 23rd the County Executive's Golf tournament for the Junior Golf Program.

Supervisor Molinaro stated that this will be his last meeting for this term and he wants to thank the residents of the Sixth District. The feed-back over the last ten years has been phenomenal. He also would like to thank Supervisor Carbone who ten years ago appointed him. He respects everything the board has done together no matter what side they were on.

Supervisor Gorlinski spoke regarding the Casino issue. What happens in the City does affect the whole county. A little quid pro quo is appropriate.

Supervisor Gorlinski also spoke about the letter included in their packets from a concerned citizen regarding the golf courses. He agrees that there should be more youth programs at reduced fees to encourage young people participation. We should have a Director of Recreation that would work with City, Towns, Villages and School Districts relative to total recreation and what is available to not only young people but to all citizens of Kenosha County. Also, more supervisors should have email available to their constituents.

Supervisor Carey-Mielke stated that one of the driving forces behind putting together the brochure was to help educate her constituents. This will help keep them informed as to what the County Board does for them.

Supervisor Larsen stated that he has gotten over the hump and he is feeling and doing better. There is not much he can't do. He can still perform the duties.

Supervisor Rose spoke regarding the 60th street property that we sold. The contract stated that the corporation would not apply for tax exempt status and he has heard that they recently did. He would like to have Corporation Counsel look into this issue and make a report to the County Board.

Supervisor Faraone stated that the corporation that bought the 60th Street property also made the same representation regarding tax exempt status to the City Planning Commission. They were told that this would not become a tax exempt property.

Supervisor Wisnefski gave a report on the 60th Street property. The Building & Grounds Committee has asked the Public Works Director to contact Corporation Counsel and look into this issue.

## OLD BUSINESS

Ordinance - second reading, two required.

### ORDINANCE 45

45. From Land Use Committee regarding Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Repealing the Existing Adult Entertainment Overlay (AEO) District and Creating Sections Related to Restricting Adult Establishment Locations and Business Uses.

### ORDINANCE 45

45. From Land Use Committee regarding Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Repealing the Existing Adult Entertainment Overlay (AEO) District and Creating Sections Related to Restricting Adult Establishment Locations and Business Uses.

### **Kenosha County**

#### **Adult Entertainment Ordinance - Final 2/4/04**

A GENERAL ORDINANCE OF THE COUNTY OF KENOSHA PERTAINING TO THE REGULATION OF ADULT ESTABLISHMENTS, REPEALING SECTIONS 12.26-3 AND 12.29-8(B)(2) OF THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE, CREATING SECTION 12.22-6 ADULT ESTABLISHMENTS, AND AMENDING SECTIONS 12.17-2, 12.19-1, 12.22-2, and 12.22-3.

#### 19 RECITALS

A. WHEREAS, the operation of adult establishments and certain activities that frequently occur in or around adult establishments tend to have adverse secondary effects on communities, including increasing criminal and other offensive activity, disrupting the peace and order of communities, depreciating the value of real property, harming the economic welfare of communities, encouraging or facilitating the spread of sexually transmitted diseases, and impairing the quality of life of the communities; and

B. WHEREAS, the adverse secondary effects of adult establishments are well documented in studies by other communities, including but not limited to studies by Phoenix, Arizona (1979); Tucson, Arizona (1990); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Adams County, Colorado (1998); Denver, Colorado (1998); Manatee County, Florida (1987); Indianapolis, Indiana (1984); Kansas City, Kansas (1998); Minneapolis, Minnesota (1980); St. Paul, Minnesota (1988); Las Vegas, Nevada (1978); Ellicottville, New York (1998); Islip, New York (1980); New York, New York (1994); Syracuse, New York (1999); New Hanover, North Carolina (1989); Cleveland, Ohio (1977); Oklahoma City, Oklahoma (1986); Amarillo, Texas (1977); Austin, Texas (1986); Beaumont, Texas (1982); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); Fort Worth, Texas (1986); Houston, Texas (1983 & 1997); Newport News, Virginia (1996); Bellevue, Washington (1988); Des Moines, Washington (1984); Seattle, Washington (1989); St. Croix County, Wisconsin (1993); and

C. WHEREAS, the adverse secondary effects of adult establishments are also reported in judicial opinions relating to adult establishments, including but not limited to City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 S.Ct. 1728, 152 L.Ed.2d 670 (2002); City of Erie v. Pap's A.M., 529 U.S. 277, 120 S.Ct. 1382, 146 L.Ed.2d 265 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560, 111 S.Ct. 2456, 115 L.Ed.2d 504 (1991); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986); Young v. American Mini Theatres, Inc., 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Schultz v. City of Cumberland, 228 F.3d 831 (7th Cir. 2000); DiMa Corp. v. Town of Hallie, 185 F.3d 823 (7th Cir. 1999); North Avenue Novelties, Inc. v. City of Chicago, 88 F.3d 441 (7th Cir. 1996); Matney v. County of Kenosha, 86 F.3d 692 (7th Cir. 1996); United States v. Marren, 890 F.2d 924 (7th Cir. 1989); Tee & Bee, Inc. v. City of West Allis, 936 F. Supp. 1479 (E.D. Wis. 1996); Suburban Video, Inc. v. City of Delafield, 694 F. Supp. 585 (E.D. Wis. 1988); Urmanski v. Town of Bradley, 273 Wis. 2d 545, 613 N.W.2d 905 (Wis. App. 2000); Jake's Ltd., Inc. v. City of Coates, 284 F.3d 884 (8th Cir. 2002); Déjà Vu of Nashville, Inc. v. Nashville, 274 F.3d 377 (6th Cir. 2001); Artistic Entertainment, Inc. v. City of Warner Robbins, 223 F.3d 1306 (11th Cir. 2000); Wise Enterprises, Inc., et al. v. Unified Government of Athensclarke County,

Georgia, 217 F.3d 1360 (11th Cir. 2000); Stringfellow's of New York, Ltd. v. City of New York, 91 N.Y.2d 382, 694 N.E.2d 407, 671 N.Y.S.2d 406 (N.Y. 1998); Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998); Ben Rich Trading, Inc. v. City of Vineland, 126 F.3d 155 (3rd Cir. 1997); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Hang On, Inc. v. City of Arlington, 65 F. 3d 1248 (5th Cir. 1995); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); TK's Video, Inc. v. Denton County, Texas, 24 F.3d 705 (5th Cir. 1994); LLEH, Inc. v. Wichita County, Tex., 289 F.3d 358 (5th Cir. 2002); Star Satellite, Inc. v. City of Biloxi, 779 F.2d 1074 (5th Cir. 1986); Mitchell v. Commission on Adult Entertainment Establishments of Delaware, 10 F.3d 123 (3rd Cir. 1993); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); and

D. WHEREAS, based on the above studies and cases, as well as the experiences of the County, its residents and communities, the Kenosha County Board of Supervisors finds that:

1. Adult establishments can and do impair the character and quality of surrounding neighborhoods, the value of surrounding properties, the economic welfare of communities, and the quality of life of residents;
2. Adult establishments contribute to the physical deterioration and blight of neighborhoods;
3. Adult establishments contribute to increased levels of criminal activities in neighborhoods where such establishments are located, including prostitution, promotion of prostitution, rape, sexual assaults, other assaults, other sex related crimes; robbery; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual molestation; molestation of a child; disorderly conduct; disturbances of the peace; drinking in public; drug use; drug dealing; littering; and other violations of the law;
4. The operation of adult establishments can impair property values and have other adverse secondary effects on property up to at least 1,000 feet from the adult establishments;
5. The impacts of adult establishments on the value of neighboring properties are greater on residential properties than nonresidential properties;
6. Adult retail establishments tend to have less significant secondary effects than adult entertainment establishments, and limited adult media stores, properly controlled, tend to have less significant secondary effects than other adult retail establishments.
7. Video viewing booths are often used by patrons of adult establishments for engaging in sexual acts, including masturbation, intercourse, sodomy, and oral copulation, resulting in unsafe and unsanitary conditions in the booths. Bodily fluids, including semen and urine, are often found in such booths. These fluids, and the activities that occur in video viewing booths, may spread communicable diseases, including, but not limited to, syphilis, gonorrhea, genital chlamydia trachomatis, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiosis, salmonella infections, and shigella infections;
8. Many adult entertainment establishments provide live entertainment in which physical contact between performers and customers, often sexual in nature, occurs and can occur, thus facilitating the transmission of various diseases and exposing performers to the risk of assaults and other unwelcome contact.

E. WHEREAS, the Kenosha County Board of Supervisors believes that the experiences, evidence and studies from other communities cited, set forth herein, and/or considered by the Board and the Land Use Committee in whole, part or summary, are relevant and important in understanding and addressing the

secondary effects of adult establishments; and

F. WHEREAS, the secondary effects of adult establishments are detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

G. WHEREAS, requiring adult establishments to locate in the vicinity of state trunk highways enhances the ability of county law enforcement personnel to monitor the establishments, and deter and respond to criminal activity at such establishments; and

H. WHEREAS, the Kenosha County Board of Supervisors has previously adopted regulations to limit the secondary effects of adult establishments within the County, including Kenosha County Ordinance Sections 12.26-3 and 12.29-8(b)2; and

I. WHEREAS, developments in the law subsequent to the adoption of those regulations may have rendered those regulations ineffective; and

J. WHEREAS, on August 20, 2002, the Kenosha County Board adopted Ordinance No. 21, establishing a moratorium on the acceptance of applications or issuance of permits for adult establishments under Section 12.26-3 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, and directing the Land Use Committee to review and recommend revisions to the regulations governing adult establishments; and

K. WHEREAS, the Land Use Committee has completed its review and made recommendations to the Kenosha County Board; and

L. WHEREAS, the Board has considered those recommendations and has determined that the techniques provided herein reduce the secondary effects of adult establishments while fully protecting the constitutional rights of citizens;

NOW, THEREFORE, the Kenosha County Board does hereby ordain as follows:

SECTION 1: Section 12.26-3 AEO Adult Entertainment Overlay District and Subsection 12.29-8(b)2 are hereby repealed.

SECTION 2: Section 12.17-2, concerning the location of swimming pools, is hereby amended to read as follow:

12.17-2 DISTRICTS

Swimming pools may be installed in all districts except the C-1 Lowland Resource Conservancy District, FPO Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay District, HO Historic Overlay District, or on any parcel on which an Adult Establishment is located.

SECTION 3: Section 12.19-1 is amended to specify that the county is divided into seven (7) overlay districts, rather than eight (8), and to eliminate reference to the AEO Adult Entertainment Overlay District, so that section 12.19-1 shall provide as follows:

12.19-1 ESTABLISHMENT (8/6/02)

For the purpose of this ordinance, Kenosha County, Wisconsin is hereby divided into twenty-nine (29) basic zoning districts and seven (7) overlay districts as follows:

A-1 Agricultural Preservation District

A-2 General Agricultural District

A-3 Agricultural Related Manufacturing, Warehousing and Marketing District

A-4 Agricultural Land Holding District

R-1 Rural Residential District

R-2 Suburban Single-Family Residential District

R-3 Urban Single-Family Residential District

R-4 Urban Single-Family Residential District

R-5 Urban Single-Family Residential District

R-6 Urban Single-Family Residential District

R-7 Suburban Two-Family and Three-Family Residential District

R-8 Urban Two-Family Residential District

R-9 Multiple-Family Residential District

R-10 Multiple-Family Residential District

R-11 Multiple-Family Residential District

R-12 Mobile Home/Manufactured Home Park-Subdivision District  
 B-1 Neighborhood Business District  
 B-2 Community Business District  
 B-3 Highway Business District  
 B-4 Planned Business District  
 B-5 Wholesale Trade and Warehousing District (8/9/94)  
 M-1 Limited Manufacturing District  
 M-2 Heavy Manufacturing District  
 M-3 Mineral Extraction District (8/20/91)  
 M-4 Sanitary Landfill and Hazardous Waste Disposal District (8/20/91)  
 I-1 Institutional District  
 PR-1 Park-Recreational District  
 C-1 Lowland Resource Conservancy District  
 C-2 Upland Resource Conservancy District  
 FPO Floodplain Overlay District  
 FWO Camp Lake/Center Lake Floodway Overlay District (3/1/94)  
 FFO Camp Lake/Center Lake Floodplain Fringe Overlay District (3/1/94)  
 HO Historical Overlay District  
 PUD Planned Unit Development Overlay District  
 AO Airport Overlay District  
 RC Rural Cluster Development Overlay District

SECTION 4: Subsection 12.22-2(b), which lists the principal uses allowed in the B-2 Community Business District, is hereby amended to insert "Limited Adult Media Stores, as provided in section 12.22-6" as item 45 in the list, with current items 45 ("Liquor stores") through 83 ("Vegetable stores") renumbered to items 46 to 84.

SECTION 5: Subsection 12.22-3(b), which lists the principal uses allowed in the B-3 Highway Business District, is hereby amended to insert "Adult establishments, as provided in section 12.22-6" as item 2 in the list, with current items 2 ("Bars and taverns (without live entertainment)") through 12 ("Utility substations") renumbered to items 3 to 13.

SECTION 6: Subsection 12.22-3(e)1 is hereby repealed and subsection 12.22-3(e)2 is amended and renumbered to read as follows:

- 1 Individual businesses served by either public sanitary sewage facilities or on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

SECTION 7: Section 12.22-6 Adult Establishments is hereby created to read as follows:

12.22-6 ADULT ESTABLISHMENTS

- (a) Intent. Mindful of the fact that it is the intent of this Ordinance to protect the health, safety and morals of the citizens of Kenosha County and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhoods in Kenosha County and prevent adverse and deleterious affects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment, and also mindful of the criminal activity and disruption of public peace associated with such establishments, and also mindful of the unsanitary and unhealthful conditions associated with such establishments, it is the intent of this section to regulate the location and certain characteristics of such establishments. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit,

if a sensitive land use is located within 1,000 feet of the adult establishment. By the enactment of this ordinance, the Kenosha County Board of Supervisors does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

(b) Definitions. For the purpose of this section:

- 1 Adult Bath House. An establishment or business which provides the services of baths of any kind, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin, and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."
- 2 Adult Body Painting Studio. An establishment or business wherein patrons are afforded an opportunity to paint images on the body of a person who is exhibiting "specified sexual activities" or "specified anatomical areas." For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
- 3 Adult Cabaret. An establishment or business which regularly or on a frequently recurring basis features live entertainment that is distinguished or characterized by an emphasis on the exhibiting of "specified anatomical areas" or "specified sexual activities" for observation by patrons therein, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an establishment where such live entertainment is regularly or on a frequently recurring basis available, including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "strippers," "showgirls," "exotic dancers," "gentleman's club," or similar terms.
- 4 Adult Entertainment Establishment. Is defined to include adult cabarets, adult modeling studios, and adult motion picture theaters.
- 5 Adult Establishments. Is defined to include adult entertainment establishments and adult retail establishments as defined herein.
- 6 Adult Massage Parlor. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including, without limitation, exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to engage in any method of rubbing, pressing, striking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, or the opportunity to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."

- 7 Adult Media. Books, magazines, videotapes, movies, slides, CD-ROMs, posters, or other devices to display images, that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- 8 Adult Media Store. An establishment or business that rents and/or sells adult media and that meets any of the following three tests:
- a 40 percent or more of the gross public floor area is devoted to adult media.
  - b 40 percent or more of the stock-in-trade consists of adult media.
  - c The store advertises or holds itself out in any forum as a sexually oriented business
- 9 Adult Modeling Studio. An establishment or business which provides the services of live models modeling lingerie or transparent apparel to patrons or a business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:
- a that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - b where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
  - c where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
- 10 Adult Motion Picture Theater. An establishment or business located in an enclosed building and emphasizing or predominantly showing movies distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 11 Adult Motion Picture Theater (Outdoor). An establishment located on a parcel of land and emphasizing or predominantly showing movies out of doors for observation by patrons, which movies are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 12 Adult Novelty Shop. An establishment or business offering goods for sale or rent and that meets any of the following tests:
- a The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods, marketed or presented in a context to suggest their use for flagellation or torture of a person clothed or naked, or the binding or other physical restraint of a person clothed or naked.
  - b More than 5 percent of its stock in trade consists of instruments, devices, or paraphernalia either designed as representation of human genital organs or

- female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- c More than 5 percent of its gross public floor area is devoted to the display of instruments, devices, or paraphernalia either designed as representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- 13 Adult Retail Establishments. "Adult Retail Establishments" is defined to include adult media stores, limited adult media stores, and adult novelty shops.
- 14 Gross Public Floor Area. The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.
- 15 Limited Adult Media Store. An establishment that rents and/or sells adult media but is not an "adult media store" as defined in this Section, and that meets either of the following tests:
- a More than 10 percent but less than 40 percent of the gross public floor area is devoted to adult media
- b More than 10 percent but less than 40 percent of the stock-in-trade consists of adult media
- 16 "Sensitive land-use" is defined to include any and all of the following:
- a Property zoned or used for residential purposes
- b Property zoned or used for religious institutional purposes
- c An educational institution for students in twelfth grade or below
- d A library or museum
- e A public or private park, recreation area, or playground
- f A day care center
- g A historic district
- h A facility predominantly serving individuals with a "developmental disability," as that term is defined in sec. 51.01(5)(a) and (b), Wis. Stats., and subsequent amendments thereto.
- i A private youth development organization such as but not limited to YMCA, Junior Achievement, Boys Club of America and Campfire Girls.
- 17 "Sex toy" means an instrument, device, or paraphernalia either designed as a representation of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs.
- 18 "Specified sexual activities" is defined as actual or simulated:
- a Exhibition of genitals in a state of sexual

- stimulation or arousal;
    - b Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
    - c Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  - 19 "Specified anatomical areas" is defined as:
    - a Less than completely and opaquely covered:
      - 1) Human genitals, pubic region;
      - 2) Buttock, anus, anal cleft;
      - 3) Female breast below a point immediately above the top of the areola; and
    - b Human male genitals in a discernibly turgid state even if completely and opaquely covered.
  - 20 Video-viewing booth. Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting adult media for observation by patrons therein. A video viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains 600 square feet or more.
- (c) Principal Uses
  - 1 Where the underlying zoning is B-2 Community Business District, Limited Adult Media Stores
  - 2 Where the underlying zoning is B-3 Highway Business District,
    - a Limited Adult Media Stores
    - b Adult Cabarets
    - c Adult Media Stores
    - d Adult Modeling Studios
    - e Adult Motion Picture Theaters
    - f Adult Novelty Shops
- (d) Prohibited Uses
  - 1 Adult Bath Houses
  - 2 Adult Body Painting Studios
- Adult Massage Parlors
- Adult Motion Picture Theaters (Outdoor)
- (e) Accessory Uses. Any accessory use authorized by the underlying zoning district may be an accessory use to an adult establishment. In no case shall an adult establishment be an accessory use to any principal use designated by any section of this ordinance.
- (f) Underlying District Standards. Adult establishments shall comply with the standards of the zoning districts in which they are located, including standards relating to lot area and width, building height and area, yard requirements and sanitary sewer systems.
- (g) General requirements and restrictions governing adult establishments. Except as provided below, all adult establishments shall comply with the following requirements and restrictions:
  - 1 Intoxicating beverages shall not be sold or served.
  - 2 Parking shall be provided in a lighted area, in conformity with applicable lighting and parking standards provided elsewhere in this Ordinance.
  - 3 No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult media, or any live entertainment that is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas", from any sidewalk,

- public or private right-of-way, or any property other than the lot on which the adult establishment is located.
- 4 Signs advertising adult establishments shall conform with section 12.14-5 of this ordinance and with the further exception that signs will not depict the human body or any part thereof, and provided further that there shall be no flashing or traveling lights located outside the building.
- 5 No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
- 6 Other than limited adult media stores, signs at least one (1) square feet in area stipulating that persons under the age of 18 are not permitted inside the establishment, shall be posted at all public entrances to the establishment, and persons under the age of 18 shall not be permitted inside the establishment.
- 7 The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.
- 8 The adult establishment shall clearly post and enforce a no loitering policy.
- 9 The owner and/or operator of the adult establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws. Solicitation for purposes of prostitution shall be strictly prohibited. Conduct in violation of sec. 944.21, Wis. Stats., or sec. 9.10.2 of the Kenosha County Code of Ordinances, including the exhibition of "obscene material" and "obscene performances," as those terms are defined in sec. 944.21(2), Wis. Stats., and sec. 9.10.2 of the Kenosha County Code of Ordinances, shall be strictly prohibited.
- 10 No video viewing booth(s) shall be established, operated or used in any adult establishment.
- 11 The hours of operation of adult establishments shall be limited to the same hours of operation for bars and taverns within that community within which the adult establishment is located.
- 12 No residential quarters shall be allowed on a premises with an adult establishment.
- (h) Location requirements and restrictions.
- 1 No more than one adult establishment may be established on any one parcel.
- 2 No adult establishment may be established within 1000 feet of any other adult establishment.
- 3 No adult retail establishment may be established within 1000 feet of any "sensitive land-use."
- 4 No adult entertainment establishment may be

established within 1000 feet of any "sensitive land-use."

- 5 All adult entertainment establishments shall be located within 300 feet of a State Trunk Highway right-of-way (Maintained & Traveled) as indicated on the map of the official layout of the State Trunk Highway System of Kenosha County prepared by the State of Wisconsin, Department of Transportation in accordance with Section 84.02(12) State Statutes and as currently on file with the Kenosha County Clerk and Kenosha County Highway Commissioner and as subsequently amended and shall not be located within 1,000 feet of the right-of-way of the intersection of another State Trunk Highway or any Federal or County Trunk Highway, or any other road.
  - 6 For these purposes, distance shall be measured in a straight line from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult establishment to the nearest lot line of the other parcels of property to which these location requirements apply.
  - 7 The location requirements and restrictions specified in subsections 12.22-6(g)1 through 6 do not apply to limited adult media stores.
- (i) Requirements Applicable to Limited Adult Media Stores Only. Adult media in a limited adult media store shall be kept in a separate room or section of the shop, which room or section shall:
- 1 not be open to any person under the age of 18; and
  - 2 be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching from the floor to at least eight feet high or to the ceiling, whichever is less; and
  - 3 be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
  - 4 have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission and that the general public will not accidentally enter such room or section, or provide continuous video or window surveillance of the room by store personnel; and
  - 5 provide signage at the entrance stipulating that persons under the age of 18 are not permitted inside.
- (j) Additional Restrictions and Requirements Applicable to Adult Entertainment Establishments. Adult entertainment establishments shall comply with certain additional restrictions and requirements as set forth below:
- 1 It is unlawful for any person to perform or engage in or for any licensee or manager or agent of an adult entertainment establishment to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of an adult entertainment establishment, which:
    - a Shows his/her genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering.
    - b Shows the female breast with less than a fully opaque covering of any part of the nipple and areola.

- c Shows the human male genitals in a discernibly turgid state, even if fully and opaquely covered.
- 2 Adult Cabarets
  - a Adult cabarets shall comply with section 12.12-4(e) of this ordinance relating to noise.
  - b All live performers in an adult cabaret shall perform only on a stage elevated no less than 24 inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least 36 inches from the stage. The stage shall be in a room or other enclosure of no less than 600 square feet.
- 3 Adult modeling studios.
  - a All models or other live performers in an adult modeling studio shall perform only on a stage elevated no less than 24 inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least 36 inches from the stage. The stage shall be in a room or other enclosed space of no less than 600 square feet.
- 4 Adult motion picture theaters.
  - a Adult motion picture theaters shall show movies only in a room or other enclosed space of no less than 600 square feet.

SECTION 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

SECTION 9. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

PASSED BY the Kenosha County Board this \_\_\_\_\_ day of \_\_\_\_\_, 2004, and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

/s/ \_\_\_\_\_ Title: \_\_\_\_\_

Name:

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 45. Seconded by Supervisor Gorlinski.

It was moved by Supervisor Noble to direct the Judiciary & Law Committee to look into the licensing in Chapter 8 and report back within sixty days. Seconded by Supervisor Clark.

It was moved by Supervisor Gorlinski to call the question on Supervisor Noble's motion. Seconded by Supervisor Johnson. Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Larsen, Wisniewski, Carey-Mielke, Clark, Noble, West, Gorlinski, Smitz, Elverman.

Nays: Supervisors Huff, Molinaro, Faraone, Singer, Montemurro, Kerkman, Ekornaas.

Ayes. 19. Nays. 7.

Motion carried.

Roll call vote on Supervisors Noble's motion.

Ayes: Grady, Boyer, Huff, Carbone, Johnson, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski, Smitz.

Nays: Kessler, Rose, Molinaro, Bergo, Modory, Faraone, Singer, Montemurro, West, Elverman, Ekornaas.

Ayes. 15. Nays. 11.

Motion carried.

It was moved by Supervisor Grady to call the question on Ordinance 45. Seconded by Supervisor Gorlinski.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays. Supervisors Molinaro, Huff, Montemurro.

Ayes. 23. Nays. 3.

Motion carried.

Roll call vote on Ordinance 45

Motion carried unanimously.

#### **NEW BUSINESS**

Ordinance - first reading, two required.

#### **ORDINANCE 47**

47. From Land Use Committee regarding proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance amending boundaries of the floodplain overlay district incorporating the Comprehensive Plan for the Des Plaines River Watershed Study and amending Appendix "C" Index to Large Scale Topographic Mapping in regards to the floodplain of the Des Plaines River Watershed Study and to reflect topographic maps recently prepared meeting the standards of the County's Topographic Mapping Program.

Ordinances - one reading.

#### **ORDINANCE 48**

48. From Land Use Committee regarding Dale and Janet Elfering, requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District and C-1 Lowland Resource Conservancy District in the Town of Bristol.

#### **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 #35-4-121-341-0101 located in the northeast quarter of Section 34, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the west side of County Trunk Highway "MB" approximately ¼ mile south of the intersection of County Trunk Highway "CJ" (Horton Road).

#### **Dale and Janet Elfering - (Owners)**

**Descriptions: R-1 Rural Residential District:** Being part of the southeast quarter of the northeast quarter of Section 34, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Town of Bristol, County of Kenosha and State of Wisconsin and being more particularly described as follows: Begin at the southeast corner of said northeast quarter section; thence south 89°10'31" west along the south line of said northeast quarter section 865.13 feet; thence north 02°08'37" west 900.24 feet; thence north 89°10'31" east 862.03 feet to a point on the east line of said northeast quarter section; thence south 02°20'26" east along said east line 900.33 feet to the place of beginning. Containing 17.84 acres of land more or less. Dedicating the east 40 feet thereof for highway purposes (County Trunk Highway "MB").

(Excluding the following to be placed in the C-1 Lowland Resource Conservancy District).

Part of the southeast quarter of the northeast quarter of Section 34, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Township of Bristol, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the southeast corner of the northeast quarter

of said Section 34; thence south 89°10'31" west along the south line of said northeast quarter section, 693.12 feet to the place of beginning of this description: thence continue south 89°10'31" west along said south line 172.01 feet; thence north 02°08'37" west 368.93 feet; thence south 88°05'35" east 54.43 feet; thence south 84°12'36" east 295.27 feet; thence north 56°02'39" east 80.61 feet; thence north 01°40'38" west 69.87 feet; thence north 84°01'52" east 10.79 feet; thence south 54°14'12" east 72.17 feet; thence south 42°18'22" east 82.08 feet; thence south 64°14'48" east 50.46 feet; thence south 78°40'52" east 71.35 feet; thence south 73°58'23" east 42.67 feet; thence south 17°39'48" east 10.64 feet; thence north 88°53'12" west 33.36 feet; thence north 85°26'54" west 38.44 feet; thence south 78°44'13" west 25.64 feet; thence north 89°56'18" west 39.42 feet; thence north 84°01'51" west 92.85 feet; thence north 83°21'25" west 38.10 feet; thence south 82°51'16" west 27.35 feet; thence south 84°18'11" west 18.80 feet; thence south 81°08'41" west 21.95 feet; thence south 87°09'06" west 56.91 feet; thence south 86°54'20" west 93.27 feet; thence south 67°09'24" west 26.57 feet; thence south 32°43'03" west 24.02 feet; thence south 01°49'27" east 46.97 feet; thence south 10°29'03" west 42.47 feet; thence south 16°44'13" west 111.34 feet; thence south 07°19'38" east 44.34 feet; thence south 74°22'27" east 41.50 feet; thence south 27°47'10" east 5.80 feet to the place of beginning.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 48. Seconded by Supervisor Molinaro.

Motion carried.

#### **ORDINANCE 49**

49. From Land Use Committee regarding Delores S. Thomas, requesting rezoning from A-1 Agricultural Preservation District and A-4 Agricultural Land Holding District to A-2 General Agricultural District and from R-2 Suburban Single-Family Residential District to A-2 General Agricultural 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 #80-4-222-092-0308 and #80-4-222-093-0204 located in the northwest and southwest quarter of Section 9, Township 2 North, Range 22 East, Town of Somers be changed as follows: Tax Parcel #80-4-222-092-0308 from A-1 Agricultural Preservation District and A-4 Agricultural Land Holding District to A-2 General Agricultural District, and Tax Parcel #80-4-222-093-0204 from R-2 Suburban Single-Family Residential District to A-2 General Agricultural District. For informational purposes only, these properties are located on the east side of County Trunk Highway "H" (88<sup>th</sup> Avenue) approximately ½ mile north of the intersection of 10<sup>th</sup> Place.

**Delores S. Thomas - (Owner)**

**Descriptions: A-2 General Agricultural District:** Part of the west half of the northwest quarter of Section 9, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as: Commencing on the west line of said quarter section at a point north 01°36'44" west 597.75 feet from the southwest corner thereof; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.77 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 350.01 feet; thence north 89°27'28" west parallel to the north line of said quarter section 1336.55 feet and to the west line of said quarter section;

thence south 01°36'44" east along and upon said west line, 350.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 10.73 acres, more or less.

**In addition:** Commencing on the west line of said quarter section at a point north 01°36'44" west 247.75 feet from the southwest corner thereof; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.99 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 350.01 feet; thence north 89°27'28" west parallel to the north line of said quarter section 1336.77 feet and to the west line of said quarter section; thence south 01°36'44" east along and upon said west line, 350.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 10.73 acres, more or less.

**Further adding:** Commencing on the west line of the northwest quarter section of said Section 9, at a point north 01°36'44" west 195.00 feet from the southwest corner thereof; thence continue north 01°36'44" west along and upon said west line, 52.75 feet; thence south 89°31'54" east parallel to the south line of said northwest quarter section; 1336.99 feet and to the east line of the west half of said northwest quarter section; thence south 01°38'51" east along and upon said east line, 246.03 feet and to the south line of said northwest quarter section; thence south 89°31'54" east along and upon said south line, 477.88 feet; thence south 01°57'34" east parallel to the west line of the southwest quarter section of said Section 9, 518.71 feet; thence north 89°29'45" west 970.00 feet; thence north 01°57'34" west parallel to the west line of said southwest quarter section, 518.10 feet and to the north line of said southwest quarter section, thence north 89°31'54" west along and upon said north line, 426.98 feet and to the east line of Certified Survey Number 2052, a plat of record and on file at the Kenosha County Land Registry; thence north 01°36'44" west along and upon said east line and its extension northerly thereof, 195.00 feet; thence north 89°31'54" west parallel to the south line of the northwest quarter of the aforesaid Section 9, 418.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 17.24 acres, more or less.

**Further adding:** CSM 2052, northwest quarter and southwest quarter of Section 9, Township 2 North, Range 22 East, also the north 150.00 feet of the south 195.00 feet of the west 418.00 feet of the northwest quarter of said section (2.65 acres).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

#### **ORDINANCE 50**

50. From Land Use Committee regarding Gail Sklar (Owner)/Melissa O'Keefe (Agent) requesting rezoning from A-2 General Agricultural District and R-5 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District in the Town of Randall.

#### **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 #60-4-119-172-0410 and #60-4-119-172-0420 located in the northwest quarter of Section 17, Township 1 North, Range 19 East, Town of Randall be changed from A-2 General Agricultural District and R-5 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District.

For informational purposes only, these properties are located on the west side of 391<sup>st</sup> Court approximately 108 feet south of the intersection of 88<sup>th</sup> Place.

**Gail Sklar - (Owner)**

**Melissa O'Keefe - (Agent)**

**Description:** Lot 1 and Outlot 1 of Certified Survey Map No. 1312 being part of the southwest quarter of the northwest quarter of Section 17 and part of the southeast quarter of the northeast quarter of Section 18, Town 1 North, Range 19 East, Town of Randall.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 49 & 50. Seconded by Supervisor Larsen.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 132**

132. From Highway & Parks Committee regarding Kenosha County Public Snowmobile

Trail (Existing trail 76.9 miles).

**WHEREAS**, Kenosha County has at the present time a public snowmobile trail

which is 76.9 miles in length and is maintained by contract service with the Kenosha County Snowmobile Club Alliance, and

**WHEREAS**, Kenosha County wants to retain the same number of miles in the trail system for the 2004-2005 winter season, and

**WHEREAS**, the Kenosha County Public Snowmobile Trail is eligible for 100% reimbursable funds under Sec.23.09(26), Wis. Stats., for such eligible maintenance acquisition, insurance and development costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors hereby authorizes the Department of Public Works to act on behalf of Kenosha County to:

Submit an application to the State of Wisconsin Department of Natural Resources for 100% reimbursable financial aid that is available; sign documents, and take necessary action to undertake, direct and complete the approved project.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Irving Larsen

Douglas Noble

Robert Pitts

William Grady

It was moved by Supervisor Elverman to adopt Resolution 132. Seconded by

Supervisor Noble.

Motion carried.

#### **RESOLUTION 133**

133. From Human Services and Finance Committees regarding Modifying the 2004 Division of Disability Services Budget to Reflect funding for the Newly Created Autism Waiver.

**WHEREAS**, the Kenosha County Board of Supervisors passed Resolution 71 on 10-21-03 authorizing the Kenosha County Human Services Department's Division of Disability Services to administer the State Autism Waiver Program, and

**WHEREAS**, the Autism Waiver supports in-home treatment which has been demonstrated to improve the condition for many children, potentially reducing out-of-home placements, and

**WHEREAS**, children with already receive services from the County through the Birth to 3 Program, Family Support Program and the Division of Children & Families, and

**WHEREAS**, the Autism Waiver provides \$96 per day, plus 7% administrative costs for those children at the intensive level of service, and \$30.60 per day including administrative costs for children at the ongoing level of service, and

**WHEREAS**, the exact amount of funding available was unknown at that time, and

**WHEREAS**, specific figures for the Autism Waiver will not require additional County tax levy nor County employees,

**NOW THEREFORE BE IT RESOLVED**, the Department of Human Services, Division of Disability Services budget be modified as follows:  
Expenditures increase by \$825,718 with revenue increase of \$825,718, as indicated in the attached budget modification which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Don Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 133. Seconded by Supervisor Carbone.

Roll call vote.

Motion carried unanimously.

#### **RESOLUTION 134**

134. From Human Services and Finance Committees regarding Modifying the 2004 Budget to create the Grant Employment Position of Public Health Specialist within the Division of Health.

Removed from agenda.

#### **RESOLUTION 135**

135. From Judiciary & Law and Finance Committees regarding Modifying 2003 Sheriff's Department Budget.

**WHEREAS**, County Board Policy Resolution #4 enacted on November 12, 2002 approving the year 2003 budget stipulates that any appropriated monies in a specific appropriation unit that are to be used for another purpose requires the authority of the County Board for the transfer of said funds, and,

**WHEREAS**, the Sheriff's Department had been directed to resolve any negative budgetary expenditure line items in the year 2003 budget, and,

**WHEREAS**, the Sheriff's Department reviewed the budgetary expenditures for the year 2003 and identified the Detentions - Inmate Medical Services expenditures will exceed the funds available within the appropriation unit, and

**WHEREAS**, the Inmate Medical Services expenditures were necessary to comply with State Statutue governing the Sheriff's obligation to cover the costs of any off-site inmate medical care while the inmate remains in custody, and

**WHEREAS**, the predictability of the frequency and duration of off-site inmate medical services cannot be exact resulting in expenditure overruns, and

**WHEREAS**, the Kenosha County Sheriff's Department has sufficient funds within other appropriation units to offset the expected overdrafts, and

**WHEREAS**, county levy remains unaffected by this resolution.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the transfer of funds between Sheriff's Department appropriation units per the budget modification document attached hereto and incorporated by reference, thereby, reconciling the budgetary shortage.

Submitted by:

Judiciary and Law Enforcement Committee

James Huff

Brenda Carey-Mielke

Anita Faraone

Finance Committee

Robert Carbone

Terry Rose

John O'Day

Joe Montemurro  
Terry Rose

Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 135. Seconded by Supervisor Carbone.

2/3 vote required  
Motion carried unanimously.

**RESOLUTION 136**

136. From Judiciary & Law and Finance Committees regarding Request for waiver of competitive bid process for Data Radio MDC Hardware Purchase.

**WHEREAS**, in the Sheriff's 2004 budget, \$135,000 was provided for the purchase, installation, and service of MDC Radio Base Hardware upgrade, and

**WHEREAS**, this is a custom package of computer hardware that is specifically designed by the Data-Radio Corporation to be used with the existing Mobile Data Radio System now operating in the Sheriff, Kenosha Police, Twin Lakes Police, Silver Lake Police, and UWP Police Departments, and

**WHEREAS**, the MDC Radio Base Hardware upgrade will provide vastly improved speed and transmission/reception data, and

**WHEREAS**, because our current MDC system is a custom design by Data Radio, only this particular Data Radio Base Package will work with our current mobile data radio system.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the competitive bidding process be by passed as described in County Ordinance 3.11 (d) for this purchase only and allow Data Radio Corp. to provide the MDC Radio Base Hardware upgrade.

Submitted by:

Judiciary and Law Enforcement Committee  
James Huff  
Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

Finance Committee  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 135. Seconded by Supervisor O'Day.

2/3 vote required.  
Motion carried unanimously.

**RESOLUTION 137**

137. From Legislative Committee regarding Asking Governor James Doyle and the State Legislature to Examine and Study the Entire Taxing, Fees and Revenue Raising Activities of the State and Local Governments.

**WHEREAS**, there is a need to create a tax system which would help the state and local governments address their budget problems; and

**WHEREAS**, there is a need to reform the state's taxation system to become more competitive with other states and to make Wisconsin fiscally healthier; and

**WHEREAS**, taxation reform can be a component of the "Grow Wisconsin Initiative", an action agenda to get Wisconsin's economy moving again, producing the kind of good paying jobs that permit people to support their families, buy a home and enjoy the great life Wisconsin has to offer.

**NOW THEREFORE BE IT RESOLVED** that the Kenosha County Board of Supervisors requests Governor James Doyle and the State Legislature to examine the current and all alternative methods of providing funding for state and local governments by examining such things as:

1. The proper mix between personal income tax, corporate income tax, sales tax, property tax and all other taxes to provide funding for government operation.
2. The proper role that fees for services should play in paying for the cost of government operations.
3. The proper funding mechanism for state mandated services.

4. The overall tax burden imposed by the state and local government on families and businesses and whether the current tax climate in Wisconsin is hurting our ability to attract and retain family supporting jobs.

**BE IT FURTHER RESOLVED** that the County Clerk is directed to send a copy of this resolution to Governor James Doyle, all members of the Wisconsin Legislature, all other counties, the Wisconsin Counties Association, all cities, towns and villages located within Kenosha County, the Kenosha Unified School District, University of Wisconsin, Parkside and Gateway Technical College.

Submitted by:

LEGISLATIVE COMMITTEE

Ronald Johnson

Tom Kerkman

Fred Ekornaas

Anita Faraone

It was moved by Supervisor Johnson to adopt Resolution 137. Seconded by Supervisor Kerkman.

It was moved by Supervisor Gorlinski for a 'friendly' amendment to the last paragraph. Seconded by Supervisor Carey-Mielke

**BE IT FURTHER RESOLVED** that the County Clerk is directed to send a copy of this resolution to Governor James Doyle, all members of the Wisconsin Legislature, all other counties, the Wisconsin Counties Association, all cities, towns, villages, (insert - all school districts located within Kenosha County), (strike -the Kenosha Unified School District), University of Wisconsin, Parkside and Gateway Technical College. Seconded by Supervisor Carey-Mielke.

Motion carried on resolution 137 as amended.

#### COMMUNICATION

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

Chairman Kessler referred Communication 34 to the Land Use Committee.

It was moved by Supervisor Johnson to approve the March 2nd minutes. Seconded by Supervisor West.

Motion carried.

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

Meeting adjourned at 9:05 P.M.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**April 13, 2004**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smits, Elverman, Ekornaas.

Excused: Supervisor Marrelli.

Present. 26. Excused. 1.

**CITIZEN COMMENTS**

Jennifer Arnold, 3411 86th Street, President of CUSH (congregations united to serve humanity) spoke regarding homelessness. The current shelter system of rotating nightly sites is not working, and we as a community need a better approach. She asked for support in appropriating the funds for a single site homeless shelter.

Pat Kiefer, 3821 16th Street, Executive Director of WoMen and Children's Pathways of Courage, also a member of the Emergency Services Network and the Homeless Taskforce stated it is almost impossible to hold a job and live in a shelter that changes locations every night. She encouraged the supervisors to look at the issues they have been facing, particularly as it impacts these agencies who's demand for services increases as the resources dwindle.

Celeste Walker, 1732 Linden Avenue, Racine, a volunteer at the Salvation Army, issued a challenge for the supervisors to live as a homeless person for one weekend to get a slight understanding of what life is like for their guests.

Michael Lill, 2804 19th Avenue, Kenosha Director of Program Operations for Racine/Kenosha Community Action Agency and Co-chair for the Emergency Services Network stated one program they operate is emergency assistance, rent assistance for families. The program has grown from 430 households in 1998 to last year serving over 700 households. Kenosha County has one of the fastest growing housing costs in the state. Spending 50 - 75% of income on housing is causing a lot more families and individuals to end up on the streets. The INNS program worked for a number of years but now is at a point if they want to make any progress a site needs to be found where they can stabilize these individuals and families and provide services on site to help empower them to move forward with their lives. He encouraged the supervisors to support the resolution to bring additional dollars from last year and make it available to help them find a permanent site for homeless families and individuals.

Bob Danbeck, 7626 27th Avenue, stated he feels a county wide referendum for the casino is ridiculous because it is a city issue. He also stated that about \$300,000 in tax payer's money can be saved by not allowing the supervisors to receive full time employee health benefits. He stated that he does not think a county of this size needs 28 County Board Supervisors. Milwaukee County has twice the population and has 15 supervisors.

Sue Schmidt Decker, 1775 19th Avenue, Director of Transitional Services at WoMen and Children's Horizons, a member of CUSH and the executive committee and an INNS volunteer stated she had the privilege to speak to the Finance and Human Services Committees about the carryover resolution. She appreciated their unanimous vote of support. There is a large change in the population they are serving and asks the board to appropriate the \$250,000 as seed money to begin a permanent homeless shelter.

Dan Meleyn, 1713 62nd Street, Executive Director of the Shalom Center, asked for support to carry over \$250,000 to help them move forward in increasing the number of services they deliver. With program support and trained staff they could have a much greater impact in turning lives around for these individuals so they can once again become productive members of our community.

Peggy Makousky, 4400 4 Mile Road, Racine, Chief Professional Officer of the United Way of Kenosha County has observed the dedication and caring consideration this community gives to people that no longer has the means to meet their own individual and family basic needs. She commended the agencies involved that work with very limited resources to address this growing population. She stated United Way supports this calibration among these agencies to develop a single site shelter and their intent to provide on site support services that will enable individuals and families to transition back into a stable and sustainable life style. She encourages the support of the board for the \$250,000 carry over resolution.

#### **ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler asked that any supervisors interested in purchasing a group picture of the board to turn their money into the county clerk this evening.

#### **SUPERVISORS REPORTS**

Supervisor Grady spoke about the recent turn of events in the election of the 18th district Kenosha County supervisor position. He stated that both Mark Molinaro who won the election by 92 votes and Irv Larsen are capable representatives of their constituents and both have done a fine job. Supervisor Grady would like it explained how Mark Molinaro a current board member was able to circulate nomination papers in a district he didn't reside in at the time of circulation and have those signatures accepted and be elected to represent a district he did not reside in on the day of election. The second issue that needs to be addressed is not as much about individuals as it is about the process, Supervisor Grady plans to write a resolution that would adopt guidelines that deal with nomination and election of candidates to the Kenosha County Board of Supervisors and encouraged the board's support and suggestions.

Supervisor Larsen thanked the voters in his district that put him in office for the last four years. It has been a good experience and feels he has learned a lot. He wishes Mark all the best in the world, he has to represent him now. Supervisor Larsen also thanked the board members, staff and all the people he encountered while on the County Board.

Supervisor Elverman reported that the golf courses got off to a good start, they have exceeded last years passes by \$52,000 in sales. A lot of new things were instituted this year including rate increases and non-resident senior and non-resident regular season passes. So far \$5,400 worth of non-resident passes have been sold. Supervisor Elverman also reported that the Highway and Parks committee decided to increase the rent of the two park residences that have been lived in by park employees 12% of their wages. A month to month lease will be drafted but it is no longer required for these employees to reside in the houses. He also thanked the Highway and Parks Committee for their good service the past two years, they cut at \$600,000 deficit to a \$300,000 deficit and are hoping with this early start to have a profitable year. A questionnaire will also be instituted at the golf courses to get feed back from golfers.

Supervisor Pitts stated it was an honor and pleasure to serve as a County Supervisor. He commended Supervisor Elverman for his leadership on the Highway and Park Committee. He also thanked Supervisor Carbone for doing an outstanding job as chairman of the Finance Committee. The whole board worked as a team and accomplished a lot and everyone should take credit, but there are leaders on this board and he respects them very much and it was a pleasure working with them.

Supervisor Carbone stated on the desks there is a packet from the finance committee that includes the yearend closing numbers. The general fund will be \$6,672,364 after all of the pluses and minuses. Any questions can be directed to the finance director.

Supervisor Boyer did not intend to make a farewell speech but is tempted. She was not the first woman to serve on the county board but was the first women elected independently. All the other women where widows whose husbands had been on the county board and they served out their husbands unexpired term and graciously withdrew. Supervisor Boyer stated people have been waiting for her to graciously withdraw and she is now doing it and thanks everyone.

Supervisor Noble spoke regarding the adult entertainment ordinance that will be on next Wednesday's agenda. There was some debate to bring forward through the Judiciary and Law committee a licensing component. The ordinance we

adopted is very similar to Racine's except that Racine has a licensing component, as well as the Village of Pleasant Prairie. Supervisor Noble also stated the Highway and Parks Committee has pursued State of Wisconsin to once again review the intersection at I-94 and HWY 158 to have a stop sign installed. He also said there is a letter on the desks regarding the 60th Street property.

Supervisor Singer, as the Chairman of the Administration Committee thanked his committee members for the time they put in and especially wanted to comment about Supervisor Ruffolo because he won't be on the County Board anymore. He has been a formidable voice on the committee.

Supervisor Bergo stated it has been her pleasure to work with the members of the County Board and wished everyone well.

#### **OLD BUSINESS**

Ordinance - second reading, two required.

#### **ORDINANCE 47**

47. From Land Use Committee regarding proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance amending boundaries of the floodplain overlay district incorporating the Comprehensive Plan for the Des Plaines River Watershed Study and amending Appendix "C" Index to Large Scale Topographic Mapping in regards to the floodplain of the Des Plaines River Watershed Study and to reflect topographic maps recently prepared meeting the standards of the County's Topographic Mapping Program.

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" amending Section 12.02-13(c) and amending Appendix "C" Index to Large Scale Topographic Mapping per the attachment marked Exhibit "A."

PROPOSED AMENDMENTS TO THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE AMENDING BOUNDARIES OF THE FLOODPLAIN OVERLAY DISTRICT INCORPORATING THE COMPREHENSIVE PLAN FOR THE DES PLAINES RIVER WATERSHED STUDY AND AMENDING APPENDIX "C" INDEX TO LARGE SCALE TOPOGRAPHIC MAPPING IN REGARDS TO THE FLOODPLAIN OF THE DES PLAINES RIVER WATERSHED STUDY AND TO REFLECT TOPOGRAPHIC MAPS RECENTLY PREPARED MEETING THE STANDARDS OF THE COUNTY'S TOPOGRAPHIC MAPPING PROGRAM.

1. Amend Section 12.02-13(c) to read as follows:

(c) Boundaries of the floodplain overlay district shall be determined as follows:

1 Except for the Pike and Des Plaines River Watersheds, the boundaries of the FPO Floodplain Overlay District shall be determined through the use of flood profiles published in the Flood Insurance Study-Kenosha County, Wisconsin (Unincorporated Areas) by the Federal Emergency Management Agency (FEMA), Flood Insurance Administration and dated August 17, 1981. The information contained in the flood insurance study is further illustrated on the FEMA Flood Insurance Rate Maps and Floodway and Flood Boundary Maps, dated February 17, 1982 and revised, July 5, 1983 and December 5, 1996. Boundaries of the floodplain overlay district within the Pike River Watershed-including the Pike River, Kenosha Branch, Sorenson Creek, Nelson Creek, Pike Creek, Somers Branch, Airport Branch, Lamparek Creek, Chickory Creek, Waxdale Creek, Tributary to Waxdale Creek, and Bartlett Branch--shall be determined through the use of the flood profiles published in SEWRPC Planning Report No. 35, A Comprehensive Plan for the Pike River Watershed, dated June, 1983. The profiles are found in Figures G-1 through G-16 and the regulatory profile is labeled "Flood Stage-Year 2000 Planned Land Use and Existing Channel Conditions, 100-Year Recurrence Interval." The flood profiles were amended and published by

SEWRPC in An Amendment to the Pike River Watershed Plan, dated March 1996. Flood profiles are found in Exhibit K through Z. **Boundaries of the floodplain overlay district within the Des Plaines River Watershed-including the Des Plaines River, Unnamed Tributaries No. 1E, 1F, and 7 to the Des Plaines River, Union Grove Industrial Tributary, Kilbourn Road Ditch, Unnamed Tributaries No. 5, 8, 13, and 15 to Kilbourn Road Ditch, Brighton Creek, Unnamed Tributaries No. 6 and 9 to Brighton Creek, East Lake Flowage. Frances Lake, Vern Wolf Lake, Salem Branch, Unnamed Tributaries No. 1 and 3 to Salem Branch, Montgomery Lake, Hooker Lake, Unnamed Tributary No. 1 to Hooker Lake, Center Creek, Unnamed Tributaries No. 1, 4, and 5 to Center Creek, Dutch Gap Canal, Unnamed Tributaries No. 3 and 4 to Dutch Gap Canal, Paasch Lake, George Lake, Mud Lake, Mud Lake Outlet, and Lake Shangri-La/Benet Lake--shall be determined through the use of the flood elevations provided on the topographic maps located in Appendix "C" in accordance with the SEWRPC Planning Report No. 44, A Comprehensive Plan for the Des Plaines River Watershed, dated June, 2003. The floodlands are illustrated on large scale topographic maps for the FPO 2** The boundaries of the FWO Camp Lake/Center Lake Floodway Overlay District shall be determined by use of the scale contained on the large-scale topographic maps prepared by Kenosha County. The boundaries of the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District shall be determined through the use of the flood profiles in Appendix F of the November 5, 1992 letter report prepared by the Southeastern Wisconsin Regional Planning Commission titled Hydrologic and Hydraulic Analysis of an Unnamed Tributary to the Fox River Chain of Lakes. The flood stages, under floodway conditions, were developed from technical data contained in the aforereferenced letter report. The floodlands are illustrated on large scale topographic maps for the Camp Lake/Center Lake area **referenced in Appendix "C."** (3/1/94)

3 The boundaries of the FPO Floodplain Overlay District, the FWO Camp Lake/Center Lake Floodway Overlay District, and the FFO Camp Lake/Center Lake Floodplain Fringe Overlay District are further depicted on the large-scale topographic mapping of Kenosha County. The boundaries of unnumbered A zones shall be determined by use of the scale contained on the "Kenosha County Zoning Map" dated May 3, 1983, which accompanies and is made a part of the Ordinance. Where a conflict exists between the floodland limits of the FPO, FWO, or FFO districts as shown on the appropriate map and actual field conditions, the elevations from the 100-year recurrence interval flood profiles contained in the Flood Insurance Study, the Comprehensive Plan for the Pike River Watershed, **the maps referenced in Appendix "C" from the Comprehensive Plan for the Des Plaines River Watershed**, or the November 5, 1992 letter report referenced in Section 12.02-12(c)2 above, whichever is appropriate, shall be the governing

factor in the regulatory floodland limits.  
(3/1/94)

2. Amend Appendix "C" to read as follows:

(Onfile in the County Clerk's Office)

It was moved by Supervisor Smitz to adopt Ordinance 47. Seconded by Supervisor Larsen.

Motion carried.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 138**

138. From Administrative and Finance Committees regarding Health Insurance Reserve.

**WHEREAS**, the County became self-insured for health insurance in 2003, and

**WHEREAS**, the actuary advising the County in regards to Health Insurance has advised that in such self-insured programs it is prudent to establish a health insurance reserve, as health insurance costs tend to exceed actuarial estimates in at least one year out of ten.

**NOW, THEREFORE BE IT RESOLVED** that \$1 million of the surplus from the close of the 2003 fiscal year not be lapsed to the general fund, and

**BE IT FURTHER RESOLVED** that this surplus be transferred to the Health Insurance Internal Service Fund for the purpose of funding future health insurance costs that might exceed funds provided in the adopted budget, and

**BE IT FURTHER RESOLVED** that the Kenosha County Board does hereby authorize the expenditure of these funds in the event that health insurance costs exceed the health insurance appropriations that were established in the adopted budget.

Submitted by:

ADMINISTRATION COMMITTEE

FINANCE COMMITTEE

David Singer

Robert Carbone

Thomas Kerkman

Terry Rose

Joseph Clark

John O' Day

John Ruffolo

Robert Pitts

Mark Modory

Gordon West

It was moved by Supervisor Singer to adopt Resolution 138. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously

**RESOLUTION 139**

139. From Administrative and Finance Committees regarding Establishing Salaries for the Clerk of Courts, County Clerk, Register of Deeds and Treasurer for the term 2005-2006.

**WHEREAS**, Wisconsin Statue 59.22 specifies that levels of compensation for County elected officials are to be determined prior to the filing of nomination papers, and

**WHEREAS**, the level of compensation for the positions of Clerk of Courts, County Clerk, Register of Deeds and Treasurer have been reviewed by the Administration and Finance Committees, and

**WHEREAS**, the Committees recommended the following compensation levels for the Clerk of Courts, County Clerk, Register of Deeds and Treasurer as listed below:

Effective January, 2005	Clerk of Courts	\$64,563
	County Clerk	\$60,370
	Register of Deeds	\$60,370
	Treasurer	\$60,370
Effective January, 2006	Clerk of Courts	\$66,823
	County Clerk	\$62,483
	Register of Deeds	\$62,483
	Treasurer	\$62,483

**WHEREAS**, Wisconsin Statute 59.22 specifies that the salaries must be applied to the new term of office which begins on the first Monday of January following the election, and

**NOW, THEREFORE BE IT RESOLVED**, that the compensation levels for the Clerk of Courts, County Clerk, Register of Deeds and Treasurer be adopted as

recommended above by the Administration and Finance Committees. This resolution shall supercede any resolution to the contrary.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer  
John Ruffolo  
Thomas Kerkman  
Joseph Clark  
Mark Modory

FINANCE COMMITTEE

Robert Carbone  
Robert Pitts  
Gordon West  
John O'Day  
Terry Rose

It was moved by Supervisor Singer to adopt Resolution 139. Seconded by Supervisor Carbone.  
Motion carried.

#### **RESOLUTION 140**

140. From Finance Committee regarding 2004 Carryover Resolution.

**WHEREAS**, these projects were authorized by the County Board in the prior year's budget, and

**WHEREAS**, it is necessary to carryover these funds to complete these projects,

**NOW, THEREFORE BE IT RESOLVED**, that these funds be carried over from 2003 to 2004, and that the 2004 budget be adjusted as shown in the attached fiscal notes which are incorporated by reference,

**BE IT FURTHER RESOLVED**, that the attached fiscal notes details the source and application of funds to be carried forward.

**BE IT FURTHER RESOLVED**, that it is the policy, desire, and intent of the Kenosha County Board that each appropriation unit of this budgetary amendment for which monies have been appropriated be carried out as if adopted by separate resolution and as necessary to carry out the public intent. The funds are made available and, unless amended by law or action by the County Board through budgetary transfers, no monies appropriated for any one purpose in any one appropriation unit can be used for any other purpose in any other appropriation unit without prior approval of the Kenosha County Board. The Finance Committee is authorized to approve transfers not to exceed \$1,000.00.

**BE IT FURTHER RESOLVED**, that all expenditures appropriated are not to exceed funded monies in the budget or this amount without prior approval of the County Board.

Submitted by:

FINANCE COMMITTEE:

Robert Carbone  
Terry Rose  
**John O'Day**  
Robert Pitts  
Gordon West

It was moved by Supervisor Carbone to adopt Resolution 140. Seconded by Supervisor Rose.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 141**

141. From Kenosha County Department of Public Works - Golf Division, 2003 budget Modification.

**WHEREAS**, the Golf Division of the Kenosha County Department of Public Works developed a 2003 budget based on its best estimate of costs and revenues to be incurred, and

**WHEREAS**, the actual revenues were significantly lower than anticipated resulting in a fund shortfall of \$304,000 and

**WHEREAS**, the Parks Division had a surplus of \$75,300 due to savings in personnel and supply expenses, and

**WHEREAS**, the Highway Division had a surplus in excess of \$230,000 due to favorable weather conditions and additional State work which resulted in saving county monies, and

**WHEREAS**, this shortage can be covered by transfers within the Department of Public Works,

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the transfer of funds from the Parks Division and Highway

Division to the Golf Division in the amount totaling \$304,000 per the attached budget modification incorporated herein by reference.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Irving Larsen

Douglas Noble

William Grady

Robert Pitts

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Elverman to adopt Resolution 141. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 142**

142. From Human Services regarding Carry Over 2003 Levy under-spending by the Department of Human Services into the 2004 County Budget for a Community Homeless Shelter Program.

**WHEREAS** persons at risk of homelessness and actual episodes of homelessness in Kenosha County have increased in recent years; and

**WHEREAS** from the three-year period 1995-97 to the most recent three-year period (2001-03) there has been an overall increase of 45% in the number of homeless individuals who used the INNS Program for overnight shelter at least once during the year and a corresponding increase of 110% in the number of homeless children who were forced to sleep at an INNS Program shelter; and

**WHEREAS** the scope of the homelessness problem in Kenosha County is also reflected by the fact that the Shalom Center's 7-family emergency shelter was forced to turn away more than 200 requests by families for shelter in 2003, and WoMen's Horizons has experienced an increased number of requests for shelter from families who are not victims of domestic abuse; and

**WHEREAS** the INNS Program and the Shalom Center have served increasing numbers of employed persons and families with children during the past few years, with over 180 children having spent at least one night sleeping in an INNS shelter site during 2003; and

**WHEREAS** community resources throughout Kenosha County that provide shelter for homeless individuals and families and assist with their transition into permanent, stable, affordable housing are inadequate to meet a growing need, despite the fact that Kenosha area non-profit organizations are already obtaining the maximum amount of state emergency shelter and transitional housing grant funding that these limited state programs will provide to our county; and

**WHEREAS** the current INNS Program model is not adequate to handle the full volume of homeless in Kenosha who need sheltering, nor can it provide daytime sheltering or the social and clinical services needed to help homeless individuals and families deal with the problems that have made them homeless and assist their transition into stable housing; and

**WHEREAS** the churches that host the INNS Program are increasingly strained by the ongoing needs of the homeless they serve, and the Shalom Center is finding it difficult to sustain the level of trained volunteer support required to maintain even this very incomplete response to the sheltering and service needs of homeless people in our community; and

**WHEREAS** the Kenosha County administration, working with an ecumenical consortium of fifteen Kenosha area churches, the City of Kenosha, United Way, local institutions of higher learning, and non-profit community agencies that work with impoverished individuals and families to help them prevent and cope with homelessness, has convened a Joint Task Force on Homelessness; and

**WHEREAS** the Joint Task Force has undertaken to plan for a stable homeless shelter site and on-site transitional support services for Kenosha's homeless; and

**WHEREAS** the Kenosha County Executive has indicated his support for the goals of the Joint Task Force and has offered to provide one-time support from the County in the amount of \$250,000 to help with facility procurement and shelter start-up costs, with such offer contingent upon County Board approval and completion by the Task Force of an acceptable business plan;

**NOW THEREFORE BE IT RESOLVED** to carry over the amount of \$250,000 from 2003 levy underspending by the Department of Human Services into the 2004 county budget per the attached budget modification incorporated herein by reference, and to authorize the administration to release this amount as a one-time grant for use in supporting procurement and/or start up costs of a community homeless shelter program in Kenosha County upon completion by the Joint Task Force of a shelter program business plan deemed acceptable by Kenosha County.

Submitted by:

HUMAN SERVICES:

Eunice Boyer

Anne Bergo

John O'Day

Don Smitz

William Grady

FINANCE COMMITTEE:

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 142. Seconded by Supervisor O'Day.

It was moved by Supervisor O'Day for a 'friendly' amendment to the last two paragraphs. Seconded by Supervisor Noble.

**WHEREAS** the Kenosha County Executive has indicated his support for the goals of the Joint Task Force and has offered to provide one-time support from the County in the amount of \$250,000 to help with facility procurement and shelter start-up costs, with such offer contingent upon the Kenosha County Human Services Committee approval and completion by the Task Force of an acceptable business plan.

**NOW THEREFOR BE IT RESOLVED** to carry over the amount of \$250,000 from 2003 levy underspending by the Department of Human Services into the 2004 county budget per the attached budget modification incorporated herein by reference, and to authorize the administration to release this amount as a one-time grant for use in supporting procurement and/or start up costs of a community homeless shelter program in Kenosha County upon completion by the Joint Task Force of a shelter program business plan deemed acceptable by Kenosha County Human Service Committee.

Roll call vote on amendment.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: None.

Abstain: Supervisor Clark.

Ayes. 25. Nays: 0. Abstain. 1.

Motion Carried.

Roll call vote on Resolution 142 as amended.

2/3 vote required.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Larsen, Wisnefski, Carey-Mielke, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: None.

Abstain: Supervisor Clark.

Ayes. 25. Nays: 0. Abstain: 1.

Motion carried.

#### **COMMUNICATIONS**

Chairman Kessler referred Communication 35 to the Land Use Committee.

#### **CLAIMS**

Chairman Kessler referred Claim 68 to Corporation Counsel.

It was moved by Supervisor O'Day to approve the March 16, 2004 minutes. Seconded by Supervisor Bergo.

Motion carried.

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

Motion carried.

Meeting adjourned at 9:05 P.M.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**April 20, 2004**

The **Organizational Meeting** was called to order by Chairman Kessler at 8:00 p.m., in the County Board Room located in the Administration Building. New Supervisors were seated. Roll call was taken.

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

Excused: Supervisors Kerkman and Michel.

Present. 26. Excused. 2.

The County Clerk administered the Oaths of Office

Supervisor Elverman nominated Supervisor Kessler as temporary Chairperson. Seconded by Supervisor Carbone. Motion carried.

Supervisor Kessler thanked the board for allowing him to serve as chairman for the past two years. He thanked the county executive and his staff and the county clerk and her staff for their support and information they provided. He thanked his family and employer for their support also.

Supervisor Carbone nominated Supervisor Elverman for chairperson. Seconded by Supervisor Smitz. Motion carried.

Chairman Elverman thanked the people of the Village of Twin Lakes and Town of Randall who returned him to office as Village Trustee in Twin Lakes and 9 years on the County Board. He also thanked the County Board for their vote of confidence. There is a lot to accomplish in the next two years. Everyone is invited to a reception at the Parkway Chateau, in the Garden Elephant Room. Committee assignments will be handed out Thursday evening, also there will be an orientation.

Supervisor Carbone nominated Supervisor Rose for Vice-Chairperson. Seconded by Supervisor O'Day.

Supervisor Singer nominated Supervisor Modory for Vice-Chairperson. Seconded by Supervisor Huff

It was moved by Supervisor Carey-Mielke that secret ballots be used for the election of vice-chairperson. Seconded by Supervisor Grady. Motion carried.

The ballots were counted, Supervisor Rose is the new vice-chairperson.

It was moved by Supervisor Clark that the ballots be destroyed. Seconded by Supervisor Modory. Motion carried.

**NEW BUSINESS**

Ordinance - first reading, two required.

**ORDINANCE 1**

1. From Supervisor Terry Rose regarding an Ordinance to repeal and recreate Section 3.01 (1) (g) of the Municipal Code of Kenosha County pertaining to the filling of vacancies in the Office of Kenosha County Board Supervisor.

**COMMUNICATION**

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

Chairman Elverman referred Communication 1 to the Land Use Committee.

Chairman Elverman presented Supervisor Kessler with a plaque in appreciation of his service as chairman.

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

Prepared by: Edie LaMothe  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**April 20, 2004**

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

Present: Supervisors Kessler, Grady, Boyer, Rose, Huff, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Gorlinski, Smitz, Elverman, Ekornaas.

Excused: Supervisors Marrelli, Ruffolo, Kerkman.  
Present. 24. Excused. 3.

**CITIZEN COMMENTS**

Bob Danbeck, 7626 27<sup>th</sup> Avenue, stated he feels there is no cooperation between the city and the county and hoped that the new members on the board can correct this. He feels that Mark Modory being a former City Alderman understands the city portion and would have the expertise to help this problem if elected as vice-chairman of the County Board.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler handed out plaques to Supervisors Boyer, Bergo, Pitts, Montemurro and Larsen for their service on the County Board.

**SUPERVISORS REPORTS**

Supervisor Wisnefski reported that the demolition to the carriage house at the Kemper Center started yesterday morning. The building should be down by the end of the week. He also stated that he has had the pleasure of sitting next to two of the nicest ladies, Supervisor Bergo and Supervisor Boyer. Supervisor Elverman stated that the weather has blessed us and there has been a lot of golfers. Plays are up along with the sale of passes. Combined revenues are up \$112,000, combined expenditures were down \$158,000, at this time they're up \$270,000 compared to last year. The committee, staff and County Executive are headed in the right direction to keep this a county operation.

Supervisor Huff reported that last month the County Board suggested the Judiciary and Law Committee look at the adult overlay ordinance regarding licensing of these establishments. He provided a copy of the Village of Pleasant Prairie's ordinance and the sheriff's department will provide Racine County's ordinance to Corporation Counsel. They will look into why the licensing wasn't incorporated in the counties original ordinance and what it will take to get it included.

Supervisor Larsen Congratulated Supervisor Elverman for his sister being inducted into the Teacher's Hall of Fame. He also stated he enjoyed serving on the County Board and hope the new members come in with an open mind.

Supervisor Noble stated it came to his attention there is a casino negotiating team in which at least one supervisor has been appointed and would like to get a list of who has been appointed.

**NEW BUSINESS**

Ordinances - one reading

**ORDINANCE 51**

51. From the Land Use Committee regarding Concetta Cotugno Living Trust, Concetta Cotugno, Trustee, requesting rezoning from A-2 General Agricultural District to 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 #95-4-219-274-0301 located in the southeast quarter of Section 27, Township 2 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural District to C-2 Upland Resource Conservancy District. For

informational purposes only, this property is located on the northeast corner of the intersection of County Trunk Highway "KD" and 45<sup>th</sup> Street.

**Concetta Cotugno Living Trust - (Owner)**

**Description:** Part of the west half of the southeast quarter of Section 27, Town 2 North, Range 19 East of the Fourth Principal Meridian, lying and being in the Town of Wheatland, Kenosha County, Wisconsin and being more particularly described as follows: Beginning at the southeast corner of the west half of said quarter section; thence south 88°16'22" west along and upon the south line of said quarter section 535.42 feet and to the intersection of said south line with the easterly right-of-way line of County Trunk Highway "KD" (348<sup>th</sup> Avenue); thence north 31°55'01" east along and upon said right-of-way line, 621.77 feet and to a point of curve in said right-of-way line; thence northeasterly, 506.13 feet along and upon said right-of-way line, which here is the arc of a circular curve concave to the northwest, said curve having a chord which bears north 22°08'24" east 503.68 feet, a radius of 1483.05 feet and a central angle of 19°33'14" and to the end of said curve, which end is on the east line of the west half of said quarter section; thence south 00°58'27" east along and upon said east line, 978.31 feet and to the point of beginning. Subject to public highways over and across the most southerly and easterly 33.00 feet of the above described. Containing 4.17 acres, more or less, exclusive of highways.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 51. Seconded by Supervisor Gorlinski.

Motion carried.

**ORDINANCE 52**

52. From the Land Use Committee regarding Mills Enterprises, LLC/S.R. Mills (Agent), requesting rezoning pursuant to State Statutes regarding annexed shoreland area lands from A-2 General Agricultural District to R-11 Multiple-Family Residential District in the shoreland area in the City of Kenosha.

It was moved by Supervisor Smitz to withdraw Ordinance 52. The Land Use Committee was pulled.

Motion carried unanimously.

**ORDINANCE 53**

53. From the Land Use Committee regarding WAB, LLC (Owner), Bodner Property Management LLC (Buyer/Agent), requesting rezoning from I-1 Institutional District to A-2 General Agricultural District, R-8 Urban Two-Family Residential District, R-9 Urban Multiple-Family Residential District, B-2 Community Business District, and C-1 Lowland Resource Conservancy 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 #80-4-222-274-0401 located in the southeast quarter of Section 27, Township 2 North, Range 22 East, Town of Somers be changed from I-1 Institutional District to A-2 General Agricultural District, R-8 Urban Two-Family Residential District, R-9 Urban Multiple-Family Residential District, B-2 Community Business District, and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the northwest corner of the intersection of State Trunk Highway "31" (Green Bay Road) and 45<sup>th</sup> Street.

**WAB, LLC - (Owner)**

**Bodner Property Management LLC - (Buyer/Agent)**

**Descriptions:** Land to be zoned A-2 General Agricultural District: All that part of the southeast quarter of the southwest quarter of Section 27, Town 2 North, Range 22 East, in the Town of Somers, County of Kenosha, State of Wisconsin, now being more particularly bounded and described as follows: Commencing at the southeast corner of the said southwest quarter section, said point being the

place of beginning of lands hereinafter described; thence north 01°37'09" west and along the east line of the said southwest quarter section, 661.25 feet to a point; thence south 89°44'45" west, 557.47 feet to a point; thence south 01°42'44" east, 662.73 feet to a point in the south line of the said southwest quarter section; thence north 89°35'45" east and along the said south line, 556.36 feet to the point of beginning of this description. Said parcel of land contains 368,573 square feet (or 8.4613 acres) of land, more or less.

**Land to be zoned R-8 Urban Two-Family Residential District:** All that part of the southwest quarter of the southeast quarter of Section 27, Town 2 North, Range 22 East, in the Town of Somers, County of Kenosha, State of Wisconsin, now being more particularly bounded and described as follows: Commencing at the southwest corner of the said southeast quarter section, said point being the place of beginning of lands hereinafter described; thence north 89°51'36" east and along the south line of said southeast quarter section, 654.43 feet to a point; thence north 00°08'24" west, 155.11 feet to a point; thence south 89°51'36" west and parallel to the said south line of said southeast quarter section, 425.00 feet to a point; thence north 00°02'14" east, 103.07 feet to a point; thence south 88°22'51" west, 236.34 feet to a point on the west line of the said southeast quarter section; thence south 01°37'09" east and along the said west line, 252.17 feet to the point of beginning of this description. Said parcel of land contains 125,316 square feet (or 2.8769 acres) of land, more or less.

**Land to be zoned R-9 Multiple-Family Residential District:** All that part of the southwest quarter of the southeast quarter of Section 27, Town 2 North, Range 22 East, in the Town of Somers, County of Kenosha, State of Wisconsin, now being more particularly bounded and described as follows: Commencing at the southwest corner of the said southeast quarter section; thence north 89°51'36" east and along the south line of said southeast quarter section, 654.43 feet to the place of beginning of lands hereinafter described; thence north 00°08'24" west, 155.11 feet to a point; thence south 89°51'36" west and parallel to the said south line of the said southeast quarter section, 425.00 feet to a point; thence north 00°02'14" east, 103.07 feet to a point; thence south 88°22'51" west, 236.34 feet to a point on the west line of the said southeast quarter section; thence north 01°37'09" west and along the said west line, 409.08 feet to a point; thence north 89°44'45" east, 950.89 feet to a point; thence south 00°08'24" west, 398.90 feet to a point; thence south 17°51'22" west, 50.86 feet to a point; thence south 38°57'54" west 74.90 feet to a point; thence south 60°04'27" west, 55.63 feet to a point; thence south 48°19'43" west, 46.01 feet to a point; thence south 24°50'15" west, 46.01 feet to a point; thence south 00°08'24" east, 57.69 feet to a point on the said south line of the said southeast quarter section; thence south 89°51'36" west and along the said south line, 112.33 feet to the point of beginning of this description. Said parcel of land contains 472,605 square feet (or 10.8494 acres) of land, more or less.

**Land to be zoned B-2 Community Business District:** All that part of the southwest quarter and the southeast quarter of the southeast quarter of Section 27, Town 2 North, Range 22 East, in the Town of Somers, County of Kenosha, State of Wisconsin, now being more particularly bounded and described as follows: Commencing at the southwest corner of the said southeast quarter section; thence north 89°51'36" east and along the south line of said southeast quarter section, 766.76 feet to the place of beginning of lands hereinafter described; Continuing thence north 89°51'36" east and along the said south line, 464.17 feet to a point of the west right-of-way line of Green Bay Road (State Trunk Highway "31"); thence north 09°19'21" east and along the said west right-of-way line, 672.89 feet to a point; thence south 89°44'45" west 407.74 feet to a point; thence south 00°08'24" west, 398.90 feet to a point; thence south 17°51'22" west, 50.86 feet to a point; thence south 38°57'54" west, 74.90 feet to a point; thence south 60°04'27" west, 55.63 feet to a point; thence south 48°19'43" west, 46.01 feet to a point; thence south 24°50'15" west, 46.01 feet to a point; thence south 70°34'17" east, 9.07 feet to a point; thence north 13°21'20" east, 24.86 feet to a point; thence south 71°34'00" east, 16.78 feet to a point; thence south 51°53'14" east, 25.85 feet to a point; thence south 87°04'59" east, 30.42 feet to a point; thence south 61°56'09" east, 15.50 feet to a point; thence north 58°15'41" east, 15.45 feet to a point; thence south 28°22'17" east, 18.11 feet to a point; thence south 49°48'57" east, 14.71 feet to a point; thence north

78°51'23" east, 15.31 feet to a point; thence north 61°43'14" east, 11.16 feet to a point; thence south 40°16'09" east, 11.23 feet to a point; thence north 84°00'43" east, 17.87 feet to a point; thence north 08°56'57" west, 16.78 feet to a point; thence north 61°07'31" east, 16.23 feet to a point; thence north 00°44'54" east, 19.67 feet to a point; thence north 39°59'25" east, 27.33 feet to a point; thence north 14°43'29" west, 16.55 feet to a point; thence north 35°09'24" east, 47.01 feet to a point; thence north 74°25'55" east, 62.05 feet to a point; thence south 00°44'34" west, 11.40 feet to a point; thence south 26°27'10" west, 9.97 feet to a point; thence south 53°34'33" west, 8.96 feet to a point; thence south 63°23'28" east, 19.09 feet to a point; thence south 34°20'05" west, 13.89 feet to a point; thence south 58°02'43" east, 16.22 feet to a point; thence south 63°49'33" east, 27.29 feet to a point; thence south 16°24'42" west, 20.17 feet to a point; thence south 54°26'48" west, 18.31 feet to a point; thence north 67°18'05" west, 18.01 feet to a point; thence north 15°16'03" west, 11.08 feet to a point; thence south 76°07'56" west, 11.56 feet to a point; thence south 37°13'11" west, 18.07 feet to a point; thence south 39°58'22" west, 17.61 feet to a point; thence north 22°59'47" west, 11.92 feet to a point; thence north 64°56'04" east, 18.15 feet to a point; thence north 14°58'03" west, 7.60 feet to a point; thence north 59°25'09" east, 9.60 feet to a point; thence north 60°51'06" west, 33.62 feet to a point; thence south 74°42'50" west, 20.60 feet to a point; thence south 25°30'11" west, 27.98 feet to a point; thence south 03°24'19" west, 19.50 feet to a point; thence south 44°05'16" west, 27.38 feet to a point; thence south 29°57'34" east, 14.08 feet to a point; thence south 80°38'24" east, 22.01 feet to a point; thence south 73°35'06" west, 33.41 feet to a point; thence south 86°59'43" west, 27.96 feet to a point; thence north 80°59'51" west, 48.92 feet to a point; thence north 62°54'59" west, 49.37 feet to a point; thence south 77°34'49" west, 15.09 feet to a point; thence south 50°27'43" west, 30.20 feet to a point; thence north 70°38'59" west, 24.68 feet to a point; thence north 10°19'19" east, 28.72 feet to a point; thence north 70°34'17" west, 9.07 feet to a point; thence south 00°08'24" east, 57.69 feet to the point of beginning of this description. Said parcel of land contains 247,215 square feet (or 5.6753 acres) of land, more or less.

**Land to be zoned C-1 Lowland Resource Conservancy District:** All that part of the southwest quarter of the southeast quarter of Section 27, Town 2 North, Range 22 East, in the Town of Somers, County of Kenosha, State of Wisconsin, now being more particularly bounded and described as follows: Commencing at the southwest corner of the said southeast quarter section; thence north 89°51'36" east and along the south line of said southeast quarter section, 766.76 feet to a point; thence north 00°08'24" west, 57.69 feet to a point; thence south 70°34'17" east, 9.07 feet to the place of beginning of lands hereinafter described; thence north 13°21'20" east, 24.86 feet to a point; thence south 71°34'00" east, 16.78 feet to a point; thence south 51°53'14" east, 25.85 feet to a point; thence south 87°04'59" east, 30.42 feet to a point; thence south 61°56'09" east, 15.50 feet to a point; thence north 58°15'41" east, 15.45 feet to a point; thence south 28°22'17" east, 18.11 feet to a point; thence south 49°48'57" east, 14.71 feet to a point; thence north 78°51'23" east, 15.31 feet to a point; thence north 61°43'14" east, 11.16 feet to a point; thence south 40°16'09" east, 11.23 feet to a point; thence north 84°00'43" east, 17.87 feet to a point; thence north 08°56'57" west, 16.78 feet to a point; thence north 61°07'31" east, 16.23 feet to a point; thence north 00°44'54" east, 19.67 feet to a point; thence north 39°59'25" east, 27.33 feet to a point; thence north 14°43'29" west, 16.55 feet to a point; thence north 35°09'24" east, 47.01 feet to a point; thence north 74°25'55" east, 62.05 feet to a point; thence south 00°44'34" west, 11.40 feet to a point; thence south 26°27'10" west, 9.97 feet to a point; thence south 53°34'33" west, 8.96 feet to a point; thence south 63°23'28" east, 19.09 feet to a point; thence south 34°20'05" west, 13.89 feet to a point; thence south 58°02'43" east, 16.22 feet to a point; thence south 63°49'33" east, 27.29 feet to a point; thence south 16°24'42" west, 20.17 feet to a point; thence south 54°26'48" west, 18.31 feet to a point; thence north 67°18'05" west, 18.01 feet to a point; thence north 15°16'03" west, 11.08 feet to a point; thence south 76°07'56" west, 11.56 feet to a point; thence south 37°13'11" west, 18.07 feet to a point; thence south 39°58'22" west, 17.61 feet to a point; thence north 22°59'47" west, 11.92 feet to a point; thence north 64°56'04" east, 18.15 feet to

a point; thence north 14°58'03" west, 7.60 feet to a point; thence north 59°25'09" east, 9.60 feet to a point; thence north 60°51'06" west, 33.62 feet to a point; thence south 74°42'50" west, 20.60 feet to a point; thence south 25°30'11" west, 27.98 feet to a point thence south 03°24'19" west, 19.50 feet to a point; thence south 44°05'16" west, 27.38 feet to a point; thence south 29°57'34" east, 14.08 feet to a point; thence south 80°38'24" east, 22.01 feet to a point; thence south 73°35'06" west, 33.41 feet to a point; thence south 86°59'43" west, 27.96 feet to a point; thence north 80°59'51" west, 48.92 feet to a point; thence north 62°54'59" west, 49.37 feet to a point; thence south 77°34'49" west, 15.09 feet to a point; thence south 50°27'43" west, 30.20 feet to a point; thence north 70°38'59" west, 24.68 feet to a point; thence north 10°19'19" east, 28.72 feet to the point of beginning of this description. Said parcel of land contains 12,440 square feet (or 0.2856 acres of land more or less.

The conditions of approval for the PUD Planned Unit Development for Avalon Park Condominiums are attached with associated exhibits (on file in the Department of Planning and Development).

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 53. Seconded by Supervisor Larsen.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 143**

143. From Administration and Judiciary & Law Committees regarding Resolution to approve the appointment of Robert Trapp to serve on the Civil Service Commission.

**WHEREAS**, pursuant to County Executive Appointment #2003/04-21, the County Executive has appointed Robert Trapp to serve on the Civil Service Commission and;

**WHEREAS**, the Administration Committee and Judiciary & Law Committees have reviewed to County Executive's request for review and approval of his appointment of the above name to serve in this position and is recommending to the County Board the approval of this appointment, and;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors approve the appointment of Robert Trapp to serve on the Civil Service Commission immediately upon passage of this resolution and continuing until the 31<sup>st</sup> day of December 2008 or until a successor is appointed and confirmed by the County Board of Supervisors. Mr. Trapp will serve without pay but will receive per diem as defined under Resolution 65. Mr. Trapp will be succeeding Donald Lambrecht.

Submitted by:

ADMINISTRATION COMMITTEE

John Ruffolo

Mark Modory

Joseph Clark

Thomas Kerkman

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 143. Seconded by Supervisor Carbone.

Motion carried.

#### **RESOLUTION 144**

144. From the Judiciary & Law and Finance Committees regarding HIDTA Grant Award.

**WHEREAS**, the Kenosha County Sheriff's Department has been awarded \$40,900 by the federal Office of National Drug Control Policy under the High Intensity Drug Trafficking Areas (HIDTA) initiative, which has been established to focus on

disrupting and dismantling local, regional, and national-level drug and money laundering organizations, and

**WHEREAS**, there are 33 nationally recognized HIDTA regions including the Milwaukee HIDTA, of which, the Kenosha County Sheriff's Department is a representative, and

**WHEREAS**, the grant funds have been awarded to provide support equipment and training for the Sheriff's Department Traffic Interdiction enforcement efforts to reduce organized drug distribution, drug related violent crime, and reduce demand for illegal drugs within the Milwaukee HIDTA region, and

**WHEREAS**, the funding will allow for the purchase of a narcotic detection dog, training for a K-9 Officer, lease of a K-9 equipped squad, overtime reimbursement and supplies, and

**WHEREAS**, there will be continued funding to support subsequent year costs associated with the HIDTA program to cover sustainable costs, such as, replacement equipment, equipment maintenance, dog expenses, training and relative overtime as long as the Sheriff agrees to participate in the Milwaukee HIDTA enforcement program, and

**WHEREAS**, should the HIDTA funding cease, the Sheriff agrees to terminate the narcotic detection dog program including all relative sustainable costs mentioned previously unless another funding source is identified outside of tax levy dollars, and

**WHEREAS**, the grant program award will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the grant and approve the Revenue and Expenditure line items modified within the Sheriff's Department Budget as per the attached budget modification form, which is incorporated herein by reference.

**BE IT FURTHER RESOLVED**, that any unobligated HIDTA grant funds remaining at year end be hereby authorized for carryover to subsequent years until such time as the grant funds are expended in accord with the HIDTA grant requirements, and that the Administration be authorized to modify the grant appropriations among various budget and expenditure units within the Sheriff's Department in accordance with all federal and state regulations of the program and in compliance with generally accepted accounting principles.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Anita Faraone

Joe Montemurro

Terry Rose

FINANCE COMMITTEE

Robert Carbone

Terry Rose

Robert Pitts

Gordon West

John O'Day

It was moved by Supervisor Huff to adopt Resolution 144. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

#### **RESOLUTION 145**

145. From Judiciary & Law and Finance Committees regarding Sheriff's Drug Enforcement Task Force Grant Modification.

**WHEREAS**, the Kenosha County Sheriff's Department had been awarded a continuation grant through the WI Office of Justice Assistance; Byrne Drug Enforcement Task Force funding program in the amount of \$122,035 for the 2004 budget year, and

**WHEREAS**, traditionally this award served to fully fund the personnel costs associated with a Drug Investigator FTE through the District Attorney's budget and an Office Associate FTE within the Sheriff's Department budget, and

**WHEREAS**, both the District Attorney and the Sheriff's Department had anticipated the continuation of the Byrne Grant funds for the Drug Task Force when preparing the 2004 budget and, therefore, appropriations for both Departments were approved totaling \$131,769, and

**WHEREAS**, the OJA funding award came in less than expected for personnel costs, which was resolved by eliminating the Health Insurance Benefit of \$15,768 for the Drug Investigator position, and

**WHEREAS**, the OJA funding did allow a portion of the award to be utilized for payment of Confidential Funds in the course of the task force activities in the amount of \$6,034, and

**WHEREAS**, the Kenosha County Controlled Substance Unit had been re-organized whereby the City of Kenosha no longer participates in the unit directly, and

**WHEREAS**, it had been agreed by the law enforcement agencies that the Drug Investigator position garnered under the Sheriff's Department's Drug Unit grant, be transferred to the Sheriff's control, and

**WHEREAS**, the Drug Investigator 1.0 FTE and related personnel costs in the District Attorney's budget be transferred to the Sheriff's Department, in effect, increasing the Sheriff's total authorized FTE's from 310.17 to 311.17 and reducing the District Attorney's. total department FTE's from 16 to 15 FTE's along with the respective personnel expenditures and revenues adjustments associated with the grant, and

**WHEREAS**, the grant program award will not require any additional tax levy dollars.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the Drug Task Force grant adjustment as detailed in the attached budget modification form, which is incorporated herein by reference.

**BE IT FURTHER RESOLVED**, that any unobligated grant funds remaining at year end be hereby authorized for carryover to subsequent years until such time as the grant funds are expended in accord with the grant requirements, and that the Administration be authorized to modify the grant appropriations among various budget and expenditure units within the Sheriff's Department in accordance with all federal and state regulations of the program and in compliance with generally accepted accounting principles.

Note: This resolution requires NO funds from the general fund. It decreases revenues by (\$9,734) and decreases expenditures by (\$9,734).

Submitted by:

**JUDICIARY & LAW ENFORCEMENT COMMITTEE**

James Huff  
Brenda Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

**FINANCE COMMITTEE**

Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was move by Supervisor Huff to adopt Resolution 145. Seconded by Supervisor Rose.

2/3 vote required

Motion carried unanimously.

It was moved by Supervisor Singer to approve the April 13th, 2004 minutes. Seconded by Supervisor Carbone.

Motion carried.

It was moved by Supervisor Wisnefski to **adjourn sine die**. Seconded by Supervisor Carey-Mielke.

Motion carried.

Meeting adjourned at 8:00 P.M.

Prepared by:

Pam Young  
Chief Deputy

Submitted by:

Edna R. Highland  
County Clerk



Kenosha County Board of Supervisors

County Board Chambers County Administration Building

April 22, 2004

The **Regular Meeting** was called to order by Chairman Elverman at 7:30 PM in the County Board Room located in the Administration Building.

Roll Call was taken.

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

Excused: Supervisors Huff, Kerkman and Michel.

Chairman Elverman handed out the committee assignments and requested that the first name under each committee be the chairperson. The committees each voted on a vice-chair and secretary.

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

Meeting adjourned at 8:25PM.

Respectfully submitted

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**May 4, 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, Huff, Wipper, Booth, Carbone, Modory, Faraone, Johnson, R., Michel, O'Day, Singer, Deschler, Molinero, Wisniewski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smits, Ekornaas.

Excused: Supervisor Johnson, L. and Marrelli.

Present. 26. Excused. 2.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman appointed Supervisor R. Johnson as chairman of the Land Conservation Committee.

Chairman Elverman stated that Wisconsin Statutes, Chapter 59 and a budget book was placed on all new supervisor's desks. Also, the Seven County District Meeting will be held tomorrow at the Holiday Inn Express in Kenosha at 1:00 P.M.

Chairman Elverman stated that the County Officials Workshop's next meeting is in Jefferson, on May 6th.

Chairman Elverman reminded everyone on the Kemper Committee that there is a meeting tomorrow at 6:30 with the Kemper Board Committee.

**SUPERVISORS REPORTS**

Supervisor Wisniewski spoke regarding the Kenosha News Article regarding County Board Supervisors absenteeism. He went to see the editor at the Kenosha News and asked that a correction be put on the front page.

Supervisor Smits reported on a meeting April 28th at the County Center for the Smart Growth Program. There was a good representation of all of the municipalities. The Land Use Committee and the Planning & Development staff are hoping the county would sign onto a grant and if there are any questions please call George Melcher at the Planning & Development Office. This has to be done by 2010.

Supervisor Huff, stated that he also received phone calls about the article in the Kenosha News regarding attendance. In August he will be on vacation with his son.

Supervisor Rose stated that Chairman Elverman appointed Supervisor Wisniewski to represent the County Board by serving on the committee that would be negotiating the Intergovernmental Agreement if a Casino Agreement is brought to the County Board. That is very positive and there are four general areas that we should be thinking about. 1. What is the split between City and County? He is looking at a 50-50 split. 2. Sovereign Immunity. This is for the enforcement of an agreement. Indian Tribes cannot be sued unless they waive sovereign immunity. This is very important. 3. Appropriate wages. Good paying jobs are important. 4. Future use of the land if at such time a casino is terminated. Everything has cycles.

Chairman Elverman stated that he would like a committee made up by the chairpersons of the standing committees of the County Board. Any supervisor could attend.

Supervisor Singer reported that the Administration Committee will meet on Monday, May 10, 2004. Another issue is that perhaps we could have some County Board Meetings at the Kenosha County Center. Also, the County Board Room can be used for judicial purposes if needed.

Supervisor Ekornaas, stated that development in Kenosha County has increased and this has brought about a need for additional building space, traffic lanes, traffic signals, jail cells and a whole host of other improvements to serve the growing population. The cost to the infrastructure must not be laid on the backs of current residents and taxpayers. Currently state law does not allow counties to collect impact fees. This is a law that can be changed and

must be changed. Not only for the counties but also the school districts. We need to press our legislatures. Refer this issue to the Legislative Committee to be acted upon.

Chairman Elverman asked Supervisor R. Johnson to put this issue on the Legislative Committee Agenda.

Supervisor Noble stated that at the Highway & Parks Meeting the new committee met for the first time. Placed on everyone's desk is the Asphalt Resurfacing Improvement Program for Kenosha County. Some of this resurfacing will be paid for by state funding. Some by the developers. He has a map if anyone is interested. The intersection at I94 & 158 is being looked at by the Department of Transportation due to so many accidents. There will be four way stop signs. Also, so far the golf is on track. Hopefully at the end of the season the golf courses will break even. The county has contracted with a PGA Pro to help with the golf courses.

Supervisor O'Day thanked Supervisor Wisnefski for getting the Kenosha News to put the correction on the front page. The article did not reflect all of the committees supervisors serve on. His advice for the new supervisors is to be careful when talking to the news.

Supervisor Wisnefski thanked Supervisor Noble for looking into the I94 & Hwy 158 intersection problem.

Supervisor Clark stated that it is troubling to him that this county would release numbers in error to the Kenosha News regarding supervisors attendance of County Board Meetings. As an accountant he has taken it upon himself to analyze the numbers and the second article correcting Sunday's mistake are still incorrect. His numbers are correct and anybody wanting a copy can get it from him.

#### **OLD BUSINESS**

Ordinance - second reading, two required.

#### **ORDINANCE 1**

1. From Supervisor Terry Rose regarding an Ordinance to repeal and recreate Section 3.01 (1)(g) of the Municipal Code of Kenosha County pertaining to the filling of vacancies in the Office of Kenosha County Board Supervisor.

Chairman Elverman referred Ordinance 1 to the Legislative Committee.

#### **COMMUNICATION**

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

Chairman Elverman referred Communication 1 to the Land Use Committee.

#### **CLAIMS**

1. John M. Lewis - false imprisonment.

2. Philip, Michelle and Danielle Cecchini - injured during high speed chase.

Chairman Elverman referred Claims 1 & 2 to the Corporation Counsel.

It was moved by Supervisor Wisnefski to approve the April 20TH & 22ND minutes. Seconded by Supervisor Rose.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:00 P.M.

Prepared by: Pam Young  
Chief Deputy

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**June 1, 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, Huff, Wipper, Booth, Faraone, R. Johnson, Michel, O'Day, Singer, Deschler, Molinaro, Wisnefski, Clark, Noble, West, Kerkman, Carbone, Carey-Mielke, Modory, Smitz, Ekornaas, L. Johnson, Marrelli.

Excused: Supervisor Gorlinski.

Present. 27. Excused. 1.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that on June 19th the Kenosha County Dairy Breakfast will be held on Hwy JB & B.

Chairman Elverman stated that the County Extension has posted information for flood assistance on their web site.

**SUPERVISORS REPORTS**

Supervisor Johnson reported that Ordinance 1, second reading was referred to the Legislative Committee and they are sending it back without a recommendation due to a tie vote within the committee.

Supervisor Carey-Mielke stated that the Field of Dreams program is open and looking for volunteers. Youth-Quest is looking for volunteers, also. Please contact the Extension Office if interested.

Supervisor Carey-Mielke thanked everyone who had sent her cards and well wishes. Her mother underwent open heart surgery and she is doing quite well.

Supervisor Wisnefski stated that the appointed committee to meet with the Kemper Center met last Wednesday to review the work in progress. Kemper Center is desirous to get the lease signed. Corporation Counsel is working on it right now.

Supervisor Noble reported that four way stop signs will be installed at Hwy 158 and the east frontage road. The Department of Transportation says that it will happen within the next couple of months. Thanks to Senator Wirch because he was instrumental in having this done.

County Executive Appointments.

5. Gordon West to serve on the Brookside Board of Trustees.
6. Richard Guenther to serve on the Kenosha County Long Term Care Council.
7. Lauren A. Fox to serve on the Kenosha County Resource Center Board.
8. George D. Wundsam to serve on the Kenosha County Zoning Board of Adjustments.
9. Jill M. Wilson to serve on the Kenosha County Resource Center Board.
10. Jean M. Rumachik to serve on the Kenosha County Long Term Care Council.

Chairman Elverman referred County Executive Appointments 5 thru 7 and 9,10 to the Human Services Committee and County Executive Appointment 8 to the Land Use Committee.

**OLD BUSINESS**

Ordinance - second reading, two required.

**ORDINANCE 1**

1. From Terry Rose and Legislative Committee regarding Repealing and Recreating Section 3.01 (1) (g) of the Municipal Code of Kenosha Pertaining to the filling of vacancies in the Office of Kenosha County Board Supervisor.

AN ORDINANCE TO REPEAL AND RECREATE SECTION 3.01(1)(g) OF THE MUNICIPAL CODE OF KENOSHA COUNTY PERTAINING TO THE FILLING OF VACANCIES IN THE OFFICE OF KENOSHA COUNTY BOARD SUPERVISOR

IT IS HEREBY ORDAINED THAT SECTION 3.01(1)(g) OF THE MUNICIPAL CODE OF KENOSHA COUNTY PERTAINING TO THE FILLING OF VACANCIES IN THE OFFICE OF KENOSHA COUNTY BOARD SUPERVISOR BE REPEALED AND RECREATED TO READ AS FOLLOWS:

(g) Filling of Vacancies Occurring Within A Term. Vacancies in the office of County Supervisor shall be filled in the following manner:

- If the vacancy occurs prior to December 1 of an even numbered year the vacancy shall be filled by an election in the Spring non-partisan election of the odd-numbered year; prior to such an election the County Board Chairman shall appoint a successor , in accordance with the provision set forth in section 4, who shall be confirmed by the County Board and shall serve until his successor is elected at such non-partisan election in the odd numbered year;
- Except as hereinafter provided, if the vacancy occurs after December 1 of an even numbered year the vacancy shall be filled by an election in the Spring non-partisan election of the next even-numbered year; prior to such an election the County Board Chairman shall appoint a successor, in accordance with the provision set forth herein, who shall be confirmed by the County Board and shall serve until his successor is elected at such non-partisan election in the next even- numbered year;
- If the vacancy occurs after December 1 of an odd-numbered year the vacancy shall be filled by an election in the Spring non-partisan election of the next even-numbered year; prior to such an election the County Board Chairman shall appoint a successor:
- Prior to making an appointment pursuant to the provision set forth herein, the County Board Chairman shall advertise for the position in the County's official publication for legal notices; he shall interview all interested candidates and report the qualifications of all such interested persons to the County Board along with the qualifications of his or her appointee. Persons appointed shall be qualified electors and residents of the supervisory district in which the vacancy occurred.

Submitted by:

Terry Rose

LEGISLATIVE COMMITTEE

Joseph Clark

Christine Wipper

It was moved by Supervisor Rose to adopt Ordinance 1. Seconded by Supervisor Clark.

It was moved by Supervisor Clark to amend Ordinance 1 by changing paragraph 3, line 4. If the vacancy occurs after December 1 of an odd-numbered year the vacancy shall be filled by an election in the Spring non-partisan election of the next even-numbered year; prior to such an election the County Board Chairman shall **not** appoint a successor: Remove the word **not**. Seconded by Supervisor Molinaro.

Roll call vote on the amendment.

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

Nays: Supervisors Rose, Marrelli, Carbone.

Ayes. 24. Nays. 3.

Motion carried.

Roll call vote on Ordinance 1 as amended.

Ayes: Supervisors Elverman, Grady, Rossow, Huff, Wipper, Booth, Faraone, Michel, O'Day, Singer, Deschler, Molinaro, Noble, Kerkman, Carey-Mielke, Clark, Modory, Rose.

Nays: Supervisors Kessler, Marrelli, Carbone, R. Johnson, L. Johnson, Wisnefski, West, Smitz, Ekornaas.

Ayes. 18. Nays. 9.

Motion carried.

## NEW BUSINESS

Resolutions - one reading.

### RESOLUTION 9

9. From Land Use, Building & Grounds, Finance and Highway & Parks Committees Regarding Approval of Waste Management's Corporate Benefactor Agreement Donation for the Purchase of Land Abutting the Kenosha County Center including a Budget Modification to include said funds in the 2004 Budget.

**WHEREAS**, the Southeastern Wisconsin Regional Planning Commission, U. S. Census Bureau 2000 statistics, and the Department of Administration studies have reported a significant increase in the population for Kenosha County and projects said increases in population will continue; and

**WHEREAS**, it is anticipated that such increase in population will create a higher demand for services in the future to be provided by the County; and

**WHEREAS**, a 23+ acre tract immediately adjacent to the existing Kenosha County Center, which is geographically located in the center of Kenosha County, is currently available for purchase; and

**WHEREAS**, the addition of said parcel would prove to be an ideal site in planning for future long-term needs of the County and is in keeping with Kenosha County's concept of developing multi-use government campuses; and

**WHEREAS**, the said parcel is available for purchase for \$425,000 which is within an acceptable range of the appraised value of said property; and

**WHEREAS**, on April 17, 2000, Kenosha County entered into a Corporate Benefactor Agreement with Waste Management of Wisconsin, as a result of negotiations between Kenosha County and Waste Management relative to the siting and/or expansion of the Pheasant Run Recycling and Disposal facility; and

**WHEREAS**, the above-referenced Benefactor Agreement calls for Waste Management, among other conditions, to make annual donations of \$250,000 to Kenosha County during the term of the agreement selecting from a list of projects, prepared and approved by the County Board, includes real estate acquisition in the vicinity of the Pheasant Run landfill and the development of other County facilities that will benefit the community as a whole; and

**WHEREAS**, Waste Management, for the year 2005 and 2006, has selected from said list property acquisition of 23+ acres in the vicinity of the Pheasant Run landfill and immediately to the North of the Kenosha County Center, (Tax Parcel #35-4-121-053-0150); and

**WHEREAS**, no tax levy dollars would be required for such purchase, as Waste Management has agreed to provide such funds in advance for the purchase of said property as part of their obligation to the County under the agreement currently in place between Waste Management and Kenosha County.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board accepts Waste Management's selection of the above-described property abutting the Kenosha County Center (Tax Parcel 35-4-121-053-0150) as its Corporate Benefactor donation for the years 2005 and 2006 and authorizes the acquisition of said property.

**BE IT FURTHER RESOLVED**, that the 2004 Kenosha County Budget is hereby amended in accord with the budget modification form, which is attached and incorporated by reference. Expenditures in the 2004 Kenosha County Budget shall be increased by \$500,000, for the purpose of acquiring the property referenced in this resolution. This appropriation authority shall include the cost to purchase the property from the current owner of the land and all other costs incidental to the purchase and acquisition of this property. This expenditure shall be funded with payments to be made by Waste Management per their agreement with the County that otherwise would have been made in 2005 and 2006. Waste Management will make these payments to the County in 2004 in lieu of making them in 2005 and 2006. Any unspent funds resulting from this transaction after the completion of the acquisition shall lapse to fund 420 and shall be used for the purposes of the Parkland owned by Kenosha County located on HWY KD. The Kenosha County Board of Supervisors do hereby grant authority for the disbursement of funds relative to the purchase of the property referenced herein, and all costs pertinent to the acquisition of this property.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

BUILDING & GROUNDS COMMITTEE

Mark Molinaro

Douglas Noble

Thomas J. Gorlinski  
Fred R. Ekornaas  
Janice D. Marrelli  
FINANCE COMMITTEE  
Robert Carbone  
Mark Modory  
Mark Wisnefski  
Anita Farone

Gordon West  
Judith Rossow  
Leonard Johnson  
HIGHWAY & PARKS COMMITTEE  
Douglas Noble  
Leonard Johnson  
William Grady  
Richard A. Kessler  
Fred R. Ekornaas

It was moved by Supervisor Carbone to adopt Resolution 9. Seconded by Supervisor L. Johnson.

It was moved by Supervisor Wisnefski to call the question. Seconded by Supervisor R. Johnson.

Ayes: Supervisors Grady, Rossow, Kessler, Wipper, Marrelli, Booth, Carbone, Modory, R. Johnson, O'Day, L. Johnson, Deschler, Wisnefski, Carey-Mielke, West, Kerkman, Smitz, Ekornaas.

Nays: Supervisors Elverman, Rose, Huff, Faraone, Michel, Singer, Molinaro, Clark, Noble.

Ayes. 18. Nays. 9.

Motion carried.

Roll call on Resolution 9.

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

Nays: Supervisors Rose, Booth, Deschler, Kerkman.

Ayes. 23. Nays. 4.

Motion carried.

#### **CLAIMS**

3. Regarding Dean Thiel - broken windshield.

4. Regarding Boyd G. Johns - car damage from county truck.

It was moved by Chairmen Elverman to refer Claims 3 & 4 to Corporation Counsel.

It was moved by Supervisor Clark to approve the May 18, 2004 minutes. Seconded by Supervisor Kessler.

Motion carried.

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

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**June 15, 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, Huff, Wipper, Booth, Faraone, R. Johnson, Michel, O'Day, Singer, Deschler, Molinaro, Wisnefski, Clark, Noble, West, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, L. Johnson, Marrelli.

Excused: Supervisor Gorlinski, Modory.

Present. 26. Excused. 2.

**CITIZEN COMMENTS**

Ramona Dodge, 2602-33rd Street, Kenosha. As an employee of Brookside Care Center she hopes that the County Board approves Resolution 10, the Labor Agreement between Kenosha County and Local 1392. Kenosha really needs a County Nursing Home and should keep it as one.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that on June 19th the Kenosha County Dairy Breakfast will be held on Hwy JB & B.

Chairman Elverman stated that an opinion from the Attorney General's Office regarding comment periods at public meetings was placed on everyone's desk to read.

Chairman Elverman stated that a copy of the proposal for the casino project was placed on everyone's desk. He is asking that Finance and Legislative Committees set up a joint meeting to review the proposal. Then make recommendations to the County Board. Also, Supervisor Clark and Supervisor Modory will serve on a committee with the administration to work on the Intergovernmental Agreement. He would like these meetings to occur at the County Center at Hwy 45 & 50.

Chairman Elverman stated that the stop signs are going to be installed on the Frontage Road and Hwy 158. He thanked Supervisor Noble from Highway & Parks Committee for looking into this problem.

Chairman Elverman asked Ben Schliesman, Director of Emergency Management to give a report on recent flooding in Kenosha County.

Ben Schliesman stated that County Executive, Alan Kehl, on May 22nd declared Kenosha County a State of Local Emergency due to the dangers of flooding on the Fox River. This is a requirement to request a Presidential Disaster Declaration as well as assistance from the State. All orders and temporary emergency measures taken under the Declaration of Emergency was cancelled at 8:00 a.m. on June 14th.

**SUPERVISORS REPORTS**

Supervisor Singer stated that Administration and Finance Committees had a joint meeting regarding the Labor Agreements that are on tonight's agenda. Also discussed was county board per diem. No opinion has come out of either committee.

Supervisor Wisnefski thanked the Highway Committee for getting the stop signs on Hwy 158. This problem exists in his district. Also, regarding the flooding - the 165 interchange was built and there was a bridge over the Des Plains River. Pleasant Prairie petitioned the DNR to lower the 100 year flood plain by one foot. That shortened up the span of that bridge that allowed volumes of water to pass through. Apparently, the 100 year old flood plain had been accurate because now we are holding up the water and getting water up stream. This has contributed to some of the flooding.

Supervisor Molinaro reported on the Building and Grounds Committee that met last Tuesday. The Joint Committee of County Board and Kemper Center was discussed and a joint meeting will be scheduled with Highway & Parks, Building & Grounds and Finance Committees to discuss the \$100,000.00 payment to Kemper Center that was put into the 2004 budget. Work on the parking structure

continues. We are scheduled to be before the Planning Commission at their next regularly scheduled meeting. Application has been made to the DNR regarding the former Kroger Building to begin the process of demolition. Also, only one of the two park employees accepted and signed a lease to rent the house at Brightondale. The other one opted to move out. Now, only one property will be occupied and that is a great loss to the county. The county will now be paying for the utilities that the employee paid for before.

Supervisor Ekornaas, stated that he attended the Highway Conference. As a new member of the Highway & Parks Committee it was an opportunity to learn about his new responsibilities. He gained a lot of insight into the importance of a good highway department. The highway safety from an engineering standpoint is a lot more complex and if we do not build and maintain safe roads, traffic enforcement will not be successful. The cost of crashes in the US for the year 2002 was two hundred and thirty one billion dollars. That breaks down to eight hundred and twenty dollars for every man, woman and child in the United States. Highway safety must be given the highest priority in County Government. Federal and State money is very limited and difficult to get. One of the recommendations in the Tax Study was the proposal to turn the county trunk highway system over to the towns. To decentralize the county trunk highways would be a disaster.

Supervisor Carbone stated that everyone should have received a report from David Geersten regarding Kenosha County Undesignated Reserves. If there are any questions or comments please contact the Finance Director, Dave Geersten.

Supervisor Noble stated that there is a public notice posted for the Wisconsin Department of Transportation in Kenosha County Division of Highways. They are proposing to reconstruct the intersection of 22nd Avenue and County Hwy E (12th Street). All those interested in the reconstruction are encouraged to attend a public information meeting on June 22nd at the Somers Town Hall. Also, those that have received their WCA Magazine should notice that there is a photo contest from the Department of Transportation and Tourism. They are sponsoring a contest called "Rustic Road" to commemorate the 30th Anniversary of the Rustic Road Program and designation of the 100th rustic road. Kenosha County has one rustic road and that is Highway B - from Highway 142 to the Racine County Line.

Supervisor Clark commented that the Committee Chairman's are doing an excellent job in reporting actions that are being done at the committee level to the whole board.

County Executive Appointments.

11. Salonia O. Grimes to serve on the Kenosha County Commission on Aging.
12. Dr. Steven Schwimmer to serve on the Kenosha County Board of Health.
13. Marbeth H. Knoff to serve on the Kenosha County Resource Center Board.
14. Richard W. Lenz to serve on the Kenosha County Resource Center Board.
15. Phyllis J. Rozinski to serve on the Kenosha County Resource Center Board.
16. Keith F. Kmiecik to serve on the Kenosha County Long Term Care Council.
17. Doug Potter to serve on the Kenosha County Workforce Development Board.
18. William Letson to serve on the Kenosha County Resource Center Board.

Chairman Elverman referred County Executive Appointments 11 thru 18 to the Land Use Committee.

NEW BUSINESS.

Ordinances - one reading.

#### ORDINANCE 6

6. From Land Use Committee regarding Hunt Club North LLC (Owner), Dennis Ellerbrock (Agent), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-2 Upland Resource Conservancy 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 part of Tax Parcel #30-4-220-192-0100 located in the northwest quarter of Section 19, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District (10.00

acres) excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the east side of County Trunk Highway "J" (312<sup>th</sup> Avenue) approximately ½ mile north of the intersection of County Trunk Highway "JB" (31<sup>st</sup> Street).

**Hunt Club North LLC - (Owner)**

**Dennis Ellerbrock - (Agent)**

**Descriptions:** Commencing at the southwest corner of said quarter section; thence north 01°22'35" west along and upon the west line of said quarter section, 300.00 feet and to the point of beginning of the parcel to be hereinafter described; thence continue north 01°22'35" west along and upon said west line, 300.00 feet; thence south 89°36'24" east parallel to the south line of said quarter section, 1485.00 feet; thence south 01°22'35" east parallel to the west line of said quarter section, 300.00 feet; thence south 89°36'24" west parallel to the south line of said quarter section, 1485.00 feet and to the point of beginning. Subject to a public highway over and across the most westerly 33.00 feet thereof. Containing 10.00 acres, more or less, exclusive of said highway.

**In addition:** Beginning at the southwest corner of said quarter section; thence north 01°22'35" west along and upon the west line of said quarter section, 300.00 feet; thence north 89°36'24" east parallel to the south line of said quarter section, 1485.00 feet; thence south 01°22'35" east parallel to the west line of said quarter section 300.00 feet and to the south line of said quarter section; thence south 89°36'24" west along and upon said south line, 1485.00 feet and to the point of beginning. Subject to a public highway over and across the most westerly 33.00 feet thereof. Containing 10.00 acres, more or less, exclusive of said highway.

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 Ordinance 6. Seconded by Supervisor Molinaro.

Motion carried.

#### **ORDINANCE 7**

7. From Land Use Committee regarding Hansen Joint Revocable Trust Christian and Beverly Hansen Trustees, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District and R-2 Suburban 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 #80-4-222-051-0100 located in the northeast quarter of Section 5, Township 2 North, Range 22 East, Town of Somers be changed from A-1 Agricultural Preservation District (25.7 acres) to A-2 General Agricultural District and R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the southwest corner of the intersection of County Trunk Highway "KR" (1<sup>st</sup> Street) and County Trunk Highway "H" (88<sup>th</sup> Avenue).

**Hansen Joint Revocable Trust**

**Christian and Beverly Hansen - (Owners)**

**Descriptions: A-2 General Agricultural District:** That part of the east ¼ of the northeast ¼ of Section 5, Town 2 North, Range 22 East of the Fourth Principal Meridian and being more particularly described as follows: Beginning at the northeast corner of said ¼ section; thence south 02°17'23" east along the east line of said ¼ section, 762.54 feet; thence south 87°42'37" west 730.93 feet; thence north 02°08'19" west 785.09 feet to the north line of said ¼ section; thence north 89°28'55" east along said north line 729.20 feet to the point of beginning. Subject to the north 33 feet and east 33 feet for highway use. Said

land lying and being in the Town of Somers. County of Kenosha and State of Wisconsin.

**In addition:** Commencing at the northeast corner of said ¼ section; thence south 02°17'23" east along the east line of said ¼ section, 1163.54 feet to the point of beginning; thence continue south 02°17'23" east along said east line 371.84 feet; thence south 89°12'06" west 733.16 feet; thence north 02°08'19" west 753.76 feet; thence north 87°42'37" east 457.92 feet; thence south 02°17'23" east 401.00 feet; thence north 87°42'37" east 273.00 feet to the point of beginning. Subject to the east 33 feet for highway use. Said land lying and being in the Town of Somers. County of Kenosha and State of Wisconsin.

**R-2 Suburban Single-Family Residential District:** That part of the east 1/2 of the northeast ¼ of Section 5, Town 2 North, Range 22 East of the Fourth Principal Meridian and being more particularly described as follows: Commencing at the northeast corner of said ¼ section; thence south 02°17'23" east along the east line of said ¼ section 762.54 feet to the point of beginning; thence south 87°42'37" west 273.00 feet; thence south 02°17'23" east 401.00 feet; thence north 87°42'37" east 273.00 feet to the east line of said ¼ section; thence north 02°17'23" west along said east line 401.00 feet to the point of beginning. Subject to the east 33 feet for highway use. Said land lying and being in the Town of Somers, 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 Ordinance 7. Seconded by Supervisor Ekornaas.

Motion carried.

#### **ORDINANCE 8**

8. From Land Use Committee regarding Summerfield Investments LLP, requesting rezoning from M-3 Mineral Extraction District to A-2 Gene Agricultural District excluding lands currently zoned 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 Tax Parcel #80-4-222-051-0100 located in the northeast quarter of Section 5, Township 2 North, Range 22 East, Town of Somers be changed from A-1 Agricultural Preservation District (25.7 acres) to A-2 General Agricultural District and R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the southwest corner of the intersection of County Trunk Highway "KR" (1<sup>st</sup> Street) and County Trunk Highway "H" (88<sup>th</sup> Avenue).

**Hansen Joint Revocable Trust**

**Christian and Beverly Hansen - (Owners)**

**Descriptions: A-2 General Agricultural District:** That part of the east ½ of the northeast ¼ of Section 5, Town 2 North, Range 22 East of the Fourth Principal Meridian and being more particularly described as follows: Beginning at the northeast corner of said ¼ section; thence south 02°17'23" east along the east line of said ¼ section, 762.54 feet; thence south 87°42'37" west 730.93 feet; thence north 02°08'19" west 785.09 feet to the north line of said ¼ section; thence north 89°28'55" east along said north line 729.20 feet to the point of beginning. Subject to the north 33 feet and east 33 feet for highway use. Said land lying and being in the Town of Somers. County of Kenosha and State of Wisconsin.

**In addition:** Commencing at the northeast corner of said ¼ section; thence south 02°17'23" east along the east line of said ¼ section, 1163.54 feet to the point of beginning; thence continue south 02°17'23" east along said east line 371.84

feet; thence south 89°12'06" west 733.16 feet; thence north 02°08'19" west 753.76 feet; thence north 87°42'37" east 457.92 feet; thence south 02°17'23" east 401.00 feet; thence north 87°42'37" east 273.00 feet to the point of beginning. Subject to the east 33 feet for highway use. Said land lying and being in the Town of Somers. County of Kenosha and State of Wisconsin.

**R-2 Suburban Single-Family Residential District:** That part of the east 1/2 of the northeast ¼ of Section 5, Town 2 North, Range 22 East of the Fourth Principal Meridian and being more particularly described as follows: Commencing at the northeast corner of said ¼ section; thence south 02°17'23" east along the east line of said ¼ section 762.54 feet to the point of beginning; thence south 87°42'37" west 273.00 feet; thence south 02°17'23" east 401.00 feet; thence north 87°42'37" east 273.00 feet to the east line of said ¼ section; thence north 02°17'23" west along said east line 401.00 feet to the point of beginning. Subject to the east 33 feet for highway use. Said land lying and being in the Town of Somers, 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 Ordinance 8. Seconded by Supervisor Marrelli.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 10**

10. From Administration and Finance Committees regarding Approval of the Successor Labor Agreement between Kenosha County and Local 1392 Brookside.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and Local 1392 Brookside were recently concluded, and

**WHEREAS**, the negotiations have culminated in a three-year labor agreement ending on December 31, 2006, which agreement has since been ratified by the union, and

**WHEREAS**, Kenosha County is desirous of maintaining and promoting a sound and stable relationship with its employee organizations, and

**WHEREAS**, the Administration Committee and Finance Committees of the County Board have reviewed said labor agreement, and

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve and adopt said labor agreement, the originals of which are herewith attached and on file in the County Clerk's Office.

**BE IT FURTHER RESOLVED** that the County Executive be directed and empowered for and on behalf of this body to make, sign, and execute all documents necessary to implement this directive.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Joseph Clark

Anita Faraone

Thomas Kerkman

Janice Marrelli

FINANCE COMMITTEE

Robert Carbone

Mark Wisnefski

Terry Rose

Anita Faraone

Mark Modory

It was moved by Supervisor Singer to adopt Resolution 10. Seconded by Supervisor Carbone.

Roll call vote.

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

Nays: Supervisor Clark.

Ayes. 25. Nays. 1.

Motion carried.

**RESOLUTION 11**

11. From Administration and Finance Committees regarding Approval of the Successor Labor Agreement between Kenosha County and AFSCME Local 1090 - Parks Employees.

**WHEREAS**, negotiations for a successor labor agreement between Kenosha County and AFSCME Local 1090-Parks were recently concluded, and

**WHEREAS**, the negotiations have culminated in a three-year labor agreement ending on December 31, 2006, which agreement has since been ratified by the union, and

**WHEREAS**, Kenosha County is desirous of maintaining and promoting a sound and stable relationship with its employee organizations, and

**WHEREAS**, the Administration Committee and Finance Committees of the County Board have reviewed said labor agreement,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve and adopt said labor agreement, the originals of which are herewith attached and on file in the County Clerk's Office.

**BE IT FURTHER RESOLVED** that the County Executive be directed and empowered for and on behalf of this body to make, sign, and execute all documents necessary to implement this directive.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Joseph Clark

Anita Faraone

Janice Marrelli

Thomas Kerkman

FINANCE COMMITTEE

Robert Carbone

Mark Wisnefski

Terry Rose

Anita Faraone

Mark Modory

It was moved by Supervisor Singer to adopt Resolution 11. Seconded by Supervisor Carbone.

Roll call vote.

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

Nays. Supervisors Clark.

Ayes. 25. Nays. 1.

Motion carried.

**RESOLUTION 12**

12. From Extension Education and Finance Committees regarding UW-Extension 2004 Budget Modification - Youth Quest Lumina Grant.

**WHEREAS**, Kenosha County UW-Extension has received a \$26,999 grant with UW-Parkside from the Lumina Foundation for Education for the Youth Quest Mentorship Project, and

**WHEREAS**, Kenosha County UW-Extension is part of a consortium to implement Youth Quest, a youth mentoring program, and

**WHEREAS**, county levy remains unaffected by this budget amendment,

**NOW, THEREFORE, BE IT RESOLVED** that the 2004 Kenosha County UW-Extension budget be amended as follows:

Fund: 100 Business Unit# 67400 Youth Quest Revenue

Youth Quest Revenue Object Code: 446620 \$26,999

Fund: 100 Business Unit # 67400 Youth Quest Project

Other Professional Services 521900 \$26,999

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Youth Quest budget may be modified between appropriation units as necessary to reflect grant expenditures, and

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension Youth Quest budget may be modified to increase the grant revenues and corresponding expenditures if a grant award comes in higher than expected and any expended dollars as of December 31, 2004, should be rolled over into the 2005 budget.

Submitted by:

EXTENSION EDUCATION COMMITTEE

Brenda Carey-Mielke

Tom Gorlinski

David Singer

FINANCE COMMITTEE

Robert Carbone

Mark Wisnefski

Terry Rose

Judy Rossow  
William Michel, II

Anita Faraone  
Mark Modory

It was moved by Supervisor Carey-Mielke to adopt Resolution 12. Seconded by Supervisor Carbone.

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

**Nays:** None.

**Abstain:** Supervisor Booth.

**Ayes.** 25. **Nays.** 0. **Abstain.** 1.

Motion carried.

#### **RESOLUTION 13**

13. From Finance Committee regarding Appointment of Earl W. Hollister to the Kenosha County Housing Authority.

**WHEREAS,** pursuant to County Executive Appointment 2004/05-01, the County Executive has appointed Earl W. Hollister to serve on the Kenosha County authority, and

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

**NOW, THEREFORE, BE IT RESOLVED,** that the Kenosha County Board of Supervisors confirm the appointment of Earl W. Hollister to serve on the Kenosha County Housing Authority. Mr. Hollister's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 30th day of April, 2009, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Hollister will serve without pay as defined under resolution 65 (1982-83). Mr. Hollister will be succeeding himself.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Mark Wisnefski

Terry Rose

Anita Faraone

Mark Modory

It was moved by Supervisor Carbone to adopt Resolution 13. Seconded by Supervisor Rose.

Motion carried.

#### **RESOLUTION 14**

14. From Judiciary & Law and Finance Committees regarding Designating the Joint Services Communications Center as Kenosha County's Wireless Public Safety Answering Point.

**WHEREAS,** Many incoming calls to 911 of the Kenosha City/County Joint Services Communication Center are placed from cellular phones; and

**WHEREAS,** Unlike landline phones that place 911 calls, these cellular phone calls are not accompanied by vital caller information that aids the prompt dispatch of a public safety response; and

**WHEREAS,** The Legislature passed 2003 Wisconsin Act 48 that created a funding mechanism that meets the FCC mandate for a cost recovery system to pay for the implementation of an enhanced 911 system that identifies and locates calls originating from cellular phones; and

**WHEREAS,** The funding mechanism is a three-year grant program administered by the Wisconsin Public Service Commission to reimburse local governments and wireless telephone service providers for certain costs related to providing enhanced wireless 911 service; and

**WHEREAS,** 2003 Wisconsin Act 48 allows only one grant per county for such reimbursement of costs; and

**WHEREAS,** To qualify for such grant the local government must provide wireless 911 service to the entire area of the county; and

**WHEREAS,** Pursuant to Section 146.70(3m)7., Wis. Statutes, as created by 2003 Wisconsin Act 48, a Resolution of the County Board is necessary for a

wireless public safety answering point to become a designated public safety answering point for the purpose of implementing the federal orders for wireless operation, and to be eligible for a grant from the "Wireless 911 Fund."

**NOW THEREFORE BE IT RESOLVED**, That the County Board of Supervisors does hereby designate the Kenosha City/County Joint Services Dispatch Communication Center as Kenosha County's official Wireless Public Safety Answering Point, pursuant to federal law and 2003 Wisconsin Act 48 and Section 146.70 (3m)7. of the Wisconsin Statutes, all as may be amended from time to time; Further that the County of Kenosha retains the right to change the officially designated Wireless Public Safety Answering Point from time to time according to future developments and the best interest of the community.

**BE IT FURTHER RESOLVED**, That Kenosha County designates Kenosha City/County Joint Services to apply for grants or other aid from the "Wireless 911 Fund" and/or other grant funds for this purpose from the State of Wisconsin or U.S. Government, on behalf of the County of Kenosha; Further that all funds received from any such grants received shall be used to reimburse Kenosha County for expenditures for the enhanced 911 systems that will identify location of calls to 911 from cell phones, or to pay for such equipment and systems in the first instance, depending upon the requirements of the grant conditions; and that the County Executive is hereby authorized to sign all papers necessary to accomplish the purpose of this resolution or receive grant funding for the enhanced 911 system.

Submitted by:

Judiciary & Law Committee  
Jim Huff  
William Michel II  
Terry Rose  
Susan Deschler  
Brenda Carey-Mielke

Finance Committee  
Robert Carbone  
Anita Faraone  
Terry Rose  
Mark Modory  
Mark Wisnefski

It was moved by Supervisor Huff to adopt Resolution 14. Seconded by Supervisor Carbone.  
Motion carried.

#### **RESOLUTION 15**

15. From Judiciary & Law and Finance Committees regarding FY04 Terrorism Table-Top Exercise Grant.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded a table-top exercise funding Grant totaling \$10,000 from the State of Wisconsin Division of Emergency Management (WEM), and

**WHEREAS**, this grant will be used to hire a consultant to design, coordinate and conduct a table-top exercise, to hire a temp to assist Emergency Management with this exercise as well as to pay for materials, supplies, and expendable equipment for these exercises, and may be used for overtime personnel costs associated with exercise participants, and

**WHEREAS**, this exercises will be conducted in FY04, and

**WHEREAS**, the cost of this grant is 100% funded by WEM, requiring no tax levy, and

**WHEREAS**, the Kenosha County Emergency Management Budget will require a FY04 Budget Modification of \$10,000,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the FY04 Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

**BE IF FURTHER RESOLVED**, that the Administration be authorized to modify these Budget expenditures for purposes of expending all of the grant dollars in accordance with Grant criteria.

Submitted by:

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

FINANCE COMMITTEE  
Robert Carbone  
Mark Wisnefski  
Terry Rose  
Anita Faraone  
Mark Modory

It was moved by Supervisor Huff to adopt Resolution 15. Seconded by Supervisor Carbone.

2/3 vote required.  
Motion carried unanimously.

**RESOLUTION 16**

16. From Human Services Committee regarding the Appointment of Supervisor Gordon West to the Brookside Board of Trustees.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-05, the County Executive has appointed Supervisor Gordon West to serve on the Brookside Board of Trustees, 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 Brookside Board of Trustees 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 Gordon West to the Brookside Board of Trustees. Supervisor West's appointment shall be effective immediately and continuing until the 1st day of January, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor West will serve without pay but will receive per diem as defined under Resolution 65 (1982-83) and will be filling a vacant position.

Submitted by:

HUMAN SERVICES COMMITTEE

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

**RESOLUTION 17**

17. From Human Services Committee regarding the Appointment of Robert Pitts to the Brookside Board of Trustees.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-07, the County Executive has appointed Lauren Fox to serve on the Kenosha County Resource Center 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 Resource Center 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 Lauren Fox to the Kenosha County Resource Center Board. Ms. Fox's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Fox will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be filling a vacant position.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

**RESOLUTION 18**

18. From Human Services Committee regarding the Appointment of Maria Maravilla to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-02, the County Executive has appointed Maria Maravilla 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 Maria Maravilla to the Kenosha County Commission on Aging. Ms. Maravilla's appointment shall be effective immediately

and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Maravilla will serve without pay as defined under Resolution 65 (1982-83). Ms. Maravilla will be filling a vacancy.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day  
Don Smitz  
William Grady  
Gordon West  
Ruth Delace Booth

#### **RESOLUTION 19**

19. From Human Services Committee regarding the Appointment of Denis Wikel to the Kenosha County Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-04, 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, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Wikel will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). He will be filling a vacant position.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day  
Don Smitz  
William Grady  
Gordon West  
Ruth Delace Booth

#### **RESOLUTION 20**

20. From Human Services Committee regarding the Re-Appointment of Jean Rumachik to the Kenosha County Long Term Care Council.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-10, the County Executive has appointed Jean Rumachik to serve on the Kenosha County Long Term Care Council; 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 Long Term Care Council 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 Jean Rumachik to the Kenosha County Long Term Care Council. Ms. Rumachik's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Rumachik will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83), and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day  
Don Smitz  
William Grady  
Gordon West  
Ruth Delace Booth

**RESOLUTION 21**

21. From Human Services Committee regarding the Appointment of Richard Guenther to the Kenosha County Long Term Care Council.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-06, the County Executive has appointed Richard Guenther to serve on the Kenosha County Long Term Care Council; 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 Long Term Care Council 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 Guenther to the Kenosha County Long Term Care Council. Mr. Guenther's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Guenther will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83), and will be succeeding Louise Alexander.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

**RESOLUTION 22**

22. From Human Services Committee regarding the Appointment of Jill Wilson to the Kenosha County Resource Center Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-09, the County Executive has appointed Jill Wilson to serve on the Kenosha County Resource Center 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 Resource Center 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 Jill Wilson to the Kenosha County Resource Center Board. Ms. Wilson's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Wilson will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be filling a vacant position.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

**RESOLUTION 23**

23. From Human Services Committee regarding the Appointment of Lauren Fox to the Kenosha County Resource Center Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-07, the County Executive has appointed Lauren Fox to serve on the Kenosha County Resource Center 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 Resource Center 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 Lauren Fox to the Kenosha County Resource Center Board. Ms. Fox's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by

the County Executive and confirmed by the County Board of Supervisors. Ms. Fox will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be filling a vacant position.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

It was moved by Supervisor O'Day to approve Resolutions 16 thru 23. Seconded by Supervisor L. Johnson.

Motion carried.

#### **RESOLUTION 24**

24. From Land Use Committee regarding Re-Appointment of Barbara K. Ford to the Kenosha County Zoning Board of Adjustments.

**WHEREAS**, pursuant to County Executive Appointment 2003/04-10, the County Executive has re-appointed Barbara K. Ford to serve on the Kenosha County Zoning Board of Adjustments; and

**WHEREAS**, the Land Use Committee has reviewed the request of the County Executive for confirmation of his re-appointment of the above-named to serve on the Kenosha County Zoning Board of Adjustments and is recommending to the County Board the approval of the re-appointment.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors confirms the re-appointment of Barbara K. Ford to the Kenosha County Zoning Board of Adjustments. Mrs. Ford's re-appointment shall be effective immediately and continue until the 30th day of June 2008 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mrs. Ford will receive a per diem along with mileage reimbursements and will be succeeding herself.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Fred R. Ekornaas

Janice D. Marrelli

#### **RESOLUTION 25**

25. From Land Use Committee regarding Re-Appointment of George D. Wundsam to the Kenosha County Zoning Board of Adjustments.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-08, the County Executive has re-appointed George D. Wundsam to serve on the Kenosha County Zoning Board of Adjustments; and

**WHEREAS**, the Land Use Committee has reviewed the request of the County Executive for confirmation of his re-appointment of the above-named to serve on the Kenosha County Zoning Board of Adjustments and is recommending to the County Board the approval of the re-appointment.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors confirms the re-appointment of George D. Wundsam to the Kenosha County Zoning Board of Adjustments. Mr. Wundsam's re-appointment shall be effective immediately and continue until the 30TH day of June 2009 or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Wundsam will receive a per diem along with mileage reimbursements and will be succeeding himself.

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 Resolutions 24 and 25. Seconded by Supervisor Ekornaas.

Motion carried.

COMMUNICATIONS

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

Chairman Elverman referred Communication 4 to the Land Use Committee.

CLAIMS

5. Regarding Lawrence Allen - injuries sustained in a motor vehicle.

6. Susan Taylor - tar damage to car.

Chairman Elverman referred Claims 5 and 6 to the Corporation Counsel.

It was moved by Supervisor Deschler to approve the June 1, 2004 minutes as

amended. Seconded by Supervisor Rose.

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

Prepared by: Pam Young  
Chief Deputy

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**July 6, 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, Huff, Wipper, Booth, Faraone, R. Johnson, Michel, Singer, Deschler, Molinaro, Wisnefski, Clark, Noble, West, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, L. Johnson, Marrelli, Gorlinski, Modory.

Excused: Supervisor O'Day.

Present. 27. Excused. 1.

**CITIZEN COMMENTS**

Bob Danbeck, 7626-27th Avenue, stated we do not need to waste more money on having another referendum for the Casino. The people already said they wanted the Casino. The County Board cannot even afford to have their meetings televised live. It's time to start listening to the taxpayers.

Eugene Potente, 408-68th Street, spoke in favor of the \$100,000.00 payment to Kemper Center Inc. and hopes that the board will pass Resolution 26 tonight.

Barbara Fonderlack, Racine, stated that she has been involved in negotiations with Kemper Center Board and County Board Members and a great relationship has developed and hopefully the board will approve Resolution 26 and release the \$100,000.00 to Kemper Center Inc.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that the 2004 directories are on the desks along with the business cards for the new supervisors.

Chairman Elverman stated that the next County Board Meeting will be July 27th due to NACo.

**SUPERVISORS REPORTS**

Supervisor Rose asked to have the Land Use Committee look into Cell Phone Towers and contracting with the Cell Phone Companies. There are fees paid for locating them on County Property and this could be a revenue enhancing device.

Supervisor Clark asked if we were going to follow the Attorney General's decision regarding comment periods at public meetings.

Frank Volpintesta, Corporation Counsel, stated that we needed to comply with the decision and seek further clarification. If you want to make a report or comment at a county board or committee meeting it must be agenda.

County Executive Appointments.

19. Connie R. Matter to serve on the Kenosha County Resource Center Board.

20. Todd Battle to serve on the Kenosha County Workforce Development Board.

21. Ruth Delace Booth to serve on the Kenosha County Human Services Board.

Chairman Elverman referred Claims 19 thru 21 to Human Services Committee.

**NEW BUSINESS**

Resolutions - one reading.

**RESOLUTION 26**

26. From Building & Grounds, Highway & Parks and Finance Committee regarding Authorization to Release \$100,000 Payment to Kemper Center Inc.

**WHEREAS**, a joint meeting of the Building and Grounds, Highway and Parks, and Finance Committees was held on June 29<sup>th</sup>, 2004 for the purpose of considering whether conditions had been met as established in the 2004 budget resolution in regard to release of the Kemper Center funds, and

**WHEREAS**, these funds have been legally appropriated in the 2004 budget, and can be released by the County Administration if the County Board declares that said conditions in regard to the release of the funds have been met, and

**WHEREAS**, by a majority vote of the Building and Grounds Committee and the Highway and Parks Committees, it was declared that the conditions have been met in accord with the 2004 Budget Resolution, and

**WHEREAS,** the Building and Grounds Committee and the Highway and Parks Committees directed the Administration to prepare a resolution authorizing the payment of \$100,000 to Kemper Center Inc. and that this resolution be submitted to the full County Board at the regularly scheduled meeting of July 6<sup>th</sup>.

**NOW, THEREFORE BE IT RESOLVED,** that the County Board does hereby affirm that the conditions placed upon the release of funds to Kemper Center inc. have been met, and that the County Administration is hereby authorized to release payment to Kemper Center Inc. of \$100,000 upon the approval of this resolution by the County Board, and upon submission of a valid voucher by the Department of Public Works to the Division of Financial Services.

Submitted by:

BUILDING & GROUNDS

Mark Molinaro, Jr.

Gordon West

Judith Rossow

Leonard Johnson

HIGHWAY & PARKS

Richard Kessler

Leonard Johnson

William Grady

FINANCE

Mark Wisnefski

Terry Rose

It was moved by Supervisor Rose to adopt Resolution 26. Seconded by Supervisor Molinaro.

It was moved by Supervisor L. Johnson to close debate. Seconded by Supervisor Kerkman.

Chairman Elverman did not recognize the question.  
Debate continued.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Gorlinski.  
Roll call vote.

Ayes: Supervisors Elverman, Grady, Rossow, Rose, Wipper, Marrelli, Booth, Modory, Faraone, R. Johnson, Michel, Singer, L. Johnson, Deschler, Wisnefski, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Huff, Carbone, Molinaro, West.

Ayes. 22. Nays. 4.

Motion carried.

Roll vote on Resolution 26.

Ayes: Supervisors Grady, Rossow, Rose, Kessler, Huff, Wipper, Marrelli, Booth, R. Johnson, Michel, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Carey-Mielke, West, Kerkman, Gorlinski, Smitz.

Nays: Supervisor Elverman, Carbone, Modory, Faraone, R. Johnson, Clark, Noble, Ekornaas.

Ayes. 20. Nays. 7.

Motion carried.

#### **RESOLUTION 27**

27. From Building & Grounds, Highway & Parks and Finance Committee regarding Kemper Center Board.

**WHEREAS,** the Kenosha County Board of Supervisors formally adopted Resolution number 8 in 1998 governing the relationship and funding between Kenosha County and the Kemper Center Board, and;

**WHEREAS,** the Kenosha County Board of Supervisors formally amended the 2004 Calendar Year budget on November 13, 2003 to include \$ 100,000 of funding for the Kemper Center and;

**WHEREAS,** the approved budget modification included language calling for a long term plan for the Kemper Center, and;

**WHEREAS,** designated representatives of the Kenosha County Board of Supervisors have been meeting with the Kemper Center Board in calendar year 2004, and;

**WHEREAS,** the three standing committees of the County Board, Highway and Parks, Building and Grounds, and Finance, met with representatives of the Kemper Board on June 29, 2004, and;

**WHEREAS,** the three committees formally directed that a Resolution governing future meeting and planning activity be submitted to the Kenosha County Board of Supervisors;

**NOW, THEREFORE, BE IT RESOLVED,** that the Kenosha County Board of Supervisors formally designates that the Standing Committees of Building and Grounds and Highway and Parks, be authorized to meet with the Kemper Center Board at times and places to be determined by the respective Committee Chairs;

**BE IT FURTHER RESOLVED**, that the Committees are charged with the authority to propose recommendations and/or modifications to the County Board of Supervisors regarding Resolution 8; the existing Kemper lease; and other documents as may be appropriately brought before the Committees. Such recommendations and/or modifications shall be submitted after consultation with the Kemper Center Board and appropriate representative (s) of the County Administration for the expressed purpose of assisting the Kemper Board in developing its long range business and strategy plans;

**BE IT FURTHER RESOLVED**, that the referenced Committee Chairs are hereby requested to issue progress reports on this matter to the County Board of Supervisors as may be deemed appropriate by the Chairs. Such reports shall be submitted so as to enable the County Board to effectively consider any annual financial support to the Kemper Center within the County Board annual budget deliberations;

Passed and Adopted by the Kenosha County Board of Supervisors, this 6th Day of July 2004.

Submitted by:

HIGHWAY & PARKS

Doug Noble

Richard Kessler

Fred Ekornaas

Leonard Johnson

Leonard Johnson

BUILDING & GROUNDS

Mark Molinaro, Jr.

Gordon West

Judith Rossow

Doug Noble

William Grady

FINANCE

Mark Wisnefski

Terry Rose

Prepared By: Fred Patrie

It was moved by Supervisor Molinaro to adopt Resolution 27. Seconded by Supervisor Wisnefski.

Roll call vote.

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

Nays: Supervisors Carbone, Faraone, R. Johnson.

Ayes. 24. Nays. 3.

Motion carried.

#### **RESOLUTION 28**

28. From Human Services Committee regarding Approval of the Appointment of Salonia Grimes to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-11, the County Executive has appointed Salonia Grimes 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 Salonia Grimes to the Kenosha County Commission on Aging. Ms. Grimes' appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Grimes will serve without pay as defined under resolution 65 (1982-83). Ms. Grimes will be filling a vacancy.

It was moved by Supervisor Grady to approve Resolution 28. Seconded by Supervisor Booth.

Motion carried.

#### **RESOLUTION 29**

29. From Human Services Committee regarding Approval of the Appointment of Dr. Steven Schwimmer to the Kenosha County Board of Health.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-12, the County Executive has appointed Dr. Steven Schwimmer to serve on the Kenosha County Board of Health, 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 Board of Health 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 Dr. Steven Sschwimmer to the Kenosha County Board of Health. Dr. Schwimmer's appointment shall be effective immediately and continuing until the 4th day of February, 2008 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Dr. Schwimmer will serve without pay as defined under resolution 65 (1982-83). Dr. Schwimmer will be succeeding himself.

It was moved by Supervisor Grady to approve Resolution 29. Seconded by Supervisor Smith.  
Motion carried.

**RESOLUTION 30**

30. From Human Services Committee regarding Approval of the Appointment of Keith Kmiecik to the Kenosha County Long Term Care Council.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-16, the County Executive has appointed Keith Kmiecik to serve on the Kenosha County Long Term Care Council, 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 Long Term Council 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 Keith Kmiecik to the Kenosha County Long Term Care Council. Mr. Kmiecik's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Kmiecik will serve without pay, but receive mileage as defined under resolution 65 (1982-83), and will be filling a vacant position.

It was moved by Supervisor Grady to approve Resolution 30. Seconded by Supervisor West.  
Motion carried.

**RESOLUTION 31**

31. From Human Services Committee regarding Approval of the Appointment of Doug Potter to the Kenosha County Workforce Development Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-17, the County Executive has appointed Doug Potter to serve on the Kenosha County Workforce Development 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 Workforce Development 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 Doug Potter to the Kenosha County Workforce Development Board. Mr. Potter's appointment shall be effective immediately and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Potter will serve without pay as defined under Resolution 65 (1982-83) and will be filling a vacancy on this Board.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

It was moved by Supervisor Grady to adopt Resolution 31. Seconded by Supervisor Booth.  
Motion carried.

**RESOLUTION 32**

**WHEREAS**, pursuant to County Executive Appointment 2004/05-14, the County Executive has appointed Richard Lenz to serve on the Kenosha County Resource Center 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 Resource Center 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 Lenz to the Kenosha County Resource Center Board. Mr. Lenz's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Lenz will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

#### **RESOLUTION 33**

**WHEREAS**, pursuant to County Executive Appointment 2004/05-15, the County Executive has appointed Phyllis Rozinski to serve on the Kenosha County Resource Center 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 Resource Center 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 Phyllis Rozinski to the Kenosha County Resource Center Board. Ms. Rozinski's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Rozinski will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

#### **RESOLUTION 34**

**WHEREAS**, pursuant to County Executive Appointment 2004/05-18, the County Executive has appointed William Letsom to serve on the Kenosha County Resource Center 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 Resource Center 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 William Letsom to the Kenosha County Resource Center Board. Mr. Letsom's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Letsom will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West  
Ruth Delace Booth

**RESOLUTION 35**

**WHEREAS**, pursuant to County Executive Appointment 2004/05-13, the County Executive has appointed Marbeth Knoff to serve on the Kenosha County Resource Center 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 Resource Center 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 Marbeth Knoff to the Kenosha County Resource Center Board. Ms. Knoff's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Knoff will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:  
HUMAN SERVICES COMMITTEE:  
John O'Day  
Don Smitz  
William Grady  
Gordon West  
Ruth Delace Booth

It was moved by Supervisor Grady to adopt Resolutions 32 thru 35. Seconded by Supervisor Smitz.  
Motion carried.

**RESOLUTION 36**

36. From Judiciary & Law Enforcement Committee regarding Activity Control License for Country Thunder 2004.

**WHEREAS**, pursuant to Chapter 8.01 of the Municipal Code of Kenosha County, the Sheriff's Department received the application of Geneva Jam. Inc for an Activity Control License for Country thunder, Randall Wisconsin, in the Town of Randall, made during the month of June 2004 was turned over to this office.

**WHEREAS**, the Sheriff's Department has reviewed the documentation of the applicant, and

**WHEREAS**, an actual physical inspection of said property indicates that all items that could be have been complied with pursuant to Chapter 9.01 of the Municipal Code of Kenosha County.

**NOW, THEREFORE, BE IT RESOLVED**, by the Kenosha County Board of Supervisors that application of an Activity control License for Country Thunder 2004 be granted to Geneva Jam for the dates of July 22, 2004 through July 25, 2004.

Submitted by:  
JUDICIARY & LAW ENFORCEMENT COMMITTEE  
James Huff  
Terry Rose  
Brenda Carey-Mielke  
William Michel II  
Deschler

It was moved by Supervisor Huff to adopt Resolution 36. Seconded by Supervisor Carey-Mielke.  
Motion carried.

**RESOLUTION 37**

37. From Judiciary & Law Committee regarding Probationary Cabaret License for Finish Line Bar.

**WHEREAS**, the application of Ivan Purnell for a probationary cabaret license for the Finish Line Bar, 2305 Lance Drive, Twin Lakes, Wisconsin, in the Town of Randall, was made during the month of June and was turned over to this office on June 21, 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 under 8.02.

**NOW, THEREFORE, BE IT RESOLVED** that because this is the initial application by the license holder, the Kenosha County Board of Supervisors grant a *probationary license* to Ivan Purnell for the Finish Line Bar.

It was moved by Supervisor Huff to adopt Resolution 37. Seconded by Supervisor Rose.

Motion carried.

#### CLAIMS

7. Regarding Wilbur W. Warren III - cars sprayed.

8. Regarding Jon Countryman - broken window.

Chairman Elverman referred Claims 7 & 8 to Corporation Counsel.

It was moved by Supervisor Ekornaas to approve the June 15, 2004 minutes. Seconded by Supervisor Clark.

Motion carried.

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

Prepared by: Pam Young  
Chief Deputy

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**July 27, 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, Huff, Wipperf, Booth, Faraone, R. Johnson, Michel, Singer, Deschler, Wisniewski, Clark, West, Kerkman, Carbone, Carey-Mielke, Smits, Ekornaas, L. Johnson, Marrelli, Gorlinski, Modory.

Excused: Supervisors Noble, O'Day, Molinaro.

Present. 25. Excused. 3.

**CITIZEN COMMENTS**

Bob Danbeck, 7626-27th Avenue, stated that the golf courses are in great shape. We do not need to waste more money on having another referendum for the Casino. The people already said they wanted the Casino. The County Board cannot even afford to have their meetings televised live for \$2,100.00. But, there is enough money for another referendum?

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that there are two vacancies on the Gateway Technical College Board. There will be ads in the Kenosha Paper explaining the vacancies and the application process on August 9, 2004.

Chairman Elverman stated that there has been a request for people to apply to be on WCA Steering Committees. The deadline is August 27th. Also, applications are being requested for the WCA Board of Directors. The deadline is also August 27th. Anyone needing a copy of the applications please contact him.

Chairman Elverman stated that on August 3rd there will be a short presentation on the Casino Project and on August 17th the County Executive will be giving his State of the County Address.

**SUPERVISORS REPORTS**

Supervisor Clark stated that at the last county board meeting there was a request for the Chairman to automatically place on the agenda something for the committee chairman's to report on what was happening at their committee meeting. He hopes to see this on the next county board agenda.

Supervisor Singer stated that the Health Insurance Financial Status Report and Golf Division Cash Basis Report was in everyone's packet.

**NEW BUSINESS**

Ordinances - one reading.

**ORDINANCE 9**

9. From Land Use Committee regarding Kenosha County Land Use Committee (Sponsor), requesting the removal of the shoreland overlay designation on six parcels of land in the Town of Paris.

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 the shoreland overlay designation on the following Tax Parcels (with ownership identified) be removed based on the determination of the Wisconsin Department of Natural Resources that the subject waterway is not navigable:

**Owners**

**Tax Parcels**

Robert J. & Katherine Emery	#45-4-221-184-0401
2002 200 <sup>th</sup> Avenue	#45-4-221-191-0200
Union Grove, WI 53182-9428	

Paula J. Sturino	#45-4-221-184-0420
Revocable Trust	
5818 80 <sup>th</sup> Place	

Kenosha, WI 53142

William T. & Diane Fliess #45-4-221-184-0200  
2515 200<sup>th</sup> Avenue  
Union Grove, WI 53182-9403

Thomas Uhlenhake #45-4-221-192-0100  
1801 216<sup>th</sup> Avenue  
Union Grove, WI 53182

Stojan & Stevenija Njegovan #45-4-221-184-0410  
1700 200<sup>th</sup> Avenue  
Union Grove, WI 53182-9428

These parcels are generally located on the west side of U.S. Highway "45" (200<sup>th</sup> Avenue) approximately 1/3 mile south of the intersection of State Trunk Highway "142" (Burlington Road), within the Town of Paris.

**Description:** The proposed shoreland area to be removed is presented in Exhibit #1, (attached).

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 10**

10. From Land Use Committee regarding Peggy J. Veicht (Seller), David M. Heiring and Ann E. Henry (Buyers), requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District in the Town of Paris.

#### **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 #45-4-221-252-0110 located in the northwest quarter of Section 25, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District (5.30 acres) to R-1 Rural Residential District. For informational purposes only, this property is located on the east side of County Trunk Highway "UE" (136<sup>th</sup> Avenue) approximately ½ mile north of the intersection of County Trunk Highway "N" (38<sup>th</sup> Street).

**Peggy J. Veicht - (Owner)**

**David M. Heiring and Ann E. Henry - (Buyers)**

**Description:** That part of the northwest quarter of Section 25, Town 2 North, Range 21 East of the Fourth Principal Meridian, and being more particular described as follows: Beginning at the northwest corner of said quarter section; thence north 89°31'48" east along the north line of said quarter section 660.01 feet; thence south 01°54'28" east parallel to the west line of said quarter section 350.00 feet; thence south 89°31'48" west parallel to the north line of said quarter section 660.01 feet to the west line of said quarter section; thence north 01°54'28" west along said west line 350.00 feet to the point of beginning. Said land lying and being in the Town of Paris, 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 11**

11. From Land Use Committee regarding Eugene and Arlene Badtke (Owners), Twelfth Street Investors, LLC (Buyer/Agent), requesting rezoning from A-1 Agricultural Preservation District to B-5 Wholesale Trade and Warehousing District in the Town of Paris.

**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 #45-4-221-132-0111 located in the northwest quarter of Section 13, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District (2.12 acres) to B-5 Wholesale Trade and Warehousing District. For informational purposes only, this property is located on the south side of County Trunk Highway "E" (12<sup>th</sup> Street) approximately ½ mile west of 120<sup>th</sup> Avenue (West Frontage Road of I-94).

**Eugene and Arlene Badtke - (Owners)**

**Twelfth Street Investors LLC – (Buyer)**

**Description:** Part of the northwest quarter of Section 13, Town 2 North, Range 21 East of the Fourth Principal Meridian, and being more particularly described as: Beginning at the northeast corner of said quarter section; thence west along the north line of said quarter south 89°38'21" west 140.00 feet; thence south parallel to the east line of said quarter section south 01°39'09" east 661.00 feet; thence east parallel to the north line of said quarter section north 89°38'21" east 140.00 feet; thence north along said east line north 01°39'09" west 661.00 feet to the point of beginning, lying and being in the Town of Paris, County of Kenosha, State of Wisconsin. Said parcel containing 2.12 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

It was moved by Supervisor Smitz to adopt Ordinances 9, 10 & 11.  
Seconded by Supervisor Gorlinski.  
Motion carried.

**ORDINANCE 12**

12. From Land Use Committee regarding Thomas and Joan Hancock, requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District in the Town of Paris.

**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 #45-4-221-212-0300 located in the northwest quarter of Section 21, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District (5.02 acres) to R-1 Rural Residential District. For informational purposes only, this property is located on the west side of County Trunk Highway "D" (176<sup>th</sup> Avenue) approximately 1 mile north of the intersection of County Trunk Highway "N" (38<sup>th</sup> Street).

**Thomas and Joan Hancock - (Owners)**

**Description:** Part of the northwest quarter of Section 21, Town 2 North, Range 21 East of the Fourth Principal Meridian; lying and being in the Town of Paris, Kenosha County, Wisconsin and being more particularly described as: Beginning at the southeast corner of said quarter section; thence north 02°07'34" west along the east line of said quarter section 300.00 feet; thence south 88°07'20" west parallel to the south line of said quarter section 771.00 feet; thence

south 02°07'34" east parallel to the east line of said quarter section 300.00 feet to the south line of said quarter section; thence north 89°07'20" east along said south line 771.00 feet to the southeast corner of said quarter section and the point of beginning; containing 5.308 acres, more or less; including highway; containing 5.020 acres, more or less; excluding highway; subject to a public highway over and across the easterly portion thereof and subject to easements and restrictions or record.

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 13**

13. Land Use Committee (Sponsor), Thomas A. and Theresa Odell (Owners), requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District in the Town of Paris.

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 #45-4-221-022-0195 located in the northwest quarter of Section 2, Township 2 North, Range 21 East, Town of Paris be changed from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the south side of County Trunk Highway "KR" (1<sup>st</sup> Street) approximately 571 feet west of the intersection of 144<sup>th</sup> Avenue.

**Land Use Committee - (Sponsor)**

**Thomas A. and Theresa Odell - (Owners)**

**Description:** Certified Survey Map No. 504, a plat of record and on file at the Kenosha County Land Registry, also including a parcel of land hereinafter described: Beginning at the northwest corner of said Certified Survey Map No. 504, which corner is also on the south line of County Trunk Highway "KR" (1<sup>st</sup> Street); thence south 88°33'40" west along and upon said south line, 2.00 feet; thence south 02°13'15" east parallel to the west line of the aforesaid Certified Survey Map No. 504, 323.00 feet; thence north 89°33'40" east parallel to the south line of said 1<sup>st</sup> Street, 2.00 feet and to the southwest corner of the aforesaid Certified Survey Map No. 504; thence north 02°13'15" west along and upon the west line of said Certified Survey Map, 323.00 feet and to the point of beginning.

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 14**

14. From Land Use Committee regarding James W. and Suzanne M. Rogers (Sellers), Harvest Homes, Jim Walters (Buyer/Agent), requesting rezoning from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District to A-2 General Agricultural District, R-1 Rural Residential District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District in the Town of Salem. The request also includes the application of a Rural Cluster Development Overlay.

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 #65-4-120-134-0100 and part of #66-4-120-241-0100 located in the southeast quarter of Section 13 and the northeast quarter of Section 24, Township 1 North, Range 20 East, Town of Salem be changed from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District to A-2 General Agricultural District, R-1 Rural Residential District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District. For informational purposes only, these parcels are located on the north side of the intersection of County Trunk Highway "C" and 98<sup>th</sup> Street.

**James W. and Suzanne M. Rogers - (Sellers)**

**Harvest Homes, Jim Walters - (Buyer/Agent)**

**Descriptions: R-1 Rural Residential District:** Part of the Southeast Quarter of Section 13 and part of the Northeast Quarter of Section 24, Town 1 North, Range 20 East of the Fourth Principal Meridian and lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southeast corner of the Southeast Quarter of said Section 13; which is also the northeast corner of the Northeast Quarter of said Section 24; thence S 88 degrees 30'33" W along the south line of the Southeast Quarter of said Section 13; which is also the north line of the Northeast Quarter of said Section 24, 1036.35 feet to the point of beginning of the lands to be herein rezoned; thence N 30 degrees 49'31" W 172.98 feet; thence S 49 degrees 57'46" W 220.00 feet; thence northwesterly 18.41 feet along the arc of a curve concave to the southwest; said curve having a central angle of 04 degrees 31'33", a radius of 233.00 feet and a chord which bears N 42 degrees 18'00" W 18.40 feet; thence N 52 degrees 42'19" W 66.00 feet; thence northwesterly 48.12 feet along the arc of a curve concave to the southwest; said curve having a central angle of 11 degrees 49'58", a radius of 233.00 feet and a chord which bears N 66 degrees 45'50" W 48.03 feet; thence N 17 degrees 19'11" E 220.00 feet; thence N 87 degrees 40'45" W 234.47 feet; thence S 62 degrees 19'24" W 234.47 feet; thence S 43 degrees 12'47" W 182.61 feet; thence S 37 degrees 08'18" W 220.70 feet; thence S 09 degrees 22'19" W 243.85 feet; thence N 83 degrees 45'30" E 220.00 feet; thence southeasterly 101.64 feet along the arc of a curve concave to the northeast; said curve having a central angle of 24 degrees 59'38", a radius of 233.00 feet and a chord which bears S 18 degrees 44'19" E 100.84 feet; thence S 58 degrees 45'52" W 220.00 feet; thence S 48 degrees 18'27" E 226.92 feet; thence S 63 degrees 29'32" E 195.14 feet; thence S 51 degrees 52'15" E 168.01 feet; thence S 52 degrees 59'34" E 100.99 feet; thence N 88 degrees 30'33" E 200.15 feet; thence N 07 degrees 13'35" E 141.03 feet; thence southeasterly 38.94 feet along the arc of a circular curve concave to the north; said curve having a central angle of 09 degrees 34'36", a radius of 233.00 feet and a chord which bears S 87 degrees 33'43" E 38.90 feet; thence N 79 degrees 30'26" E 66.00 feet; thence northeasterly 38.94 feet along the arc of a curve concave to the north; said curve having a central angle of 09 degrees 34'36", a radius of 233.00 feet and a chord which bears N 66 degrees 34'36" E 38.90 feet; thence S 28 degrees 12'42" E 180.91 feet; thence N 88 degrees 30'33" E 225.00 feet; thence N 42 degrees 15'19" E 103.72 feet; thence N 05 degrees 02'27" W 399.85 feet; thence N 43 degrees 24'02" W 199.69 feet; thence N 40 degrees 02'33" W 113.44 feet; thence N 15 degrees 22'57" W 174.46 feet; thence N 30 degrees 49'31" W 64.74 feet to the north line of the Northeast Quarter of aforesaid Section 24; which is also the south line of the Southeast Quarter of aforesaid Section 13 and the point of beginning; containing 26.21 acres, more or less; excepting therefrom all that portion of lands described as C2.

**R-1 Rural Residential District:** Part of the Southeast Quarter of Section 13, Town 1 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said quarter section; thence S 88 degrees 30'33" W along the south line of said quarter section 1036.35 feet; thence N 04 degrees 44'29" W 742.61 feet to the point of beginning of the lands to be herein rezoned; thence S 21 degrees 05'16" E 250.00 feet; thence N 51 degrees 41'45" E 271.12 feet; thence N 17 degrees

15'37" E 271.17 feet; thence N 03 degrees 52'11" W 581.13 feet; thence S 85 degrees 51'23" W 250.00 feet; thence northwesterly 270.92 feet along the arc of a curve concave to the southwest; said curve having a central angle of 74 degrees 37'38", a radius of 208.00 feet and a chord which bears N 41 degrees 27'26" W 252.17 feet; thence N 02 degrees 06'01" E 7.97 feet; thence northeasterly 39.12 feet along the arc of a curve concave to the east, said curve having a central angle of 10 degrees 19'45", a radius of 217.00 feet and a chord which bears N 07 degrees 15'54" E 39.07 feet; thence S 77 degrees 34'13" E 200.00 feet; thence N 64 degrees 28'31" E 259.97 feet; thence N 01 degrees 59'18" W 464.52 feet; thence S 86 degrees 19'21" W 440.46 feet; thence S 49 degrees 04'24" W 181.82 feet; thence S 40 degrees 55'36" E 289.51 feet; thence southwesterly 232.01 feet along the arc of a curve concave to the southeast; said curve having a central angle of 46 degrees 58'23", a radius of 283.00 feet and a chord which bears S 25 degrees 35'13" W 225.57 feet; thence S 02 degrees 06'01" W 5.33 feet; thence N 87 degrees 53'59" W 17.31 feet; thence N 02 degrees 06'01" E 220.00 feet; thence S 80 degrees 27'16" W 246.15 feet; thence S 50 degrees 50'51" W 227.63 feet; thence S 24 degrees 42'02" W 251.39 feet; thence S 10 degrees 26'02" E 265.32 feet; thence S 27 degrees 16'11" E 151.68 feet; thence N 74 degrees 45'43" E 220.00 feet; thence S 15 degrees 14'17" E 58.52 feet; thence southeasterly 42.91 feet along the arc of a curve concave to the west; said curve having a central angle of 14 degrees 43'17", a radius of 167.00 feet and a chord which bears S 07 degrees 52'38" E 42.79 feet; thence S 00 degrees 30'59" E 38.50 feet; thence S 89 degrees 29'01" W 220.00 feet; thence S 08 degrees 46'19" E 238.35 feet; thence S 37 degrees 55'48" E 234.47 feet; thence S 67 degrees 55'39" E 234.47 feet; thence N 07 degrees 04'25" E 220.00 feet; thence southeasterly 8.08 feet along the arc of a curve concave to the north; said curve having a central angle of 02 degrees 13'32", a radius of 208.00 feet and a chord which bears S 84 degrees 02'21" E 8.08 feet; thence N 85 degrees 43'10" E 66.00 feet; thence northeasterly 27.87 feet along the arc of a curve concave to the north; said curve having a central angle of 07 degrees 40'42", a radius of 208.00 feet and a chord which bears N 72 degrees 45'05" E 27.85 feet to the point of beginning; containing 28.36 acres, more or less; excepting therefrom all that portion of lands described as C2.

**A-1 Agricultural Preservation District to C-1 Lowland Resource Conservancy**

**District:** Part of the Southeast Quarter of Section 13, Town 1 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Commencing at the northwest corner of said quarter section; thence S 48 degrees 53'45" E 284.25 feet to the point of beginning of the lands to be herein rezoned; thence S 17 degrees 26'03" W 43.53 feet; thence S 07 degrees 33' 50' E 80.50 feet; thence S 27 degrees 16'42" E 30.23 feet; thence S 67 degrees 17' 26" E 65.39 feet; thence S 79 degrees 36'09" E 40.61 feet; thence N 61 degrees 11'46" E 119.99 feet; thence N 66 degrees 31'20" E 40.88 feet; thence N 48 degrees 10'24" E 52.51 feet; thence N 67 degrees 48'59" W 43.13 feet; thence S 81 degrees 52'40" W 40.34 feet; thence N 65 degrees 05'36" W 63.81 feet; thence N 47 degrees 08'58" W 31.13 feet; thence N 58 degrees 45'41" W 26.69 feet; thence N 73 degrees 37'33" W 28.89 feet; thence S 50 degrees 56'03" W 16.80 feet; thence N 79 degrees 50'04" W 32.30 feet; thence S 83 degrees 48'10" W 37.72 feet to the point of beginning; containing 0.80 acre, more or less.

**A-1 Agricultural Preservation District to C-1 Lowland Resource Conservancy**

**District:** Part of the Southeast Quarter of Section 13, Town 1 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said quarter section; thence N 80 degrees 14'17" W 1167.63 feet to the point of beginning of the lands to be herein rezoned; thence N 20 degrees 26'45" W 32.07 feet; thence N 79 degrees 27 '33" W 15.52 feet; thence S 43 degrees 03'04" W 36.99 feet; thence S 31 degrees 31'18" W 35.98 feet; thence S 23 degrees 48'42" W 60.60 feet; thence S 33 degrees 56'17" W 20.10 feet; thence S 48 degrees 52'21" E 12.99 feet; thence S 82 degrees 19'05" E 11.66 feet; thence N 74 degrees 09'43" E 19.31 feet; thence N 47 degrees 17'45" E 40.41 feet; thence N 26 degrees 12'06" E 82.87 feet to the point of beginning; containing 0.16 acre, more or less.

**C-1 Lowland Resource Conservancy District:** Part of the Southeast Quarter of Section 13, Town 1 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Commencing at the northwest corner of said quarter section; thence N 88 degrees 48'51" E along the north line of said quarter section 926.28 feet to the point of beginning of the lands to be herein rezoned; thence continue N 88 degrees 48'51" E along said north line 410.85 feet; thence S 18 degrees 00'48" E 93.61 feet; thence S 76 degrees 10'54" E 94.82 feet; thence N 74 degrees 42'54" E 61.01 feet; thence N 46 degrees 44'47" E 49.75 feet; thence N 59 degrees 08'47" E 49.30 feet; thence S 57 degrees 54'26" E 49.27 feet; thence S 28 degrees 53'31" E 61.53 feet; thence S 07 degrees 03'57" E 39.98 feet; thence S 46 degrees 33'10" W 86.32 feet; thence S 40 degrees 29'38" W 71.95 feet; thence S 47 degrees 03'15" W 44.12 feet; thence S 06 degrees 43'28" W 33.36 feet; thence S 33 degrees 36'57" W 38.31 feet; thence N 54 degrees 16'50" W 17.67 feet; thence S 56 degrees 48'28" W 48.34 feet; thence N 75 degrees 52'08" W 41.07 feet; thence S 68 degrees 07'08" W 174.98 feet; thence S 86 degrees 17'15" W 68.88 feet; thence S 66 degrees 19'15" W 33.90 feet; thence S 79 degrees 33'08" W 71.19 feet; thence S 23 degrees 02'46" E 12.21 feet; thence S 20 degrees 38'06" W 19.81 feet; thence S 32 degrees 59'39" W 54.53 feet; thence S 39 degrees 38'49" W 59.67 feet; thence S 25 degrees 08'02" E 36.69 feet; thence S 00 degrees 02'40" E 34.54 feet; thence S 32 degrees 39'56" W 75.37 feet; thence S 28 degrees 51'29" W 94.15 feet; thence S 58 degrees 06'28" W 32.06 feet; thence N 80 degrees 47'35" W 18.50 feet; thence N 57 degrees 40'45" W 46.99 feet; thence N 87 degrees 08'06" W 87.44 feet; thence S 04 degrees 36'03" W 68.92 feet; thence S 38 degrees 42'58" W 50.25 feet; thence S 56 degrees 28'20" W 69.43 feet; thence S 17 degrees 51'07" W 49.13 feet; thence S 01 degrees 40'58" E 11.57 feet; thence S 41 degrees 10'39" W 12.22 feet; thence S 06 degrees 28'28" W 15.36 feet; thence S 22 degrees 17'47" W 33.99 feet; thence S 04 degrees 00'44" W 24.44 feet; thence S 32 degrees 37'43" W 14.36 feet; thence S 71 degrees 16'01" W 29.78 feet; thence S 04 degrees 13'40" W 26.92 feet; thence S 29 degrees 58'41" W 32.52 feet; thence S 12 degrees 26'05" W 63.56 feet; thence S 70 degrees 28'05" W 26.73 feet; thence S 48 degrees 54'26" W 34.45 feet; thence S 20 degrees 41'28" W 30.04 feet; thence S 13 degrees 02'54" E 47.66 feet; thence S 38 degrees 54'26" W 63.06 feet; thence S 13 degrees 22'59" W 66.19 feet; thence S 18 degrees 46'33" E 42.80 feet; thence S 01 degrees 35'34" E 55.07 feet; thence S 05 degrees 54'43" W 44.59 feet; thence S 24 degrees 47'48" W 43.80 feet; thence S 12 degrees 42'33" W 80.09 feet; thence S 02 degrees 12'17" E 31.90 feet; thence S 46 degrees 29'50" E 33.84 feet; thence S 02 degrees 47'44" W 25.16 feet; thence S 19 degrees 43'04" W 58.31 feet; thence S 36 degrees 53'50" W 21.46 feet; thence S 58 degrees 50'25" W 27.25 feet; thence S 27 degrees 22'24" W 20.02 feet; thence S 40 degrees 03'29" W 20.02 feet; thence S 43 degrees 30'28" W 49.02 feet; thence S 17 degrees 53'43" W 19.97 feet; thence S 39 degrees 44'17" W 57.67 feet; thence S 66 degrees 19'06" W 27.47 feet; thence S 90 degrees 00'00" W 20.86 feet; thence S 76 degrees 41'17" W 23.96 feet; thence S 49 degrees 39'49" W 16.10 feet; thence S 27 degrees 42'16" W 42.23 feet; thence S 46 degrees 25'31" W 17.79 feet; thence S 65 degrees 20'41" W 24.98 feet; thence S 48 degrees 15'03" W 25.59 feet; thence S 29 degrees 35'05" W 24.33 feet; thence S 02 degrees 41'11" W 20.23 feet; thence S 27 degrees 55'00" E 32.42 feet; thence S 19 degrees 11'48" E 38.45 feet; thence S 15 degrees 32'19" W 11.80 feet; thence S 46 degrees 52'52" W 63.15 feet; thence S 25 degrees 45'47" W 27.46 feet; thence S 57 degrees 49'34" W 32.84 feet to the west line of said quarter section; thence N 01 degrees 31'00" W along said west line 51.63 feet; thence N 49 degrees 39'45" E 75.78 feet; thence N 15 degrees 20'10" W 62.89 feet; thence N 06 degrees 04'43" E 39.27 feet; thence N 30 degrees 59'20" E 48.46 feet; thence N 71 degrees 05'34" E 30.77 feet; thence N 39 degrees 45'28" E 53.45 feet; thence N 62 degrees 32'56" E 46.86 feet; thence N 75 degrees 34'11" E 56.68 feet; thence N 41 degrees 39'42" E 30.03 feet; thence N 30 degrees 41'38" E 83.09 feet; thence N 49 degrees 06'57" E 30.95 feet; thence N 28 degrees 05'46" E 28.25 feet; thence N 47 degrees 08'58" E 31.76 feet; thence N 26 degrees 35'16" E 57.60 feet; thence N 48 degrees 11'17" W 25.45 feet; thence N 14 degrees 52'22" W 42.45 feet; thence N 03 degrees 31'02" E 95.64 feet; thence N 32 degrees 51'16" E 30.90 feet; thence N 03

degrees 04'44" E 98.15 feet; thence N 08 degrees 28'46" W 56.54 feet; thence N 00 degrees 00'00" W 47.59 feet; thence N 30 degrees 31'42" E 102.58 feet; thence N 01 degrees 04'13" E 27.92 feet; thence N 22 degrees 38'25" E 33.73 feet; thence N 30 degrees 40'32" E 22.21 feet; thence N 72 degrees 51'15" E 16.80 feet; thence N 54 degrees 07'29" E 21.91 feet; thence N 76 degrees 33'52" E 11.17 feet; thence N 26 degrees 35'16" E 18.99 feet; thence N 05 degrees 56'12" E 22.85 feet; thence N 32 degrees 15'45" E 30.96 feet; thence N 01 degrees 45'19" E 42.38 feet; thence N 25 degrees 48'02" E 69.50 feet; thence N 16 degrees 52'50" W 69.03 feet; thence N 21 degrees 49'16" E 41.09 feet; thence N 28 degrees 39'02" E 39.96 feet; thence N 83 degrees 15'18" E 29.26 feet; thence N 14 degrees 56'44" E 14.62 feet; thence N 50 degrees 33'20" E 51.87 feet; thence N 27 degrees 46'54" E 10.11 feet; thence N 42 degrees 22'08" W 25.05 feet; thence N 22 degrees 06'27" W 40.39 feet; thence N 04 degrees 09'50" E 20.33 feet; thence N 38 degrees 19'04" E 17.85 feet; thence N 56 degrees 39'36" E 18.11 feet; thence N 40 degrees 26'44" E 49.62 feet; thence N 56 degrees 54'00" E 51.97 feet; thence N 10 degrees 08'04" E 41.94 feet; thence N 10 degrees 34'54" W 76.42 feet; thence N 04 degrees 38'25" E 27.36 feet; thence N 14 degrees 51'34" E 31.65 feet; thence N 72 degrees 10'37" E 20.76 feet; thence S 80 degrees 06'56" E 14.45 feet; thence S 65 degrees 00'55" E 87.59 feet; thence S 67 degrees 26'30" E 66.97 feet; thence S 56 degrees 44'10" E 32.87 feet; thence S 43 degrees 13'37" E 20.26 feet; thence N 60 degrees 29'19" E 20.95 feet; thence N 43 degrees 02'56" E 44.80 feet; thence N 20 degrees 38'09" E 31.45 feet; thence N 50 degrees 31'33" W 20.56 feet; thence S 74 degrees 59'52" W 60.45 feet; thence N 79 degrees 46'07" W 94.69 feet; thence N 65 degrees 17'40" W 32.75 feet; thence N 51 degrees 03'20" W 34.31 feet; thence N 00 degrees 00'00" W 14.47 feet; thence N 28 degrees 31'11" E 15.58 feet; thence N 46 degrees 32'09" E 21.04 feet; thence N 69 degrees 49'17" E 122.84 feet; thence N 53 degrees 55' 16" E 49.08 feet; thence N 05 degrees 44'11" E 145.17 feet; thence N 27 degrees 27'07" W 31.60 feet; thence N 17 degrees 09'53" W 60.89 feet; thence N 43 degrees 37'23" W 64.60 feet; thence N 18 degrees 35'42" W 49.05 feet to the north line of said quarter section and the point of beginning; containing 8.91 acres, more or less.

**C-1 Lowland Resource Conservancy District:** Part of the Southeast Quarter of Section 13 and part of the Northeast Quarter of Section 24, Town 1 North, Range 20 East of the Fourth Principal Meridian and lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southwest corner of the Southeast Quarter of said Section 13; which is also the northwest corner of the Northeast Quarter of said Section 24; thence N 88 degrees 30'33" E along the south line of the Southeast Quarter of said Section 13; which is also the north line of the Northeast Quarter of said Section 24, 42.07 feet to the point of beginning of the lands to be herein rezoned; thence N 40 degrees 04'34" W 48.83 feet; thence N 05 degrees 53'03" W 78.39 feet; thence S 89 degrees 20'59" E 33.21 feet; thence S 59 degrees 52' 03" E 55.38 feet; thence S 51 degrees 35'14" E 54.16 feet; thence S 69 degrees 03'20" E 45.92 feet; thence S 37 degrees 02'08" E 39.03 feet; thence S 02 degrees 10'34" W 18.05 feet; thence S 16 degrees 29'13" W 47.44 feet; thence S 32 degrees 39'03" E 37.43 feet; thence S 24 degrees 53'21" E 36.62 feet; thence S 02 degrees 28'48" W 18.86 feet; thence S 35 degrees 22'58" E 36.53 feet; thence S 13 degrees 59'28" E 28.14 feet; thence S 22 degrees 10'37" E 32.66 feet; thence S 51 degrees 52'44" E 55.90 feet; thence S 47 degrees 43'04" E 55.71 feet; thence S 55 degrees 55'05" E 29.73 feet; thence S 72 degrees 31'48" E 32.14 feet; thence N 87 degrees 07'41" E 52.07 feet; thence S 52 degrees 36'14" E 43.86 feet; thence S 64 degrees 10'53" E 68.06 feet; thence S 81 degrees 10'18" E 24.62 feet; thence N 85 degrees 37'25" E 20.49 feet; thence S 67 degrees 31'05" E 11.26 feet; thence S 78 degrees 52'58" E 24.52 feet; thence S 27 degrees 45'38" E 12.81 feet; thence S 17 degrees 07'31" W 23.58 feet; thence N 78 degrees 00'19" W 61.87 feet; thence N 56 degrees 12'27" W 19.70 feet; thence S 73 degrees 27'38" W 72.24 feet; thence N 83 degrees 28'11" W 29.46 feet; thence N 50 degrees 39'57" W 38.57 feet; thence N 25 degrees 29'16" W 56.03 feet; thence N 62 degrees 55'05" W 70.75 feet; thence N 45 degrees 17'44" W 65.97 feet; thence N 61 degrees 48'20" W 37.28 feet; thence N 18 degrees 33'12" W 76.35 feet; thence N 51 degrees 55'43" W 29.10 feet; thence N 10 degrees 07'51" E 33.94 feet; thence N 28 degrees 55'23" W 41.56 feet; thence

N 36 degrees 41'25" W 36.55 feet; thence N 44 degrees 25'31" W 30.49 feet; thence N 50 degrees 56'39" W 45.00 feet; thence S 84 degrees 28'31" W 55.56 feet; thence N 40 degrees 04'34" W 17.66 feet to the north line of the Northeast Quarter of said Section 24; which is also the south line of the Southeast Quarter of said Section 13 and the point of beginning; containing 0.76 acre, more or less.

**A-1 Agricultural Preservation District to C-2 Lowland Resource Conservancy**

**District:** Part of the Northeast Quarter of Section 24, Town 1 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Beginning at the northeast corner of said quarter section; thence S 01 degrees 29'27" E along the east line of said quarter section 585.00 feet; thence S 84 degrees 46'40" W 230.49 feet; thence N 73 degrees 03'21" W 31.62 feet; thence N 19 degrees 14'08" W 26.25 feet; thence N 07 degrees 29'59" W 95.52 feet; thence N 21 degrees 37'38" W 63.91 feet; thence N 29 degrees 49'30" W 115.88 feet; thence N 22 degrees 22'39" E 123.57 feet; thence N 37 degrees 10'08" E 160.08 feet; thence N 18 degrees 09'47" E 74.33 feet to the north line of said quarter section; thence N 88 degrees 30'33" E along said north line 180.00 feet to the northeast corner of said quarter section and the point of beginning; containing 3.83 acres, more or less.

**A-1 Agricultural Preservation District to A-2 General Agricultural District:**

All lands currently zoned A1 to be rezoned A2; except for lands currently zoned C2 and also except for lands described herein as C1 and R1; all lying and being in part of the Southeast Quarter of Section 13 and in part of the Northeast Quarter of Section 24, Town 1 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Salem, Kenosha County, 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 Ordinance 12, 13 & 14.

Seconded by Supervisor Ekornaas.

Motion Carried.

**ORDINANCE 15**

15. From Land Use Committee regarding Richard S. Manthy, Jr. requesting rezoning from B-2 Community Business District to R-3 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 #65-4-120-113-0720 located in the southwest quarter of Section 11, Township 1 North, Range 20 East, Town of Salem be changed from B-2 Community Business District to R-3 Urban Single-Family Residential District. For informational purposes only, this property is located on the north side of 84<sup>th</sup> Street approximately 0.1 miles east of the intersection of State Trunk Highway "83" (Antioch Road).

**Richard S. Manthy, Jr. - (Owner)**

**Description:** Part of the southwest ¼ of Section 11, Township 1 North, Range 20 East of the Fourth Principal Meridian, lying and being in the Town of Salem, Kenosha County, Wisconsin and being more particularly described as: Beginning at the southeast corner of Block 4 in First Addition of Salem, a plat of record in the Kenosha County Land Registry; thence south 13° east along the extension southerly of the easterly line of said block 132.77 feet and to the intersection with the center of 84<sup>th</sup> Street (formerly South Street); thence north 66°04' east along the center of 84<sup>th</sup> Street 132.53 feet to an angle point in said centerline; thence north 08° west at right angles to the southerly line of the aforesaid Block 4, 205.00 feet; thence north 32° east 67.00 feet, more or

less, and to the westerly shore of Hooker Lake; thence northwesterly along said Lake shore to the intersection with the southerly line of 83<sup>rd</sup> Street (formerly Lake Street), which intersection is north 21°40'30" west 115.09 feet from the end of the last above described course; thence south 76°41' west along the southerly line of 83<sup>rd</sup> Street, 178.00 feet more or less and to the northeast corner of the aforesaid Block 4; thence south 13° east along the easterly line of said Block 256.75 feet and to the point of beginning; containing 1.35 acres, more or less; subject to the rights of the public in and to 84<sup>th</sup> Street along the south boundary of the above described premises.

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 16**

16. From Land Use Committee regarding Armando and Theresa Covelli, requesting rezoning from A-2 General Agricultural District and 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 #81-4-223-072-0242 located in the northwest quarter of Section 7, Township 2 North, Range 23 East, Town of Somers be changed from A-2 General Agricultural District and 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 County Trunk Highway "Y" (22<sup>nd</sup> Avenue) approximately 1/3 mile south of the intersection of County Trunk Highway "A" (7<sup>th</sup> Avenue).

#### **Armando and Theresa Covelli - (Owners)**

**Description:** Part of the northwest quarter of Section 7, Town 2 North, Range 23 East of the Fourth Principal Meridian; lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southwest corner of said quarter section; thence north 01°20'04" west along the west line of said quarter section 546.00 feet; thence north 87°42'02" east parallel to the south line of said quarter section to the southwest corner of Lot 2 of Certified Survey Map No. 2317, a plat of record; and to the point of beginning of lands to be herein rezoned; thence continue north 87°42'02" east parallel to said south line and along the south line of said Lot 2, 1487.49 feet; thence north 14°22'52" east 401.36 feet; thence north 14°39'38" west 51.50 feet; thence north 14°22'52" east 39.56 feet; thence south 87°51'47" west 1601.47 feet to the easterly right-of-way line of County Trunk Highway "Y" (22<sup>nd</sup> Avenue); thence south 01°30'44" east along said right-of-way line 99.42 feet; thence north 88°29'16" east 5.00 feet; thence south 01°30'44" east 2.90 feet; thence north 88°29'16" east 100.00 feet; thence southeasterly 91.72 feet along the arc of a curve concave to the south; said curve having a central angle of 22°28'48," a radius of 233.00 feet and a chord which bears south 80°16'20" east 90.83 feet; thence south 01°30'44" east 160.88 feet to the southeast corner of Lot 1 of aforesaid Certified Survey Map No. 2317; thence south 88°29'16" west along the south line of said Lot 1, 189.09 feet to the easterly right-of-way line of aforesaid County Trunk Highway "Y" (22<sup>nd</sup> Avenue); thence south 01°30'44" east along said right-of-way line 196.29 feet to the southwest corner of aforesaid Lot 2 and the point of beginning; containing 16.167 acres, more or less.

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

Submitted by:

Donald Smitz  
Thomas J. Gorlinski  
Mark Molinaro, Jr.  
Fred R. Ekornaas  
Janice Marrelli

#### **ORDINANCE 17**

17. From Land Use Committee Achille F. and Joyce M. Infusino, requesting rezoning from A-2 General Agricultural District to R-4 Urban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District in the shoreland area 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 the shoreland area of Tax Parcel #80-4-222-231-0400 located in the northeast quarter of Section 23, Township 2 North, Range 22 East, Town of Somers be changed from A-2 General Agricultural District to R-4 Urban 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 47<sup>th</sup> Avenue approximately ¼ mile south of the intersection of County Trunk Highway "L" (18<sup>th</sup> Street).

**Achille F. and Joyce M. Infusino - (Owners)**

**Description:** Exhibit #1 (attached).

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 15, 16 & 17.  
Seconded by Supervisor Marrelli.

Motion carried.

#### **ORDINANCE 18**

18. From Land Use Committee Land Use Committee (Sponsor), Kevin and Laurie McDonald (Owners), requesting rezoning from A-4 Agricultural Land Holding District, R-2 Suburban Single-Family Residential District and R-3 Urban Single-Family Residential District to R-2 Suburban 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 #80-4-222-162-0540 located in the northwest quarter of Section 16, Township 2 North, Range 22 East, Town of Somers be changed from A-4 Agricultural Land Holding District, R-2 Suburban Single-Family Residential District and R-3 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District. For informational purposes only, this property is located on the east side of County Trunk Highway "H" (88<sup>th</sup> Avenue) approximately ¼ mile south of the intersection of County Trunk Highway "E" (12<sup>th</sup> Street).

**Land Use Committee - (Sponsor)**

**Kevin and Laurie McDonald - (Owners)**

**Description:** Certified Survey Map No. 1443, recorded in the Office of the Register of Deeds for Kenosha County, Wisconsin on February 27, 1991 in Volume 1430 of Records, Page 601, as Document No. 860522, and being part of the Northwest ¼ of Section 16, Township 2 North, Range 22 East and lying and being in the Town of Somers, Kenosha County, Wisconsin.

In addition: Part of the northwest ¼ of Section 16, Township 2 North, Range 22 East, lying and being more particularly described as: Beginning on the West

line of said ¼ section at a point north 01°06'53" west 1168.86 feet from the southwest corner of said ¼ section; thence north 01°06'53" west along said west line 76.20 feet to the southwest corner of Certified Survey Map No. 1443; thence north 88°53'07" east along the south line of said Certified Survey Map 188.00 feet to the southeast corner of said Certified Survey Map; thence north 01°06'53" west along the east line of said Certified Survey Map 130.34 feet to the northwest corner of said Certified Survey Map and to a point which is 49.50 feet to the north line of the southwest ¼ of said ¼ section; thence south 89°41'41" east parallel to said north line 206.30 feet; thence south 01°06'53" east parallel to the west line of said ¼ section 201.43 feet; thence south 88°53'07" west at right angles to the west line of said ¼ section 394.24 feet to said west line and to the point of beginning, and lying and being in the Town of Somers, Kenosha County, Wisconsin.

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

Submitted by:

Donald Smitz

Thomas J. Gorlinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

#### **ORDINANCE 19**

19. From Land Use Committee Edward R. Kotrba, requesting rezoning from C-1 Lowland Resource Conservancy District to A-2 General Agricultural 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 #95-4-119-122-0351 located in the northwest quarter of Section 12, Township 1 North, Range 19 East, Town of Wheatland be changed from C-1 Lowland Resource Conservancy District to A-2 General Agricultural District. For informational purposes only, this property is located on the west side of County Trunk Highway "W" (Fox River Road) approximately ¼ mile south of the intersection of 73<sup>rd</sup> Street.

**Edward R. Kotrba - (Owner)**

**Description:** As presented in Exhibit #1, attached.

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 17 & 18. Seconded by Supervisor Gorlinski.

Motion carried.

Resolutions - one reading.

#### **RESOLUTION 38**

38. From Finance Committee regarding Authorizing Kenosha County's Participation in the Wisconsin Small Cities Community Development Block Grant-Emergency Assistance Housing Program.

**WHEREAS**, Federal monies are available under the Wisconsin Small Cities Community Development Block Grant-Emergency Assistance housing program (CDBG-EAP), administered by the State of Wisconsin, Department of Commerce, Bureau of Housing, for the purpose of housing activities; and

**WHEREAS**, after public meeting and due consideration, the Kenosha County Finance Committee has recommended that an application be submitted to the State of Wisconsin for the following project.

A CDBG-EAP application in an amount not to exceed \$5000,000. The grant would be used to: 1) acquire and demolish approximately five residential properties located in the 100-year recurrence interval floodplain of the

Fox River, 2) fund Kenosha County Housing Authority staff costs attendant to grant administration.

**WHEREAS**, it is necessary for the Kenosha County Board of Supervisors, to approve the preparation and filing of an application for the County to receive funds from this program; and

**WHEREAS**, the Kenosha County Board of Supervisors has reviewed the need for the proposed project and the benefits to be gained therefrom.

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of supervisors does approve and authorize the County Executive to prepare and file an emergency application for funds under this program in accordance with this resolution.

**BE IT FURTHER RESOLVED**, that the Kenosha County Executive is hereby authorized to sign all necessary documents on behalf of the County

It was moved by Supervisor Carbone to adopt Resolution 38. Seconded by Supervisor Rose.

Motion carried unanimously.

#### **RESOLUTION 39**

39. From Finance Committee regarding Providing for the Sale of Not to Exceed \$3,100,000 General Obligation Promissory Notes.

**WHEREAS**, on November 13, 2003, the County Board of Supervisors of Kenosha County, Wisconsin (the "County") adopted a resolution entitled "Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$3,100,000" (the "Initial Resolution") for the public purpose of paying the cost of constructing, improving and renovating various County buildings and sites; constructing, improving and extending highways and roads; and acquiring land and/or interests in land, equipment, vehicles, furnishings and fixtures (the "Project");

**WHEREAS**, the County Board of Supervisors hereby finds and determines that the Project is within the County's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b) of the Wisconsin Statutes;

**WHEREAS**, counties are authorized by the provisions of Section 67.12(12) of the Wisconsin Statutes to borrow money and to issue general obligation promissory notes for such purposes; and,

**WHEREAS**, the County Board of Supervisors of the County hereby finds and determines that general obligation promissory notes in an amount not to exceed \$3,100,000 for the purpose authorized in the Initial Resolution should be issued, 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 Notes. For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12) of the Wisconsin Statutes, a principal amount not to exceed THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000) from a purchaser to be determined by competitive sale (the "Purchaser").

Section 2. Sale of the Notes. 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 promissory notes aggregating a principal amount not to exceed THREE MILLION ONE HUNDRED THOUSAND DOLLARS (\$3,100,000) (the "Notes"). The County shall offer the Notes for public sale on or about August 3, 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 Notes.

Section 4. Award of the Notes. Following receipt of bids for the Notes, the County Board of Supervisors shall consider taking further action to provide the details of the Notes; to award the Notes to the lowest responsible bidder therefor; and to levy a direct annual irrepealable tax sufficient to pay the

principal of and interest on the Notes 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. Adopted and recorded this 27th day of July, 2004.

It was moved by Supervisor Carbone to adopt Resolution 39. Seconded by Supervisor Faraone.

Roll call vote.

Ayes: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Huff, Wipper, Booth, Faraone, R. Johnson, Michel, Singer, Wisnefski, Clark, West, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, L. Johnson, Marrelli, Gorlinski, Modory.

Nays: None.

Abstain: Supervisor Deschler.

Ayes. 23. Nays. 0. Abstain. 1.

Motion carried.

#### **COMMUNICATIONS**

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

It was moved by Chairman Elverman to refer Communication 5 to Land Use Committee.

#### **CLAIMS**

9. Regarding Violet M. Decker - car damage.

10. Regarding Gary Ruud - car damage.

Chairman Elverman referred Claims 9 & 10 to Corporation Counsel.

It was moved by Supervisor Faraone to approve the July 6, 2004 minutes. Seconded by Supervisor Rose.

Motion carried.

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

Motion carried and the meeting adjourned at 8:00 P.M.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**August 3, 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, Booth, Faraone, R. Johnson, Michel, Singer, Deschler, Wisnefski, Clark, West, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, L. Johnson, Marrelli, Gorlinski, Modory, Noble, O'Day, Molinaro.

Excused: Supervisor Huff.

Present. 27. Excused. 1.

It was moved by Supervisor Molinaro to move Resolution 40 to the first item of business. Seconded by Supervisor Wisnefski. Motion carried.

**RESOLUTION 40**

40. From Finance Committee awarding the Sale of \$3,1000,000 General Obligation Promissory Notes, Series 2004B; Providing the Form of the Notes; and Levying a Tax in Connection Therewith. On file in the County Clerk's Office.

It was moved by Supervisor Carbone to adopt Resolution 40. Seconded by Supervisor Rose. Roll call vote.

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

Nays: None.

Abstain: Supervisor Deschler.

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

Motion carried.

It was moved by Supervisor Molinaro to move County Executive Appointment 22 to the second item of business. Seconded by Supervisor Faraone. Motion carried.

**APPOINTMENT 22**

22. Robert Riedl to serve as Director of the Kenosha County Division of Personnel Services.

Chairman Elverman referred Appointment 22 to the Administration Committee.

Presentation by The Menominee Indian Tribe of Wisconsin. Menominee Tribe Overview. They are indigenous to Wisconsin, located in Keshena on 234,000 acres with ancestral ties to Kenosha. The reservation was established in 1854 and is governed by a nine-member Legislature with 8,100 tribal members. Their plan is to have a Casino with slot machines and table games, 5,000-seat entertainment venue, casual and fine dining, luxury hotel and spa, conference facilities, retail shops, covered parking, possible indoor waterpark and Dairyland Greyhound Park operations remain. Thousands of added jobs-direct and indirect. Millions of dollars in Compensation to the City and County. Increased Tourism and top-name entertainment. Operations to begin Spring 2006. This would be a premier entertainment venue in Kenosha. They are looking at building a long-term partnership with the City and County of Kenosha. The Mohegan Tribe received federal recognition in 1994 with 1,600 members located in southeastern Connecticut. Indian gaming contributes more to the general fund for the State of Connecticut than all other corporations in the state combined and employs over 10,000 people. The Mohegan Tribe has spent millions of dollars on highway upgrades and infrastructure, including a region-wide water management plan. Millions purchased in products and services from Connecticut companies. Contributions and donations to local agencies including hospitals, senior

center and local civic activities. The Menominee Tribe approached the Mohegan Tribe about an investment opportunity, providing development services to the Menominee Tribe and lending its "expertise" to the development including assisting with land into trust application, conceptual design and financing arrangements. Dennis M. Troha, the developer, born in Kenosha with 30 years of employment in Kenosha, controlling shareholder in JHT Holdings, Inc., Transportation industry. Kenosha Auto Transport. The current "Three-Legged Stool" involves the Menominee Tribe, the project owner and primary beneficiary and pays \$40.5 million for Dairyland Greyhound Park. The Mohegan Tribe will lend expertise and financial support and possible 7-year mentor/manager and the Developer will be providing local insight. The highest and best use of this site today is gaming.

#### **CITIZEN COMMENTS**

Numerous citizens spoke regarding the Proposed Entertainment Center and Casino. Those supporting a proposal by the Menominee Tribe and those opposing the proposal. Over 2,350 signatures supporting a November 2, 2004 advisory referendum on the proposed casino in Kenosha County was given to Chairman Elverman.

#### **ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that there are two vacancies on the Gateway Technical College Board. There will be ads in the Kenosha Paper explaining the vacancies and the application process on August 9, 2004. The deadline is August 25, 2004.

Chairman Elverman stated that there was a letter placed on everyone's desk from Bob Danbeck.

#### **SUPERVISORS REPORTS**

Supervisor Clark updated the board on the progress of the Intergovernmental Agreement and some of the things that are happening. The governments involved are engaging a outside CPA firm to do some due diligence on the figures. They are not just accepting numbers and this is really important. The Mohegan Tribe made a presentation last week. He was very impressed by the management team and their track record since 1996.

Supervisor Carey-Mielke spoke regarding University of Wisconsin Extension. Barb Larsen is the new Horticulture Agent and the 4-H Youth Development position is vacant. The job will be posted until August 18th.

Supervisor Noble stated that on Thursday the stop signs and warning signs were put up at Highway 158.

#### **NEW BUSINESS**

##### **RESOLUTION 41**

41. From Supervisor Rose regarding an Advisory Referendum Placed on the Ballot Regarding Casino Gambling in Kenosha.

**WHEREAS**, the Menominee Tribe of Wisconsin has expressed an interest in operating a gambling casino at Dairyland Park and on surrounding property, and

**WHEREAS**, the Menominee Indian Tribe has sought County Board support for such a casino, and

**WHEREAS**, a referendum would give voters the opportunity to express their opinion on this important issue.

**NOW, THEREFORE, BE IT RESOLVED** that an advisory referendum be placed on the November 2, 2004 ballot to advise the County Board as to community support or disapproval for such a gambling casino.

**BE IT FURTHER RESOLVED** that said advisory referendum read as follows: Should the Kenosha County Board of Supervisors support a proposal to allow casino gambling within Kenosha County?

**BE IT FURTHER RESOLVED** that the Corporation Counsel's Office fulfill its statutory obligations with respect to drafting an explanation of the above referendum question and that the Clerk be directed to place said question and explanation on the November 2, 2004 ballot.

Submitted by:

Supervisors Rose, Rossow, Delace-Booth, West, O'Day, Deschler, Wipper, Carey-Mielke, Wisniewski, Marrelli.

It was moved by Supervisor Rose to adopt Resolution 41. Seconded by Supervisor Wisnefski.

It was moved by Supervisor Modory to amend Resolution 41 by having the Advisory Referendum read as follows: Should the Kenosha County Board of Supervisors be advised to support a proposal by the Menominee Indian Tribe of Wisconsin to operate an Indian Gaming Casino and Entertainment Center at Dairyland Greyhound Park in the City of Kenosha. A **YES** vote means that the Kenosha County Board of Supervisors is advised to support the proposal of the Menominee Indian Tribe of Wisconsin to operate an Indian Gaming Casino and Entertainment Center at Dairyland Greyhound Park in the City of Kenosha.

A **NO** vote means that the Kenosha County Board of Supervisors is advised not to support the proposal of the Menominee Indian Tribe of Wisconsin to operate an Indian Gaming Casino and Entertainment Center at Dairyland Greyhound Park in the City of Kenosha. Seconded by Supervisor Clark.

Roll call vote.

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

Nays: Supervisors Kessler, West.

Ayes. 25. Nays. 2

Motion carried.

Roll call vote on Resolution 41 as amended.

Ayes: Supervisors Grady, Rossow, Rose, Wipper, Marrelli, Booth, O'Day, Deschler, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski.

Nays: Supervisors Elverman, Kessler, Carbone, Modory, Faraone, R. Johnson, Michel, Singer, L. Johnson, Molinaro, Smitz, Ekornaas.

Ayes. 15. Nays. 12.

Motion carried.

#### **CLAIMS**

11. Regarding Mark Hansen - car damage.

Chairman Elverman referred Claim 11 to Corporation Counsel.

It was moved by Supervisor Gorlinski to approve the amended July 27, 2004 minutes. Seconded by Supervisor Rose.

Motion carried.

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

Motion carried and the meeting adjourned at 11:30 P.M.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**September 7, 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, Booth, Faraone, R. Johnson, Michel, Singer, Deschler, Wisnefski, Clark, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, Noble, O'Day, Molinaro.

Excused: Supervisor Huff, West, Gorlinski, L. Johnson.

Present. 24. Excused. 4.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that there will be a tour of Services and Facilities for Disability Services on Thursday September 9th.

Chairman Elverman stated that on September 15TH at 5:00 p.m. himself and the County Board Chairman's of Racine and Walworth Counties interviewing eight candidates for the Gateway Technical College Board. There are two seats vacant for Kenosha County. Also, on the 15TH we will be closing on the Silver Lake Garage Property with the Village of Silver Lake.

Chairman Elverman stated that the Wisconsin Counties Association Convention dates are September 26TH - 28TH in Milwaukee. The Wisconsin Counties Utilities Tax Association is interested in knowing how many would be attending their breakfast at 7:30 a.m. on the 28TH. A show of hands indicated that five supervisors would be attending.

**SUPERVISORS REPORTS**

Supervisor Rose questioned the scheduling of reports under the agenda item known as Supervisor Reports. Supervisor Reports appears to have been eliminated due to the Attorney General's opinion. The Legislative Committee is currently looking into this.

Supervisor Noble reported that he had an initial meeting as standing committee chairperson with Kemper Center and gave them information on how to bring their proposals to the County Board.

Supervisor Carey-Mielke stated that regarding Extension Education Committee will be meeting Monday, September 20TH at the Kenosha County Center Building to review applications for the Horticulture vacancy.

Supervisor Molinaro stated that he would like to go back to business as usual and ignore the Attorney General's decision but he has to leave that up to Corporation Counsel. An up date on the former Human Services Building - it is almost gone. Also, on October 12TH at 6:00 p.m. at the Somers Town Hall, prior to the Somers Town Meeting he will be having a district meeting for Town of Somers. He will try and get information regarding the Casino and any other issues anyone would like to discuss.

**County Executive Appointments**

23. Kathleen M. Frederick to serve on the Kenosha County Commission on Aging.

24. Ruth DeLace Booth to serve on the Kenosha County Commission on Aging.

Chairman Elverman referred County Executive Appointments to Human Services Committee.

**NEW BUSINESS**

**COMMUNICATION**

6. From Jean A. Morgan, City Clerk-Treasurer regarding Annexation of 140.403 acres of land from the Town of Somers.

Chairman Elverman referred Communication 6 to Land Use.

**CLAIMS**

14. Regarding Tomislav and Nada Djakovic - property flooded due to County engineers.

Chairman Elverman referred Claim 14 to Corporation Counsel.

It was moved by Supervisor Kessler to approve the August 17, 2004 minutes as amended. Seconded by Supervisor Wisnefski.  
Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Smitz.  
Motion carried and the meeting adjourned at 7:45 P.M.

Prepared by: Pam Young  
Chief Deputy  
Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**September 21, 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, Booth, Faraone, R. Johnson, Michel, Singer, Deschler, Wisnefski, Clark, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, Noble, O'Day, Molinaro, Huff, Gorlinski, L. Johnson.

Excused: Supervisor West.

Present. 27. Excused. 1.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that the youth football programs out in the western end is quite an extensive program. He went by Fox River Park, Highway F you would see hundreds of families out there. This is our county parks in use.

Chairman Elverman reminded everyone that on the September 28TH at 7:00 P.M. there will be a Committee of the Whole Meeting to discuss the Casino Intergovernmental Agreement.

Chairman Elverman stated that on September 15th at 5:00 p.m. himself and the County Board Chairman's of Racine and Walworth Counties interviewed and nominated two candidates for the Gateway Technical College Board. One was Supervisor Leonard Johnson's wife Patricia.

Chairman Elverman reminded everyone about the Wisconsin Counties Association Convention dates are September 26th - 28th in Milwaukee.

**SUPERVISORS REPORTS**

Supervisor R. Johnson announced that the Legislative Committee will meet next Tuesday at 6:00 P.M. prior to the Committee of the Whole.

Supervisor Noble stated that tentatively the Highway & Parks Committee will have a 6:00 P.M. meeting and part of the meeting will be to see a demonstration of boarder collies being used to assist in controlling the geese problem at Brighton Dale Golf Course. Watch for it on the blue agenda.

Supervisor Carey-Mielke stated that the Extension Education Committee met Monday, September 20th at the Kenosha County Center Building to interview candidates for the position of 4-H Agent. The position now requires a Bachelors degree not a Masters to promote more candidates. The position has been offered to one candidate and if that candidate accepts the offer they will announce who it is. Also, reviewed was the yearly contract with the University of Wisconsin and it has been signed.

Supervisor Molinaro stated that Building & Grounds did not have the regular scheduled meeting last week for lack of a quorum. The 52nd Street property is almost all cleared. What to do with the property still has to be discussed. The closing on the Silver Lake Property was done on the 15th of this month. Also, there is a Town Meeting scheduled in the Town of Somers with himself and Supervisor Wisnefski on October 12th at 6:00 P.M. to discuss the casino.

Supervisor Gorlinski reported on the trip to New London County, Connecticut. The focus of this investigation was to gather information from local citizens, segments of local government and its employees relative to the effects and impact of the Mohegan Sun Casino. They talked to no elected officials. The report was given to every supervisor first. He just completed the report the day before.

Supervisor Huff stated that he was thoroughly impressed with the information that they received regarding the casino. Everyone was more than helpful. Please read the report. We need to stay ahead of the game.  
County Executive Appointments

25. Linda Weiss to serve on the Kenosha County Board of Health.

Supervisor Elverman referred County Executive Appointment 25 to the Human Services Committee.

NEW BUSINESS

Ordinances - one reading.

#### ORDINANCE 31

31. From Land Use Committee regarding Becker Revocable Trust, Donald E. and Jean Becker Trustees (Sellers), Richard and Brenda Edwards (Buyers), requesting rezoning from A-2 General Agricultural District to R-1 Rural Residential District in the Town of Randall.

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 #60-4-119-274-0200 located in the southeast quarter of Section 27, Township 1 North, Range 19 East, Town of Randall be changed from A-2 General Agricultural District to R-1 Rural Residential District. For informational purposes only, this property is located on the east side of 347<sup>th</sup> Avenue approximately 400 feet north of the intersection of County Trunk Highway "HM" (116<sup>th</sup> Street).

**Becker Revocable Trust, Donald E. and Jean Becker, Trustees - (Sellers)**  
**Richard and Brenda Edwards - (Buyers)**

**Description:** That part of the southeast quarter of the southeast quarter of Section 27, Township 1 North, Range 19 East of the Fourth Principal Meridian, Town of Randall, Kenosha County, Wisconsin, described as follows: Beginning at the northeast corner of Lot "C" of Kenosha County Certified Survey Map #331, being part of the southeast quarter of Section 27, Township 1 North, Range 19 East of the Fourth Principal Meridian, Town of Randall, Kenosha County, Wisconsin, according to the recorded plat thereof on file and of record in the Office of the Register of Deeds for Kenosha County, Wisconsin, recorded July 9, 1976 in Volume 966 of Records, Page 58 and 59, as Document Number 602617; thence east along the easterly extension of the north line of said Lot "C" 30.00 feet; thence south 00°14' east parallel with the east line of said Lot "C" 476.71 feet to the intersection with the easterly extension of the south line of said Lot "C"; thence east 30.00 feet to the southeast corner of said Lot "C"; thence north 00°14' west along the east line of said Lot "C" 476.71 feet to the point of beginning.

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 32

32. From Land Use Committee regarding Edward C. and Denise D. Gillmore, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Bristol.

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 #35-4-121-233-0402 located in the southwest quarter of Section 23, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District. For informational purposes only, this property is located on the north side of County Trunk Highway "Q" (104<sup>th</sup> Street) approximately 0.6 miles west of the intersection of County Trunk Highway "U" (136<sup>th</sup> Avenue).

**Edward C. and Denise D. Gillmore - (Owners)**

**Descriptions:** Part of the southwest quarter of Section 23, Town 1 North, Range 21 East of the Fourth Principal Meridian, lying and being in the Town of Bristol, Kenosha County, Wisconsin and being more particularly described as:

Commencing at the southeast corner of said quarter section; thence south 89°23'31" west along the south line of said quarter section 1061.34 feet; thence north 02°10'50" west parallel to the west line of the east half of said quarter section 360.00 feet to the point of beginning of the parcel to be herein described; thence continue north 02°10'50" west parallel to said west line 2280.63 feet to the north line of said quarter section; thence south 89°24'08" west along said north line 220.00 feet to the west line of the east half of said quarter section; thence south 02°10'50" east along said west line 2280.67 feet; thence north 89°23'31" east parallel to the south line of said quarter section 220.00 feet to the point of beginning; containing 11.51 acres, more or less and subject to easements and restrictions of record.

**In addition:** Commencing at the southeast corner of said quarter section; thence south 89°23'31" west along the south line of said quarter section 470.00 feet to the point of beginning; thence continue south 89°23'31" west along said south line 591.34 feet; thence north 02°10'50" west parallel to the west line of the east half of said quarter section 2640.63 feet to the north line of said quarter section; thence north 89°24'08" east along said north line 363.52 feet; thence south 02°11'46" east parallel to the east line of said quarter section 2353.28 feet; thence north 89°23'31" east parallel to the south line of said quarter section 227.11 feet; thence south 02°11'46" east parallel to the east line of said quarter section 287.30 feet to the south line of said quarter section and the point of beginning; subject to a public road over and across the southerly portion thereof; containing 23.54 acres, more or less including road; 23.09 acres, more or less excluding road and subject to easements and restrictions of record.

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 31 & 32. Seconded by Supervisor Molinaro.  
Motion carried.

### **ORDINANCE 33**

33. From Land Use Committee regarding The Reserve LLC, Stephen R. Mills (Developer), requesting rezoning from C-2 Upland Resource Conservancy District to C-1 Lowland Resource Conservancy District and From C-1 Lowland Resource Conservancy District to C-2 Upland Resource Conservancy District as well as the application of a PUD Planned Unit Development Overlay 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 #65-4-120-044-0100 located in the southeast quarter of Section 4, Township 1 North, Range 20 East, Town of Salem having existing C-2 Upland Resource Conservancy District be changed to C-1 Lowland Resource Conservancy District in specific areas identified in Exhibit 1, attached to reflect actual field conditions with the remainder of the property retaining the C-2 Upland Resource Conservancy District. Furthermore, this parcel shall have a Planned Unit Development Overlay District applied. The petitioner requests development of single-family residential condominiums for "The Reserve" Condominium project. For informational purposes only, this property is located on the north side of State Trunk Highway "50" (75<sup>th</sup> Street) approximately 0.6 miles west of the intersection of State Trunk Highway "75."

**The property is owned by The Reserve LLC, Stephen R. Mills, (Developer)**

The petitioners would be responsible for compliance with their testimony given at the August 11, 2004, Land Use Committee public hearing, whereby assurances

were given, exhibits were presented, information explained, all which are now part of the record, along with complying with the application and various site plans previously filed with the county.

In addition, the petitioner is responsible for compliance with conditions as requested by the Department of Planning and Development, which were agreed to by the petitioner at the November 15, 2001, public hearing. These conditions are hereby referenced to as Exhibit 2, and are made part of this ordinance (on file in the Department of Planning and Development).

The petitioner also is responsible for compliance with the PUD Planned Unit Development Overlay District conditions as outlined in Section 12.26-4(a-o) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

A public hearing was held on August 11, 2004, by the Land Use Committee for the purpose of receiving evidence, taking testimony, and reviewing recommendations presented. At that time, a favorable recommendation was given to the zoning request for the application of a Planned Unit Development Overlay District for the Carrington Court Condominium Development project by the Land Use Committee on the property as described below.

**General Description:** Being a part of the northeast  $\frac{1}{4}$  and southeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 4, Township 1 North, Range 20 East, Town of Salem, Kenosha County, Wisconsin, more particularly described as follows: Beginning at the northeast corner of said southeast  $\frac{1}{4}$ , said point also being the point of beginning; thence south 02°04'40" east, along the east line of said southeast  $\frac{1}{4}$ , a distance of 2,468.79 feet; thence south 89°47'15" west, a distance of 834.62 feet; thence south 88°24'52" west, a distance of 153.09 feet; thence north 02°04'37" west, a distance of 2,452.09 feet to the north line of said southeast  $\frac{1}{4}$ ; thence north 88°36'20" east, along said north line, a distance of 987.30 feet to the point of beginning. Containing 2,427,528 square feet or 55.7284 acres, more or less.

**Rezoning from C-2 Upland Resource Conservancy District to C-1 Lowland Resource Conservancy District is presented in Exhibit 1.**

**Rezoning from C-1 Lowland Resource Conservancy District to C-2 Upland Resource Conservancy District for the driveway presented as follows:** Being a part of the northeast  $\frac{1}{4}$  and southeast  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of Section 4, Township 1 North, Range 20 East, Town of Salem, Kenosha County, Wisconsin, more particularly described as follows: Commencing at the northeast corner of said southeast  $\frac{1}{4}$ ; thence south 02°04'40" east, along the east line of said southeast  $\frac{1}{4}$ , a distance of 1,961.34 feet; thence south 87°55'20" west, a distance of 260.44 feet to the point of beginning; thence south 52°32'38" east, a distance of 215.27 feet; thence south 37°06'43" west, a distance of 50.00 feet; thence north 52°53'17" west, a distance of 207.58 feet; thence north 28°35'03" east, a distance of 51.87 feet to the point of beginning. Containing 10,705 square feet or 0.2458 acres, more or less.

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 Ordinance 33. Seconded by Supervisor Marrelli.

Roll call vote.

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

Nays: None.

Abstain: Supervisor Clark.

Ayes. 26. Nays. 0. Abstain. 1.  
Motion carried.

**ORDINANCE 34**

34. From Land Use Committee regarding Clarence J. and Mary R. Daniels (Owners), Lon Wienke (Agent), requesting rezoning from A-1 Agricultural Preservation District to B-4 Planned Business 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 #95-4-219-353-0200 located in the southwest quarter of Section 35, Township 2 North, Range 19 East, Town of Wheatland be changed from A-1 Agricultural District to B-4 Planned Business District (4.9 acres). For informational purposes only, this property is located on the northwest corner of the intersection of State Trunk Highway "50" and "83."

**Clarence J. and Mary R. Daniels - (Owners)**

**Lon Wienke - (Agent)**

**Description:** That part of the southeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 35, Township 2 North, Range 19 East, Town of Wheatland, Kenosha County, State of Wisconsin, described as follows: Commencing at the southeast corner of the southwest  $\frac{1}{4}$  of said Section 35; thence north  $01^{\circ}36'20''$  west along the east line of said southwest  $\frac{1}{4}$ , 132.06 feet to the easterly extension of the north right-of-way line of State Trunk Highway 50; thence north  $86^{\circ}09'51''$  west, along said extension line, 192.15 feet to the intersection of said north line of State Trunk Highway 50 and the east right-of-way line of State Trunk Highway 83 also being the point of beginning; thence continuing north  $86^{\circ}09'51''$  west along said north line, 175.70 feet to the non-tangent point of curvature of a 2421.83 foot radius curve to the left having a long chord of 460.19 feet bearing north  $78^{\circ}52'59''$  west; thence northwesterly along the arc of said curve and said north line 460.88 feet; thence north 329.41 feet to the non-tangent point of curvature of a 267.00 foot radius curve to the left having a long chord of 105.57 feet bearing south  $78^{\circ}35'53''$  east; thence southeasterly along the arc of said curve 106.27 feet; thence east, 309.82 feet to the point of curvature of a 49.00 foot radius curve to the left having a long chord of 21.84 feet bearing north  $77^{\circ}07'27''$  east; thence northeasterly along the arc of said curve 22.02 feet; thence north  $64^{\circ}14'54''$  east, 6.24 feet; thence north  $07^{\circ}56'13''$  east, 76.88 feet; thence north  $64^{\circ}49'41''$  east, 10.00 feet to the west right-of-way line of State Trunk Highway 83; thence south  $25^{\circ}10'19''$  east along said west line 308.70 feet to the point of curvature of a 460.87 foot radius curve to the right having a long chord of 161.01 feet bearing south  $15^{\circ}06'45''$  east; thence southeasterly along the arc of said curve 161.84 feet; thence south  $05^{\circ}47'14''$  west along said west line, 62.48 feet to the point of beginning. This parcel contains 4.91 acres more or less.

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

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Thomas J. Gorklinski

Mark Molinaro, Jr.

Fred R. Ekornaas

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinance 34. Seconded by Supervisor Marrelli.

Motion carried.

Resolutions - one reading.

**RESOLUTION 47**

47. From Administration Committee regarding Approval of the Appointment of Robert J. Riedl to serve as Director of the Division of Personnel Services.

**WHEREAS**, pursuant to County Executive Appointment #2004/05-22, the County Executive has appointed Robert J. Riedl to serve as the Kenosha County Director of the Division of Personnel Services, and

**WHEREAS**, the Administration Committee has reviewed the County Executive's request for review and approval of his appointment of the above named to serve in this position and is recommending to the County Board the approval of this appointment.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors approve the appointment of Robert J. Riedl to serve as the Director of the Division of Personnel Services immediately upon passage of this resolution. Mr. Riedl will be placed in Range K of the Non-Represented Pay Plan at an annual salary of \$76, 850 and will be succeeding Brooke Koons.

Submitted by:

ADMINISTRATION COMMITTEE

David Singer

Joseph Clark

Thomas Kerkman

Anita Faraone

Janice Marrelli

It was moved by Supervisor Singer to adopt Resolution 47. Seconded by Supervisor Faraone.

Motion carried.

#### **RESOLUTION 48**

48. From Human Services Committee regarding Approval of the Appointment of Supervisor Ruth Delace Booth to the Human Services Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-21, the County Executive has appointed Supervisor Ruth Delace Booth 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 Ruth Delace Booth to the Kenosha County Human Services Board. Supervisor Booth's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Supervisor Booth will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). Supervisor Booth will be succeeding Anne Bergo.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

It was moved by Supervisor O'Day to adopt Resolution 48. Seconded by Supervisor Smitz.

Motion carried.

#### **RESOLUTION 49**

49. From Human Services Committee regarding Approval of the Appointment of Todd Battle to the Kenosha County Workforce Development Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-20, the County Executive has appointed Todd Battle to serve on the Kenosha County Workforce Development 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 Workforce Development 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 Todd Battle to the Kenosha County Workforce Development Board. Mr. Battle's appointment shall be effective immediately and continuing until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Battle will

serve without pay as defined under Resolution 65 (1982-83) and will be succeeding John Bechler.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

It was moved by Supervisor O'Day to adopt Resolution 49. Seconded by Supervisor Booth.

Motion carried.

#### **RESOLUTION 50**

50. From Human Services regarding Approval of the Re-Appointment of Connie Matter to the Kenosha County Resource Center Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-19, the County Executive has appointed Connie Matter to serve on the Kenosha County Resource Center 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 Resource Center 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 Connie Matter to the Kenosha County Resource Center Board. Ms. Matter's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Matter will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83) and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE:

John O'Day

Don Smitz

William Grady

Gordon West

Ruth Delace Booth

It was moved by Supervisor O'Day to adopt Resolution 50. Seconded by Supervisor Smitz.

Motion carried.

#### **RESOLUTION 51**

51. From Judiciary & Law Enforcement Committee regarding Regular Cabaret License for Rob's River Edge.

**WHEREAS**, the application of Robert Piper for a probationary cabaret license for Rob's River Edge, 7603 Shorewood Drive, Salem, Wisconsin, in the Town of Salem, was made during the month of July, 2003, was turned over to this office on July 3, 2003, and

**WHEREAS**, the establishment known as Rob's River Edge was granted a Probationary Cabaret License per County Board Resolution # 125 on February 24, 2004, and

**WHEREAS**, the establishment known as Rob's River Edge was found to be in conformity with County Ordinance # 8.02 governing its conduct for a probationary period of the last 6 months.

**NOW, THEREFORE BE IT RESOLVED**, that a regular cabaret license, in lieu of a probationary cabaret license, be granted to Robert Piper, for Rob's River Edge.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Susan Deschler

William Michel II

Terry Rose

It was moved by Supervisor Carey-Mielke to adopt resolution 51. Seconded by Supervisor Michel.

Motion carried.

#### COMMUNICATIONS

7. From Jean A. Morgan, City Clerk-Treasurer regarding Annexation of 12.515 acres of land from the Town of Somers.

8. From George E. Melch, Director of Planning and Development regarding future rezonings.

Chairman Elverman referred Communications 7 & 8 to the Land Use Committee

#### CLAIMS

15. Regarding William J. Ruesch - car damage.

16. Regarding Denise Waldow - fell in county building.

Chairman Elverman referred claims 15 & 16 to Corporation Counsel.

It was moved by Supervisor R. Johnson to approve the September 7, 2004 minutes. Seconded by Supervisor Smitz.

Motion carried.

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

Motion carried.

Meeting adjourned at 8:00 P.M.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk







**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**September 28, 2004**

The **Committee of the Whole Meeting** was called to order by Chairman Elverman at 7:00 p.m., in the County Board Room located in the Administration Building.

Roll call was taken.

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

Excused: Supervisor West.

Present. 27. Excused. 1.

Chairman Elverman stated that the Committee of the Whole was called to go over the Proposed Intergovernmental Agreement between the City and County of Kenosha and the Menominee Indian Tribe of Wisconsin. There will be no debate this evening and no discussion from the floor.

Corporation Counsel, Frank Volpintesta gave a presentation including an Executive Summary, intended to be used as a guide to the IGA between the City, County, the Menominee Indian Tribe of Wisconsin and the Menominee Kenosha Gaming Authority. The Proposed Intergovernmental Agreement, a Market Assessment for Casino Gambling at Dairyland Greyhound Park to verify the reasonableness of the Projected Net Win provided by the Tribe and Projected payments based on Net Win Spreadsheet. He also addressed frequently asked questions and answers.

Several supervisors asked questions and what could not be answered will be looked into by Mr. Volpintesta.

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

Motion carried.

Meeting adjourned at 9:50 P.M.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk







**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**October 5, 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, Booth, Faraone, R. Johnson, Michel, Singer, Deschler, Wisnefski, Clark, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, Noble, O'Day, Molinaro, Huff, Gorlinski, L. Johnson.

Excused: Supervisor West.

Present. 27. Excused. 1.

County Executive Allan Kehl presented the 2005 County Budget.

**CITIZENS COMMENTS**

Many citizens spoke in favor of having a casino in Kenosha and asked that the County Board work on the Intergovernmental Agreement.

Supervisor Kerkman feels that they cannot adequately communicate all of the ideas and items if they cannot talk openly at their regularly scheduled meetings. This is why he is speaking under Citizen Comments. Regarding the casino. There has been so much talk about a 70-30 split. The city residents benefit with the 70% and also half of the 30%. The city would end up with 85% of the revenue towards reducing their taxes and the rest of the county would be 15%. The city will be charging for sewer and water but the county will be charged for the other services. State and county roads will assume almost all of the maintenance and improvements. They are no city roads to maintain. The city does not care if they give land away. They can go to Bristol, Paris or Somers and annex more. School support for the county is not there. The City, Pleasant Prairie and Somers will all benefit to the K-12 system. The west end schools should receive an equal amount of revenue. He feels that the split between the City and County should be 50-50. No new tax dollars should ever be used because of the casino. The other option is no casino. There is no benefit except money. It may provide jobs but at whose expense? Everyone except the city. Over 50% of the land value is in the county. The value of properties in the county are going up faster than the city. Another thing, he works for a Japanese company and over 20% of the high paying jobs are Japanese brought in from out-side. That can happen here. The average value of property in the City of Kenosha is \$135,000 and the average value of property in the Town of Brighton is \$270,000. We have to have a more equitable split.

Supervisor Clark spoke about the City/County split. The County negotiating team went through an analysis and came up with a quantifiable formula with a 60-40 split. This is a fair approach. The county made a fair offer. Lets go to the mayor and say lets arbitrate this. It's a shame that the governments are fighting. Dave Geertsen and Al Swartz did a lot of work on figures for the Intergovernmental Agreement.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated that Supervisor Carbone was appointed to the National Steering Committee for Justice and Public Safety.

Citizen comments this evening centered on one topic and so does Supervisor Reports. He going to ask that Supervisors remember that this is for reports and police yourself from debating. Just stick to reports.

**SUPERVISORS REPORTS**

Supervisor Huff stated that the Kenosha County Safety Fair is Saturday, October 9th from 10:00 a.m. - 5:00P.M. at the Original Outlet Mall.

Supervisor Molinaro stated that the Building & Grounds Committee will be having a meeting next Tuesday at 6:30 P.M. The building on 52nd Street is gone.

Supervisor Noble reported that it looks like the golf course operation may not break even. County Highway H between Hwys 50 and S has been completed. The Highway Department did an outstanding job. The intersection at Hwys 50 & B has been having problems with traffic back-ups and the highway department has applied for and received a \$25,000 grant to build a turning lane. This will be done next construction season. The commission on railroads had their public hearing and ordered repair of the crossing on Hwy KR and Hwy S. Hwy S has been repaired and they are currently in the process of repairing Hwy KR. Also, he believes that the community and the County Board are truly fortunate to have someone like Supervisor Joe Clark, with a CPA background who has put in countless hours so that he could crunch numbers regarding the Casino. He personally thanks him for all his effort.

Supervisor R. Johnson announced that he had been re-appointed to the Environment & Land Use NACo Steering Committee.

Supervisor Rose stated that we needed to address and debate some of the issues regarding the Intergovernmental Agreement. This agreement is going to be around a long time. There is no rush to judgement. We need to obtain a Hold Harmless Agreement in order to secure the City of Kenosha and Kenosha County from possible liability. The whole issue has not been adequately studied.

Supervisor Carbone stated that everyone has received the County Executives Budget and the budget hearings will start Monday, October 18th. The over-sight committees will hold their meetings with their departments so that the reports can get back to the Finance Committee in the form of the minutes and what recommendations are being made. All the budget hearings are open to all the supervisors.

Supervisor Wisniewski thanked Supervisor Clark for all the work he has done on keeping the board informed on the casino. He is concerned about having a time limit to be able to re-negotiate the gaming rights. He also feels that a "re-opener" clause should be less than twenty years and the split between the city and county should be done before the election so the electors will know exactly what they are voting on. It's time for the Menominee to listen to our concerns because we live here.

Supervisor Gorlinski stated that he has lived in this county for 34 years

and have watched all governmental agencies that never agree on anything and always are at odds with each other. Last night he attended the Jobs Committee Meeting at Hwy 45 & 50. He sat and listened to what was presented and what the people said. He plans on going to other meetings to hear what people have to say and what their concerns are. Somewhere between the left and the right is the answer. So far all we have heard about is money. We have not heard the other side.

Supervisor Grady stated that the Attorney General's opinion has stifled the supervisors. On the Thursday before the meeting he may not have a report to give but that could change by Tuesday. There must be some way to solve this problem.

Chairman Elverman asked the Legislative Committee to look into this issue.

#### NEW BUSINESS

Ordinances - first reading, two required.

#### ORDINANCE 45

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

#### RESOLUTION 52

52. From Human Services, Judiciary & Law and Finance Committees regarding Modifying the 2004 Budgets for the Medical Examiner's Office and Department of Human Services.

**WHEREAS**, the position of Kenosha County Medical Examiner was vacated in June of 2004 and is projected to remain vacant through December 31, 2004; and

**WHEREAS**, the obligation to assure the citizens of Kenosha County highly professional post mortem services despite the vacancy in the Medical Examiner position has necessitated the purchase of autopsies and related Medical

Examiner services from both Waukesha County's Medical Examiner and a private pathologist through the end of 2004; and

**WHEREAS**, the total 2004 year-end costs in the Medical Examiner's office are projected to exceed budget by \$104,140 while total year-end revenues to the office are projected to exceed budget by only \$33,140; and

**WHEREAS**, the net result of the increased costs and total revenues in the Medical Examiner's office will be projected 2004 year-end deficit of \$71,000 requiring additional Levy support in that amount from Fund 100; and

**WHEREAS** the Department of Human Services is projecting net 2004 Levy under spending department-wide primarily to lower than budgeted costs of court-ordered placements in the Division of Children & family Services;

**NOW, THEREFORE, BE IT RESOLVED** that the County Board does hereby approve an increase in the 2004 Medical Examiner's Office budget of \$104,140, to be funded with an increase in revenues estimated to be received in the Medical Examiner's Office of \$33,140, and an operating transfer of \$71,000 from the Human Services Fund from a surplus in placement costs in the Division of Children and Family Services, in accord with the budget modification form which is attached and incorporated by reference.

It was moved by Supervisor O'Day to adopt Resolution 52. Seconded by Supervisor Huff.

Roll call vote.

Motion carried unanimously.

It was moved by Supervisor Kerkman to approve the September 21ST & 28TH, 2004 minutes. Seconded by Supervisor O'Day.

Motion carried.

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

Meeting adjourned at 9:00 P.M.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk







**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, Gorlinski, Ekornaas.

Nays: Supervisors Elverman, Kessler, Huff, Carbone, Modory, Faraone, R. Johnson, O'Day, Singer, L. Johnson, Molinaro, Carey-Mielke, Clark, West, Smits. 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, Smits, Ekornaas, Marrelli, Modory, O'Day, Molinaro, Huff, Gorlinski, 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" (1<sup>st</sup> Street) and 264<sup>th</sup> 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" (1<sup>st</sup> Street) and 264<sup>th</sup> 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 1<sup>st</sup> Street approximately 0.16 miles west of the intersection of 264<sup>th</sup> 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 13<sup>th</sup> Avenue approximately 0.6 miles north of the intersection of County Trunk Highway "A" (7<sup>th</sup> 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 13<sup>th</sup> 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" (22<sup>nd</sup> Avenue) approximately 1/3 mile south of the intersection of County Trunk Highway "A" (7<sup>th</sup> 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

Judy Rossow

Fred Ekornaas

Richard Kessler

David Singer

Mark Modory

John O'Day

Anita Faraone

Ronald Johnson

Jim Hoff

Christine Wipper

Susan Deschler

Donald Smitz

Robert Carbone

Leonard Johnson

Mark Wisniewski

Tom Gorlinski

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, Wisniewski, 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, Gorlinski, 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, Gorlinski, 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







**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**November 9, 2004**

The **Public Hearing** was called to order by Chairman Elverman at 7:00 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

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

Present. 28

**CITIZEN COMMENTS**

Barbara Fonderlach, 7040 Mariner Dr., Racine, Development Director at the Kemper Center stated that there are 1.6 million not for profit agencies in the United States. Recently Kenosha County has turned to some not for profits to take over some services because they can provide some services with a lower price tag to the tax payers. Kenosha County and Kemper Center have been partnering to provide lower cost services to Kenosha County citizens since 1976. The County Executive's 2005 budget allocated \$150,000 to Kemper Center from the general fund. Kemper Center is pleased with the County Executive's support and with his budget allocation. Kemper Center urges the County Board to support the Executive's allocation as it was proposed.

Bob Danbeck, 7626 27<sup>th</sup> Avenue, spoke regarding the health insurance the County Board Supervisors receive. The Supervisors should not have full time benefits for a part time job. It costs the tax payers probably over \$400,000 for the health insurance. He states it's time the Supervisors start being responsible to the tax payers like the City Aldermen where 4 years ago when they got rid of their health insurance. Overall tax wise, we are the #1 highest in the country, we need property tax relief. Health insurance for the Supervisors should be eliminated from the budget. Mr. Danbeck also asked why does a county this small need 28 supervisors.

Supervisor Carbone presented the 2005 Budget

It was moved by Supervisor Wisniewski to adjourn. Seconded by Supervisor L. Johnson.

Meeting adjourned at 7:16 P.M.

The **Organization Meeting** was called to order by Chairman Elverman immediately following the **Public Hearing**

No roll call was taken. All Supervisors were present.

**ANNOUNCEMENTS OF THE CHAIR**

Chairman Elverman asked all supervisors who will be attending the November 17th 7 County Meeting to please identify themselves so the clerk can pass out packets to them. He also stated there is a handout on BioCATT from Gateway. He attended with the County Board Chairmen from Racine and Walworth Counties a presentation by Gateway Board to explain all their activities. It was a great presentation and asked for them to give the presentation to the County Board sometime in February.

**NEW BUSINESS**

It was moved by Supervisor Marrelli to approve the October 19, 2004 minutes. Seconded by Supervisor Clark.

Motion carried.

It was moved by Supervisor Wisniewski to Adjourn sine die. Seconded by Supervisor Kessler.

Meeting adjourned at 7:20 p.m.

The **Annual Meeting** was called to order by Chairman Elverman immediately following the **Organizational Meeting**.

No roll call was taken. All Supervisors where present.

NEW BUSINESS

Policy Resolution - first reading, two required.

**POLICY RESOLUTION 1**

1. From Finance Committee regarding 2005 Kenosha County Budget.

It was moved by Supervisor L. Johnson to go into closed session. Seconded by Supervisor Kerkman.

Roll call vote passed unanimously.

After the closed session it was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Kerkman.

Meeting adjourned at 8:00 p.m.

Prepared by: Edie LaMothe

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**November 10, 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, Huff, Wipper, Marrelli, Booth, Carbone, Modory, Faraone, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smits, Ekornaas.

Present. 28

There were no Citizen Comments.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman announced the Annual County Board Christmas Party will be held on December 21, 2004 at the Parkway Chateau, the clerk will send out invitations to the County Board Members.

There were no Supervisor Reports.

County Executive Appointments

26. Timothy Thompkins to serve on the Kenosha County Resource Center Board.

Chairman Elverman referred County Executive Appointment 26 to the Human Services Committee.

27. Leonard Johnson to serve on the Southeastern Wisconsin Regional Planning Commission.

Chairman Elverman referred County Executive Appointment 27 to the Land Use Committee.

OLD BUSINESS

Policy Resolution - second reading, two required.

**POLICY RESOLUTION 1**

**WHEREAS**, pursuant to Section 59.17 of the Wisconsin Statutes, the County Executive is charged with the responsibility of annually submitting a proposed budget to the County Board; and

**WHEREAS**, the Executive's budget has been referred to the Finance Committee, and the Finance Committee has met and added its recommendations; and

**WHEREAS**, public notices were issued and public hearings were held in accordance with Wisconsin Statutes, Section 65.90; and

**WHEREAS**, certain accounts, accounting procedures, and fees have been revised in the 2005 budget; and

**WHEREAS**, Section 59.52(6)(c) of the Wisconsin Statutes permits the County Board to direct the County Clerk to sell property on such terms as the County Board approves; and

**WHEREAS**, the Summary of Budgeted Personnel Changes has been incorporated as part of the 2005 budget; and

**WHEREAS**, the Administration Committee met on July 19<sup>th</sup> and approved modifications to the Non-Represented Pay Plan and the Finance Committee met August 12, 2004 and determined that the Non-Represented Pay Plan shall be included in the 2005 budget; and

**WHEREAS**, the levy in the 2005 budget was reduced by \$175,000 using defunding; and

**WHEREAS**, the intention of the County is to prepare the site, located at 714 - 52<sup>nd</sup> Street, for sale; and

**WHEREAS**, the State of Wisconsin has determined that an error in the determination of equalized value (known as a palpable error) has been made and as a result of the palpable error, the State has ordered under s.74.41 that the County make payments to certain municipalities; and

**WHEREAS**, pursuant to provision of Section 75.22 of the Wisconsin State Statutes the County shall charge back to the local municipalities illegal assessments and cancel the tax certificates; and

**WHEREAS**, certain appropriations in the 2004 and 2005 budget will be encumbered (contractually obligated, but not liquidated) at year end 2004 and 2005; and

**WHEREAS**, from time to time emergency situations occur which result in immediate action by a Department or Division, and

**WHEREAS**, the state law requires that proceeds from debt issuance be recorded in a separate fund; and

**WHEREAS**, certain capital projects and capital outlay funded with bond proceeds are budgeted within Special Revenue or General Funds, however, it is the desire of the County Board to reflect these as capital projects; and

**WHEREAS**, it is projected that there will be unspent funds at year-end 2004; and

**WHEREAS**, the County Board adopted resolution No. 8 in 1998, which phased out the Kemper Center annual subsidy; and

**WHEREAS**, the County Board adopted resolution No. 84 in 2003 which provided funding for the expansion of the jail bed space at the Kenosha County Detention Center; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Kenosha County Board of Supervisors, that the County Executive's Budget of October 5, 2004, which is attached hereto and incorporated by reference, be adopted as the County Board's Budget as herein amended and a copy of said budget document as certified by the County Clerk as having been brought up for first reading on November 9, 2004 is herewith attached; and

**BE IT FURTHER RESOLVED**, by the Kenosha County Board of Supervisors, that the budget for 2005 be adopted as shown in the Kenosha County Budget Summary which is attached and incorporated as part of this resolution; and

**BE IT FURTHER RESOLVED**, that it is the policy intent, desire, and order of the County Board, that each appropriation unit of the budget's detailed pages for which money has been appropriated be carried out as if adopted by a separate resolution according to the terms and conditions as outlined in the "Establishment Of The Appropriation Unit for the 2005 Budget" which is attached and incorporated by reference; and to the extent necessary to carry out the public intent, the funds hereby appropriated are made available; and that unless provided by law, no monies appropriated for an appropriation unit are to be used for another purpose without prior approval (the Finance Committee is delegated such authority for amounts not to exceed \$1000); and

**BE IT FURTHER RESOLVED**, that all expenditures herein appropriated be and the same are ordered not to exceed the funded monies as detailed in the budget document without prior approval of the County Board; and

**BE IT FURTHER RESOLVED**, that it is the policy of the County Board that the budget is authority for the departments or divisions to act as otherwise provided by law, and that administrative revisions of account identification, but not dollar totals or specific purposes, may take place during the budget year; and

**BE IT FURTHER RESOLVED**, that the sum of \$47,685,673 be apportioned to the city and the various towns and villages of Kenosha County for all purposes and expenses for 2005; and

**BE IT FURTHER RESOLVED**, that the sum of \$1,201,194 be apportioned to the towns and villages of Brighton, Bristol, Genoa City, Paris, Pleasant Prairie, Somers, and Wheatland for the purpose of library expense for 2005; and

**BE IT FURTHER RESOLVED**, that the sum of \$2,229,768 be apportioned to the city and the various towns and villages of Kenosha County for the State Forestry Tax; and

**BE IT FURTHER RESOLVED**, that \$18,745 be appropriated to account 15130.559100 for the purpose of paying \$1,258 to the City of Kenosha and \$17,487 to Village of Pleasant Prairie, in accordance with State law, as ordered by the State of Wisconsin Department of Revenue. This amount of \$18,745 will be funded by property tax levy for collection in 2005 as allowed by the State of Wisconsin. Therefore, this appropriation will not affect the General Fund.

**BE IT FURTHER RESOLVED**, that the County Board hereby authorize disbursement in the amount of \$18,745 in 2005 to the appropriate municipalities as set forth by orders of the State of Wisconsin.

**BE IT FURTHER RESOLVED**, that the various towns and villages and the city within the County be charged for the recovery of the illegal assessments on

certain parcels on which tax certificates are to be cancelled in whole or in part as shown in the following schedule; and

TOWN/VILLAGE	DESCRIPTION	YR/TAX	AMOUNT
Village of Silver Lake	75-4-120-083-3360	2003	\$2,475.81

**BE IT FURTHER RESOLVED**, that the proceeds from anticipated debt issuance be listed in the budget for informational purposes only and that the proceeds be recorded in a note/bond issuance proceeds account within the capital projects fund after the debt is approved by the County Board and deposited in the County Treasury; and

**BE IT FURTHER RESOLVED**, for purposes of arbitrage, it is the intent that bond proceeds can be applied to any legally allowable capital expenditures, and

**BE IT FURTHER RESOLVED**, that the added positions, eliminated positions, reclassifications, and In-range salary adjustments, as shown in the Summary of Budgeted Personnel Changes, shall be established with the 2005 budget; and

**BE IT FURTHER RESOLVED**, that Non-Represented employees salaries be given a 3% (three-percent) general increase effective January 1, 2005 and there will be no steps awarded during 2005; and

**BE IT FURTHER RESOLVED**, that the "Non-Represented Employee Pay Plan" be adopted, which is attached and incorporated herein by reference, and

**BE IT FURTHER RESOLVED**, that during the year, the Administration will review levy funded personnel, contracts, supplies, fixed charges, or capital outlay. If it is determined that the expenditure will not be incurred, the department budget will be decreased, and the de-funded expenditure account will be increased. This will be done until the de-funded expenditure account is increased to zero, and

**BE IT FURTHER RESOLVED**, that the County shall continue the Voluntary Reduction in Work Hour Plan which allows an employee to take up to five unpaid (without pay) days in 2005, and

**BE IT FURTHER RESOLVED**, that expenditures necessary to prepare the 52<sup>nd</sup> Street property for sale, such as appraisal, environmental testing, surveys, site work, demolition, etc, may be charged against future revenue from the sale of the property, and

**BE IT FURTHER RESOLVED**, that appropriations within the Emergency Services budget that are approved by the County Board and are funded by Homeland Security or Bio-terrorism grant funds are hereby authorized for carryover until such time as the approved grant funds are expended in accord with grant requirements, and that the administration shall be authorized to modify these grant funded appropriations for purposes of capital items for which the County retains possession, and

**BE IT FURTHER RESOLVED**, that the Kenosha County Board of Supervisors does approve an appropriation for the Federally required re-disbursement of the Kenosha County Housing Rehabilitation Revolving loan program funds, and that the disbursements of these funds are to never exceed the amount collected from loan repayments; and

**BE IT FURTHER RESOLVED**, that all unspent funds of the Kenosha Housing Authority Rehabilitation Revolving Loan Program and Wisconsin Community Development Block Grant Housing Program remaining at the end of the year be carried over into the subsequent year to be disbursed or re-disbursed in compliance with all Federal regulations of this program and in compliance with generally accepted accounting principles; and

**BE IT FURTHER RESOLVED**, that the accounts and balances for the Kenosha Housing Authority Rehabilitation Revolving Loan Program and Wisconsin Community Development Block Grant Housing Program will continue to be maintained on Kenosha County's books.

**BE IT FURTHER RESOLVED**, that except in the case of specific action by the County Board, all positions included in the budget which are fully or partially grant funded shall be terminated if the grant is terminated and alternate, non-levy funding is not available; and

**BE IT FURTHER RESOLVED**, that year end encumbrances be approved and that appropriations are hereby authorized as necessary to satisfy the contractual obligations of the County; and

**BE IT FURTHER RESOLVED**, that the carryovers and/or reserves as shown in the budget be used to offset the County levy; and

**BE IT FURTHER RESOLVED**, that reserves and/or carryovers be listed in the budget for informational purposes only, and that these information accounts not be carried on the books as revenue accounts during 2005; and

**BE IT FURTHER RESOLVED**, that appropriations funded with post-mill rate freeze debt shall not be authorized until such time that a related initial resolution is approved by the County Board; and

**BE IT FURTHER RESOLVED**, that appropriations for costs related to the issuance of Bond/Notes shall be authorized when and if bonds/notes are issued to fund capital projects approved in the 2005 budget; and

**BE IT FURTHER RESOLVED**, that departments be allowed to transfer vehicles and equipment between departments as long as Generally Accepted Accounting Principals are followed and such transfers are properly reflected on the County books; and

**BE IT FURTHER RESOLVED**, that all fund balances or equity that are not earmarked or otherwise legally obligated shall be lapsed to the General Fund at such a time as it is determined that cash in these funds are available for appropriation.

**BE IT FURTHER RESOLVED**, that in no case shall any expenditure exceed the legal appropriation as established herein except in the case when the expenditure is issued as the result of an emergency (as defined by Webster's Dictionary) in which case the Oversight Committee and Finance Committee may approve the expenditure as soon as reasonably possible after the emergency has occurred. (This shall not supercede County Ordinance Chapter 5 relative to Emergencies).

**BE IT FURTHER RESOLVED**, that appropriations within Capital Projects Funds and Capital Projects within Proprietary Funds unspent at year end be carried forward to future years to complete the designated project(s) unless prior Appropriation is eliminated as part of Budget or other action of the County Board; and

**BE IT FURTHER RESOLVED**, that resolution No. 8 in 1998, which phased out the Kemper Center's annual funding is hereby suspended for budget year 2005; and

**BE IT FURTHER RESOLVED**, that due to the uncertainty of federal inmate revenue that the Kenosha County Detention Center project be temporarily suspended, and

**BE IT FURTHER RESOLVED**, that resolution No. 84 in 2003, which appropriated funds for Kenosha County Detention Center be reduced by \$600,000 and that appropriation be replenished with surplus funds during the 2004 closeout, if so approved by the County Board, and

**BE IT FURTHER RESOLVED**, that the Safety Building Remodeling Project be reviewed by the Building and Grounds Committee and recommendation be brought to the County Board; and

**BE IT FURTHER RESOLVED**, that legal expenditures associated with insurance may be charged to the Insurance Internal Service Fund, and

**BE IT FURTHER RESOLVED**, that funds available to replenish salt and gravel inventory be carried over from year to year to replenish such inventory, and

**BE IT FURTHER RESOLVED**, that when language in the budget resolution or previously adopted board action conflicts with budget action reflected in numbers or accounts within the budget document, that the numbers and accounts shall take precedence, and

**BE IT FURTHER RESOLVED**, that certain fees and charges for services have been reviewed and modified to reflect increased costs to the County and have been included in the budget, and

**BE IT FURTHER RESOLVED**, that the property tax levy be allocated by fund on the books of Kenosha County.

Submitted By:  
Finance Committee  
Robert Carbone  
Terry Rose  
Mark Wisniewski  
Anita Faraone  
Mark Modory

It was moved by Supervisor Carbone to adopt Policy Resolution 1. Seconded by Supervisor Rose.

Supervisor Michel asked to abstain from 2 parts of the budget, Circuit Court and Social Services.  
Roll call vote.

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

Nays: Supervisor Gorlinski.

Ayes: 27. Nays: 1

NEW BUSINESS

Ordinance - first reading, two required.

#### **ORDINANCE 42**

42. From Supervisor Terry Rose regarding Creating Section 2.07 (8) Pertaining to Supervisor Comments.  
Resolution - one reading.

#### **RESOLUTION 61**

61. From Finance Committee Initial Resolution Authorizing the Issuance of General Obligation Promissory Notes in an Amount Not to Exceed \$2,700,000 for 2005 Capital Projects.

INITIAL RESOLUTION AUTHORIZING THE  
ISSUANCE OF GENERAL OBLIGATION PROMISSORY NOTES  
IN AN AMOUNT NOT TO EXCEED \$2,700,000  
FOR 2005 CAPITAL PROJECTS

**BE IT RESOLVED** by the County Board of Supervisors of Kenosha County, Wisconsin that there may be issued, pursuant to Section 67.12(12), Wisconsin Statutes, General Obligation Promissory Notes in an amount not to exceed \$2,700,000 for public purposes, including constructing, extending, repairing and improving streets, roads and bridges; improvement and maintenance projects at various County buildings and sites; implementing the survey monumentation program; and acquiring vehicles, equipment, furnishings and fixtures. There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such Notes.

Adopted and recorded this 10th day of November, 2004.

Submitted by:

Finance Committee

Robert Carbone

Terry Rose

Mark Wisnefski

Anita Faraone

Mark Modory

It was moved by Supervisor Carbone to adopt Resolution 61. Seconded by Supervisor Faraone.

Roll call vote passed unanimously.

#### **RESOLUTION 62**

62. From Supervisor Terry Rose regarding a Resolution to Petition the State Legislature to Amend Section 19.84(2) of the Wisconsin Statutes.

Chairman Elverman referred Resolution 62 to the Legislative Committee.

It was moved by Supervisor Smitz to adjourn. Seconded by Supervisor Kessler.

Meeting adjourned at 7:51 P.M.

Prepared by: Edie LaMothe

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
November 16, 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, Huff, Wipper, Marrelli, Booth, Carbone, Modory, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisniewski, Clark, Noble, West, Kerkman, Gorlinski, Smits, Ekornaas.

Excused: Supervisors Faraone, Carey-Mielke  
Present. 26 Excused. 2

At this time Chairman Elverman on behalf of County Executive Alan Kehl presented a "Certificate of Appreciation" to Zach McFall who won the WIAA Division-3 Boys State Cross Country Meet in Wisconsin Rapids on Saturday, October 30, 2004. The Central High Girls Volley Ball team was also presented a "Certificate of Appreciation" for capturing their 2<sup>nd</sup> straight WIAA Division-1 Championship on Saturday, November 6, 2004 in Green Bay.

There were no Citizen Comments.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman stated there is an invitation for the annual County Board Christmas Party on the Supervisors desks which will be held on December 21<sup>st</sup>. Supervisors Faraone had emergency surgery this past week, she is doing quite well, but won't be available for the next week or so. The January 4<sup>th</sup> meeting has been changed to January 11<sup>th</sup>. He also announced that information for the United Way fundraising will be available after the meeting for the Supervisors who are interested in participating.

There were no Supervisor Reports.  
County Executive Appointments

28. Mary L. Celebre to serve on the Kenosha County Commission on Aging.

Chairman Elverman referred County Executive Appointment 28 to the Human Services Committee.  
OLD BUSINESS

**ORDINANCE 42**

42. From Supervisor Terry Rose regarding Creating Section 2.07 (8) Pertaining to Supervisor Comments.

Chairman Elverman referred Ordinance 42 to the Legislative Committee.  
NEW BUSINESS

Resolution - one reading.

**RESOLUTION 63**

63. From the Finance Committee regarding resolution awarding the sale of \$3,080,000 General Obligation Refunding Bonds, Series 2004C; providing the form of the Bonds; and levying a tax in connection therewith.

RESOLUTION AWARDING THE SALE OF \$3,080,000  
GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004C;  
PROVIDING THE FORM OF THE BONDS;  
AND LEVYING A TAX

IN CONNECTION THEREWITH WHEREAS, pursuant to a resolution adopted on October 19, 2004 (the "Initial Resolution"), the County Board of Supervisors of Kenosha County, Wisconsin (the "County") authorized the issuance of not to exceed \$3,095,000 General Obligation Refunding Bonds 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 (the "1996 Bonds") (hereinafter the refinancing of the County's outstanding obligations shall be referred to as the "Refunding"); WHEREAS, the 1996 Bonds were issued to refund the County's Municipal Golf Course Revenue Bonds dated December 1, 1990 (the "1990 Bonds") which financed the construction of a new golf course and clubhouse addition, acquisition of equipment and related costs;

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the 1996 Bonds for the purpose of achieving debt service cost savings;

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to borrow money and to issue general obligation refunding bonds for the purpose of refinancing their outstanding obligations; and

WHEREAS, pursuant to the Initial Resolution, the County Clerk, in consultation with its financial advisor, Ehlers & Associates, Inc., has caused a Notice of Sale (a copy of which is attached hereto as Exhibit A, and incorporated herein by this reference) to be prepared and distributed setting forth the details of and the bid requirements for the County's General Obligation Refunding Bonds, Series 2004C (the "Bonds") and indicating that the Bonds would be offered for public sale;

WHEREAS, the following bids were received:

**(SEE BID TABULATION ATTACHED AS EXHIBIT B)**

WHEREAS, it has been determined that the bid (the "Bid") submitted by the institution listed first on the attached Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the County. Ehlers & Associates, Inc. has recommended that the County accept the Bid. A copy of said Bid submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

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 the cost of the Refunding, there shall be borrowed pursuant to Chapter 67 of the Wisconsin Statutes, the principal sum of THREE MILLION EIGHTY THOUSAND DOLLARS (\$3,080,000).

Section 1A. Ratification of the Notice of Sale and Offering Materials. The County Board of Supervisors of the County hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and other offering materials prepared and circulated by Ehlers & Associates, Inc. are hereby ratified and approved in all respects. All actions taken by officers of the County and Ehlers & Associates, Inc. in connection with the preparation and distribution of the Notice of Sale are hereby ratified and approved in all respects.

Section 1B. Award of the Bonds. The Bid of the Purchaser offering to purchase the Bonds for the sum set forth on the Bid, plus accrued interest to the date of delivery, is hereby accepted. The Bonds bear interest at the rates set forth on the Bid.

Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation Refunding Bonds, Series 2004C"; shall be dated December 1, 2004; shall be issued in the aggregate principal amount of \$3,080,000, in denominations of \$5,000 or any integral multiple thereof; shall be numbered 1 and upward; and shall mature on December 1 of each year, in the years and principal amounts set forth on the debt service schedule attached hereto as Exhibit D (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2005.

Section 3. Redemption Provisions. (a) At the option of the County, the Bonds maturing on December 1, 2014 and thereafter shall be subject to redemption prior to maturity on December 1, 2013 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

(b) The Bonds are also subject to extraordinary mandatory redemption at any time at the price of par plus accrued interest to the date of redemption in the event the County elects to change the ownership or operation of the golf course facilities originally financed with the proceeds of the 1990 Bonds, and, in the opinion of the County's bond counsel, such change in ownership or

operation would adversely affect the tax-exempt status of the Bonds, if the Bonds were to remain outstanding.

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2004 through 2014 for the payments due in the years 2005 through 2015 in the amounts set forth on the Schedule.

The direct annual irrepealable tax hereby levied shall be carried onto the tax roll and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected. So long as any part of the principal of or interest on the Bonds remains unpaid, the tax hereinabove levied shall be and continues irrepealable except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus in the Debt Service Fund Account for the Bonds created below.

Section 6. Segregated Debt Service Fund Account. There is hereby established in the County treasury a fund account separate and distinct from all other funds or accounts of the County designated "Debt Service Fund Account for \$3,080,000 Kenosha County General Obligation Refunding Bonds, Series 2004C, dated December 1, 2004", which fund account shall be used solely for the purpose of paying the principal of and interest on the Bonds. There shall be deposited in said fund account all accrued interest paid on the Bonds at the time the Bonds are delivered to the Purchaser, any premium, all money raised by taxation pursuant to Section 5 hereof and all other sums as may be necessary to pay principal of and interest on the Bonds as the same become due. Said fund account shall be used for the sole purpose of paying the principal of and interest on the Bonds, shall be maintained for such purpose until such indebtedness is fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and any applicable income tax regulations (the "Regulations").

Section 7. Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into an account separate and distinct from all other funds and disbursed solely for the purpose for which borrowed or for the payment for the principal of and the interest on the Bonds.

Section 8. Arbitrage Covenant. The County shall not take any action with respect to the Bond Proceeds which, if said action had been reasonably expected to have been taken, or had been deliberately and intentionally taken on the date of delivery of and payment for the Bonds (the "Closing") would have caused the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code and the Regulations.

The Bond Proceeds may be temporarily invested in legal investments until needed, provided however, that the County hereby covenants and agrees that so long as the Bonds remain outstanding, moneys on deposit in any fund or account created or maintained in connection with the Bonds, whether such moneys were derived from Bond Proceeds or from any other source, will not be used or invested in a manner which would cause the Bonds to be "arbitrage bonds" within the meaning of the Code or Regulations. The County covenants that it will not invest in any obligation if such investment would violate the "prohibited payment" requirement of Section 148 of the Code.

The County Clerk, or other officer of the County charged with responsibility for issuing the Bonds, shall provide an appropriate certificate of the County, for inclusion in the transcript of proceedings, setting forth the reasonable expectations of the County regarding the amount and use of the Bond Proceeds and the facts and estimates on which such expectations are based, all as of the Closing.

Section 9. Additional Tax Covenants; Six Month Expenditure Exemption from Rebate. The County hereby further covenants and agrees that it will take all necessary steps and perform all obligations required by the Code and Regulations

(whether prior to or subsequent to the issuance of the Bonds) to assure that the Bonds are obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes, throughout their term. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds, shall provide an appropriate certificate of the County as of the Closing, for inclusion in the transcript of proceedings, certifying that it can and covenanting that it will comply with the provisions of the Code and Regulations.

Further, it is the intent of the County to take all reasonable and lawful actions to comply with any new tax laws enacted so that the Bonds will continue to be obligations described in Section 103(a) of the Code, the interest on which is excludable from gross income for federal income tax purposes throughout their term.

The County covenants that it is a governmental unit with general taxing powers and that the Bonds are not "private activity bonds" as defined in Section 141 of the Code.

In accordance with Section 148(f)(4)(B) of the Code, the County covenants that ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the County and that 100% of the proceeds of the Bonds will be expended for the governmental purposes of the issue within six months of the Closing. If for any reason the County did not qualify for the six month exemption from the rebate requirements of the Code, the County covenants that it would take all necessary steps to comply with such requirements.

Section 10. Execution of the Bonds. The Bonds shall be prepared in typewritten or printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by its fiscal agent, if any, sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the delivery of the Bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until such delivery. The aforesaid officers are hereby authorized to do all acts and execute all documents as may be necessary and convenient for effectuating the Closing.

Section 11. Payment of the Bonds. The principal of and interest on the Bonds shall be paid in lawful money of the United States of America by the County Clerk or County Treasurer.

Section 11A. Persons Treated as Owners; Transfer of Bonds. The County shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the County Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the County Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The County Clerk shall cancel any Bond surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the corresponding record date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 13. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the Purchaser on behalf of such holders (provided that the rights of the holders and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 14. Redemption of the 1996 Bonds. The County Board of Supervisors hereby calls the 1996 Bonds due on and after December 1, 2005 for redemption on December 27, 2004, at the price of par plus accrued interest to the date of redemption. The County hereby directs its financial advisor, Ehlers & Associates, Inc., to cause a notice of redemption, in substantially the form attached hereto as Exhibit F, to be provided at the times, to the parties and in the manner provided thereon.

Section 15. Bond Insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as any municipal bond insurer which makes a commitment accepted by the County to insure the Bonds may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Bond Proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 16. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" for purposes of SEC Rule 15c2-12. All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and addenda to it are hereby ratified and approved. In connection with the closing for the Bonds, the appropriate County official shall certify the Preliminary Official Statement and addenda. The County Clerk shall cause copies of the Preliminary Official Statement and addenda to be distributed to the Purchaser.

Section 17. Payment of Issuance Expenses. The County authorizes the Purchaser to forward the amount of the Bond Proceeds allocable to the payment of issuance expenses to U.S. Trust Company, Minneapolis, Minnesota on the closing date for further distribution as directed by the County's financial advisor, Ehlers & Associates, Inc.

Section 18. 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.

Adopted and recorded November 16, 2004.

Dennis Elverman, Chairperson

ATTEST:

Edna R. Highland, County Clerk

Allan Kehl, County Executive

RESPECTFULLY SUBMITTED:

FINANCE COMMITTEE:

Robert Carbone

Mark Wisnefski

Terry Rose

Anita Faraone

Mark Modory

It was moved by Supervisor Carbone to adopt Resolution 63. Seconded by Supervisor Rose.

Roll call vote passed unanimously.

At this time Frank Volpintesta spoke regarding the retention of outside counsel to review the proposed intergovernmental agreement between Kenosha County and the Menominee Tribe.

It was moved by Supervisor Rose that the County Board of Supervisors authorize and support the Corporation Counsel to retain counsel to review the Intergovernmental Agreement and related documents for Kenosha County and said attorneys fees be paid from funds appropriated under Resolution No. 43 and under the Corporation Counsel's budget line item #521200 (outside counsel). No other funds shall be used without prior approval of the County Board. Seconded by Supervisor Noble.

Roll call vote passed unanimously.

It was moved by Supervisor O'Day to go into closed session. Seconded by Supervisor Kessler.

Roll call vote passed unanimously.

After the Closed session it was moved by Supervisor Michel to approve the November 9 and 10, 2004 minutes. Seconded by Supervisor R. Johnson.

It was moved by Supervisor R. Johnson to adjourn. Seconded by Supervisor Kerkman.

Meeting adjourned at 10:45 P.M.

Prepared by: Edie LaMothe

Submitted by: Edna R. Highland  
County Clerk

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**December 7, 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, Huff, Wipper, Marrelli, Carbone, Modory, R. Johnson, Michel, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Smitz, Ekornaas.

Excused: Supervisors Faraone, Booth, O'Day, Gorlinski.

Present. 24 Excused. 4

**CITIZEN COMMENTS**

Morey Smith, 10519 69<sup>th</sup> St., spoke as a representative of the voters and taxpayers of White Caps, River Crossing and Horizon neighborhoods who makes up the concerned west side citizens group. These neighborhoods are next to the proposed casino site. Low crime rate, good schools and affordable housing attracted many of these people to Kenosha. He estimates that from the 1,200 homes in these neighborhoods approximately \$175,000,000 in property taxes will be paid in the next 20 years, only if the average assessment rate continues to increase approximately 4% per year. He states that if the casino is built, he does not feel the values in their homes will continue to rise at that rate, if at all. Their neighborhoods voted 64% against the proposed casino. He would like a question answer meeting so they will have an opportunity for their concerns to be answered by the County and City of Kenosha. He would also like the County Board to form a special committee to address their list of concerns.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Elverman reminded the Supervisors of the upcoming Christmas Party on the 21<sup>st</sup> of December and urged all members to attend. He also made two appointments to the Land Conservation Committee, Supervisor Brenda Carey-Mielke and Supervisor Tom Gorlinski. Chairman Elverman noted that all the supervisors received a Kenosha County Family and Friends 4H Cookbook, and thanked them for thinking of, and including the board.

**SUPERVISOR REPORTS**

Supervisor Carey-Mielke reported on the 7-County meeting she attended along with supervisors Singer, L. Johnson and Wipper. Anyone with questions about the 7-County Meeting can ask anyone of them that were in attendance. She also stated that she thought they had a gentlemen's agreement with the City of Kenosha and the Village of Pleasant Prairie that no one would make public comment on the tax equity study unless all three governing bodies were involved. She received the Village Times, a news letter from the Village of Pleasant Prairie and felt they didn't give a fair and proper display on where the County's portion of the tax money goes and would like the Chairman to consider a statement from this legislative body to the public regarding this study.

Supervisor Noble attended the first meeting of the Round Lake Beach Urbanized Area Technical Advisory Committee, which is a committee that resulted from the 2000 census. This is a Federal Urbanization area which makes us eligible for \$270,000 in highway funds and \$70,000 in transit funds. Anyone in that area who wishes to be on the mailing list can see Fred Patrie. He also stated that Kenosha County Highway Department received an Innovation Award from the Wisconsin Asphalt Pavement Association for their work on Kenosha County Hwy H between Hwy 50 & Hwy S. Our Highway paving crew is becoming quite well known in their industry and are the paving crew of choice by the State to do overpass overlay on bridges. Supervisor Noble asked the Chairman to draw up a proclamation or some sort of recognition for the members of this highway crew.

Chairman Elverman noted that this crew has been hired by Milwaukee and Racine Counties and agreed something should be done to recognize the good work they do. He also wanted to comment on a ribbon cutting he attended in Twin Lakes for a piece of sidewalk near Lakewood School. It had been an on going concern to some students and with the cooperation of the County, School Board, Village of

Twin Lakes, and private industries the project was accomplished with the total lack of tax payers dollars.

County Executive Appointments

29. Patricia Johnson to serve on the Kenosha County Library Committee.

Chairman Elverman referred County Executive Appointment 29 to the Finance Committee.

30. Phyllis J. Rozinski to serve on the Kenosha County Commission on Aging.

Chairman Elverman referred County Executive Appointment 30 to the Human Services Committee.

31. Carol Schaufel to serve on the Kenosha County Specialized Transportation Commission.

Chairman Elverman referred County Executive Appointment 31 to the Human Services Committee.

32. Mark Wisnefski to serve on the Kenosha County Board of Health.

Chairman Elverman referred County Executive Appointment 32 to the Human Services Committee.

NEW BUSINESS

Ordinance - one reading.

From the Land Use Committee

#### **ORDINANCE 43**

43. Regarding Albert R. Goll (Lessor), Cooperative Plus, Inc. (Lessee/Agent), requesting rezoning from M-2 Heavy Manufacturing District to B-5 Wholesale Trade and Warehousing District in the Town of Paris.

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 #45-4-221-052-0227 located in the northwest quarter of Section 5, Township 2 North, Range 21 East, Town of Paris be changed from M-2 Heavy Manufacturing District to B-5 Wholesale Trade and Warehousing District. For informational purposes only, this property is located immediately south of the southeast corner of the intersection of US Highway "45" (200<sup>th</sup> Avenue) and County Trunk Highway "KR" (1<sup>st</sup> Street).

**Albert R. Goll - (Lessor)**

**Cooperative Plus Inc. - (Lessee/Agent)**

**Description:** A tract of land being part of parcel #1 of Certified Survey Map #2033, being part of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 5, Town 2 North, Range 21 East, located in the Town of Paris, County of Kenosha, State of Wisconsin, bounded and described as follows: Commencing at the northeast corner of said parcel #1; thence south 01°35'20" east for a distance of 140.36 feet, along the east line of said parcel, to the point of beginning; thence south 01°35'20" east for a distance of 325.32 feet, continuing along said east line to a point being the southeast corner of said parcel #1; thence south 88°56'24" west for a distance of 328.02 feet, along the south line of said parcel, to a point being the southwest corner of said parcel; thence north 04°15'20" east for a distance of 246.76 feet, along the east right of way line of US Highway "45" and the west line of said parcel to a point; thence north 03°46'05" east for a distance of 82.34 feet, continuing along said right of way line and property line to a point; thence north 89°24'46" east for a distance of 295.23 feet, to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

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

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Fred Ekornaas

Mark Molinaro, Jr.

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinance 43. Seconded by Supervisor Ekornaas.

Motion carried.

**ORDINANCE 44**

44. Regarding Ursula Smith Revocable Trust/ Dean L. and Kathleen L. Brewer (Owners), Mariner Land Corporation, Steven L. Bruskiewicz, President (Developer/Agent), requesting rezoning from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District and from A-2 General Agricultural District to R-3 Urban Single-Family Residential District and R-4 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 #80-4-222-121-0205 (Brewer) located in the northeast quarter of Section 12, Township 2 North, Range 22 East, Town of Somers be changed from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District and from A-2 General Agricultural District to R-3 Urban Single-Family Residential District and R-4 Urban Single-Family Residential District on Tax Parcel #80-4-222-124-0102 located in the southeast quarter of Section 12, Township 2 North, Range 22 East, Town of Somers. For informational purposes only, this property is located on the west side of County Trunk Highway "Y" (22<sup>nd</sup> Avenue) approximately ½ mile south of the intersection of County Trunk Highway "A" (7<sup>th</sup> Street).

**Ursula Smith Revocable Trust #80-4-222-124-0102 - (Owner)**

**Dean L. and Kathleen L. Brewer #80-4-222-121-0205- (Owners)**

**Mariner Land Corporation, Steven L. Bruskiewicz, President - (Developer/Agent)**

**Descriptions: Lands to be zoned R-3 Urban Single-Family Residential District:**

All that part of the Southeast 1/4 of the Northeast 1/4 of Section 12, Town 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, now being more particularly bounded and described as follows: Commencing at the Southeast corner of the said Northeast 1/4 Section; Thence North 88° 32' 54" West and along the South line of the said Northeast 1/4 Section, 45.05 feet to a point on the West Right-of-Way line of "22<sup>nd</sup> Avenue" (C.T.H. "Y"); Thence North 01° 20' 04" West and along the said West Right-of-Way line being parallel to and at a right angle distance of 45.00 feet from the East line of the said Northeast 1/4 Section, 551.56 feet to the place of beginning of lands hereinafter described; Continuing thence North 01° 20' 04" West and along the said West Right-of-Way line being parallel to and at a right angle distance of 45.00 feet from the said East line of the said Northeast 1/4 Section, 766.81 feet to a point on the North line of the said Southeast 1/4 of the said Northeast 1/4 Section; Thence North 88° 27' 40" West and along the said North line of the said Southeast 1/4 of the said Northeast 1/4 Section, 219.59 feet to a point; Thence South 01° 03' 51" East, 599.01 feet to a point of curvature; Thence Southwesterly 81.22 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 200.00 feet, whose central angle is 23° 16' 03", and whose chord bears South 10° 34' 10" West, 80.66 feet to a point; Thence South 67° 47' 48" East, 33.00 feet to a point; Thence South 68° 45' 24" East, 225.83 feet to the point of beginning of this description. Said Parcel contains 160,963 Square Feet (or 3.6952 Acres) of land, more or less.

**In addition:** All that part of the Northeast 1/4 of the Southeast 1/4 of Section 12, Town 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, now being more particularly bounded and described as follows: Commencing at the Northeast corner of the said Southeast 1/4 Section; Thence North 88° 32' 54" West and along the North line of the said Southeast 1/4 Section, 45.05 feet to a point on the West Right-of-Way line of "22<sup>nd</sup> Avenue" (C.T.H. "Y"); Thence South 01° 20' 02" East and along the said West Right-of-Way line being parallel to and at a right angle distance of 45.00 feet from the East line of the said Southeast 1/4 Section, 537.01 feet to the place of beginning of lands hereinafter described; Continuing thence South 01° 20' 02" East and along the said West Right-of-Way line being parallel to and at a right angle distance of 45.00 feet from the said East line of the said Southeast 1/4 Section, 572.47 feet to a point; Thence North 88° 39' 53" West and along the North line of Tax Key No. 124-0106, 205.81 feet to a point; Thence North 68° 04' 17" West, 34.14

feet to a point; Thence North 21° 55' 43" East, 6.34 feet to a point of curvature; Thence Northeasterly 343.98 feet along the arc of a curve, whose center lies to the Northwest, whose radius is 450.00 feet, whose central angle is 43° 47' 47", and whose chord bears North 00° 01' 50" East, 335.66 feet to a point of tangency; Thence North 21° 52' 04" West, 156.33 feet to a point; Thence North 68° 07' 56" East, 33.00 feet to a point; Thence North 63° 11' 32" East, 183.47 feet to a point; Thence South 72° 31' 17" East, 89.54 feet to the point of beginning of this description. Said Parcel contains 127,600 Square Feet (or 2.9293 Acres) of land, more or less.

**Land to be zoned R-4 Urban Single-Family Residential District:** All that part of the Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 12, Town 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, now being more particularly bounded and described as follows: Commencing at the Southeast corner of the said Northeast 1/4 Section; Thence North 88° 32' 54" West and along the South line of the said Northeast 1/4 Section (also being the North line of the said Southeast 1/4 Section), 45.05 feet to a point on the West Right-of-Way line of "22<sup>nd</sup> Avenue" (C.T.H. "Y") and the place of beginning of lands hereinafter described; Thence North 01° 20' 04" West and along the said West Right-of-Way line being parallel to and at a right angle distance of 45.00 feet from the East line of the said Northeast 1/4 Section, 1318.37 feet to a point on the North line of the said Southeast 1/4 of the said Northeast 1/4 Section; Thence North 88° 27' 40" West and along the said North line of the said Southeast 1/4 of the said Northeast 1/4 Section, 1299.58 feet to a point; Thence South 01° 39' 25" East and along the West line of the said Southeast 1/4 of the said Northeast 1/4 Section, 1320.73 feet to a point on the said South line of the said Northeast 1/4 Section; Thence South 88° 32' 54" East and along the said South line of the said Northeast 1/4 Section (also being the said North line of the said Southeast 1/4 Section), 347.09 feet to a point; Thence South 01° 20' 02" East and being parallel to the East line of the said Southeast 1/4 Section, 1254.15 feet to a point; Thence North 88° 39' 53" West, 103.06 feet to a point; Thence South 01° 20' 02" East and being parallel to the said East line of the said Southeast 1/4 Section, 66.07 feet to a point on the South line of the said Northeast 1/4 of the said Southeast 1/4 Section; Thence South 88° 39' 53" East and along the said South line of the said Northeast 1/4 of the said Southeast 1/4 Section, 842.75 feet to a point; Thence North 01° 30' 44" West and along the West line of Tax Key No. 124-0106, 208.85 feet to a point; Thence South 88° 39' 53" East and along the North line of said Tax Key No. 124-0106, 205.81 feet to a point on the said West Right-of-Way line of said "22<sup>nd</sup> Avenue" (C.T.H. "Y"); Thence North 01° 20' 02" West and along the said West Right-of-Way line being parallel to and at a right angle distance of 45.00 feet from the said East line of the said Southeast 1/4 Section, 1109.48 feet to the point of beginning of this description. EXCEPTING THEREFROM those parts of land herein described on Exhibits "B" & "C". Said Parcel contains 2,628,085 Square Feet (or 60.3325 Acres) of land, more or less.

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

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Fred Ekornaas

Mark Molinaro, Jr.

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinance 44. Seconded by Supervisor Ekornaas.  
Motion carried.

#### **ORDINANCE 45**

45. Regarding Bryan L. Andrews, requesting rezoning from R-2 Suburban Single-Family Residential District to B-5 Wholesale Trade and Warehousing 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 part of Tax Parcel #80-4-222-281-0205 located in the northeast quarter of Section 28, Township 2 North, Range 22 East, Town of Somers be changed from R-2 Suburban Single-Family Residential District to B-5 Wholesale Trade and Warehousing District. For informational purposes only, this property is located on the north side of County Trunk Highway "S" (38<sup>th</sup> Street) approximately ¼ mile west of the intersection of County Trunk Highway "EA" (72<sup>nd</sup> Avenue).

**Bryan L. Andrews - (Owner)**

**Description:** Part of the northeast quarter of Section 28, Township 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as follows: Commencing at the southwest corner of said quarter section; thence north 89°48'19" east along and upon the south line of said quarter section, 1002.545 feet; thence north 01°40'30" west 80.03 feet and to the north right-of-way line of State Trunk Highway "142" (38th Street); thence north 89°48'19" east along and upon said north line, 140.30 feet and to the point of beginning of parcel to be rezoned; thence continue north 89°48'19" east along and upon said north line, 160.00 feet; thence north 01°40'42.5" west 437.33 feet; thence south 89°48'19" west parallel to the north line of the aforesaid highway, 160.00 feet; thence south 01°40'42.5" east 437.33 feet and to the point of beginning.

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

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Fred Ekornaas

Mark Molinaro, Jr.

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinance 45. Seconded by Supervisor Marrelli.

Motion carried.

#### **ORDINANCE 46**

46. Regarding Eleonore and Vincent P. Skowronski, 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 part of Tax Parcel #30-4-220-333-0300 located in the southwest quarter of Section 33, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District (10 acres) to A-2 General Agricultural District. For informational purposes only, this property is located on the south side of County Trunk Highway "NN" (52<sup>nd</sup> Street) approximately 0.75 miles east of the intersection of County Trunk Highway "B" (288<sup>th</sup> Avenue).

**Eleonore and Vincent P. Skowronski - (Owners)**

**Description:** Beginning on the north line of said quarter section, at a point north 88°09'36" east 1170.83 feet from the northwest corner thereof; thence continue north 88°09'36" east along and upon said north line, 319.00 feet; thence south 01°35'33" east 1365.00 feet; thence south 88°09'36" west parallel to the north line of said quarter section, 319.00 feet; thence north 01°35'33" west 1365.00 feet and to the point of beginning. Subject to a public highway over and across the most northerly 33.00 feet thereof. Containing 10.00 acres, more or less, including highway.

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

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Fred Ekornaas

Mark Molinaro, Jr.

Janice Marrelli

It was moved by Supervisor Smitz to adopt Ordinance 46. Seconded by Supervisor Marrelli.

Motion carried.

Policy Resolution - First reading - two required.

**POLICY RESOLUTION 2**

2. From the Administration and Legislative Committees regarding 2002-2003 Affirmative Action Plan and 2003-2004 Affirmative Action Plan.

Resolution - one reading.

**RESOLUTION 64**

64. From the Finance Committee resolution to modify County Clerk 2004 Budget for Election costs.

**WHEREAS**, the County Clerk is responsible for conducting all federal, state, and countywide elections, and

**WHEREAS**, Kenosha County experienced an approximate 80 percent registered voter turnout for the most recent fall election which included federal, state, and countywide races, and

**WHEREAS**, the Kenosha County Clerk is responsible for all costs for all programming, printing and notification publishing related to these elections, and

**WHEREAS**, the resulting cumulative expenses related to all 2004 elections will exceed the 2004 budget, and

**WHEREAS**, Kenosha County has excess revenues generated by the sale of tax deeded property under the responsibility of the County Clerk eliminating the need to use general fund reserves.

**NOW, THEREFORE BE IT RESOLVED**, the Kenosha County Board of Supervisors accept the attached budget modification, which is incorporated herein by reference, to recognize a portion of the surplus Profit/Loss of Tax Deeded Sale revenue of \$9,000 and increase expenditure appropriation by \$9,000 for Election Supplies expenditure line item for 2004.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Mark Wisniewski

Terry Rose

Anita Faraone

Mark Modory

It was moved by Supervisor Carbone to adopt Resolution 64. Seconded by Supervisor Rose.

Roll call vote passed unanimously.

**RESOLUTION 65**

65. From Human Services and Finance Committees Resolution to purchase Public Health Laboratory Equipment.

**WHEREAS**, the Kenosha County Division of Health is the fiscal agent for the Tri-County Public Health Consortium of Southeastern Wisconsin and in its role as fiscal agent has budgeted \$50,000 in the 2004 adopted budget for laboratory equipment upgrades for either the Kenosha County Public Health Laboratory or the City of Racine Public Health Laboratory, and

**WHEREAS**, the Tri-County Public Health Consortium of Southeastern Wisconsin has selected to purchase the Cepheid Smart Cycler II equipment, with the support of the Wisconsin State Laboratory of Hygiene. This equipment will be used for surge capacity for the State Laboratory of Hygiene in case of a bio-terroristic event as well as by the members of the consortium for tests requiring PCR analysis, such as *E.coli* testing or pertussis case confirmations. The equipment will be physically located in the City of Racine Public Health Laboratory, and

**WHEREAS**, this equipment shall be acquired via "sole source" procurement from Cepheid and,

**WHEREAS**, County levy remains unaffected by this resolution, and

**NOW, THEREFORE LET IT BE RESOLVED**, that the Department of Human Services, Division of Health be granted to authority to purchase this laboratory equipment in the amount of \$30,000 through the "sole source" of Cepheid.

Submitted by:

HUMAN SERVICE COMMITTEE

John O'Day

FINANCE COMMITTEE

Robert Carbone

William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

Mark Wisnefski  
Terry Rose  
Mark Modory

It was moved by Supervisor Grady to adopt Resolution 65. Seconded by Supervisor Carbone.  
Motion carried.

**RESOLUTION 66**

66. From the Human Services Committee to Approve the Appointment of Mary Celebre to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-28, the County Executive has appointed Mary Celebre 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 Mary Celebre to the Kenosha County Commission on Aging. Ms. Celebre's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Celebre will serve without pay as defined under Resolution 65 (1982-83). Ms. Celebre will be filling a vacancy.

Submitted by  
HUMAN SERVICES COMMITTEE:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

It was moved by Supervisor Grady to adopt Resolution 66. Seconded by Supervisor Smitz.  
Motion carried.

**RESOLUTION 67**

67. From the Human Services Committee to Approve the Appointment of Ruth Delace Booth to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-24, the County Executive has appointed Ruth Delace Booth 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 Ruth Delace Booth to the Kenosha County Commission on Aging. Ms. Booth's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Booth will serve without pay as defined under Resolution 65 (1982-83). Ms. Booth will be replacing Anne Bergo.

Submitted by  
HUMAN SERVICES COMMITTEE:

John O'Day  
William Grady  
Ruth Delace Booth  
Don Smitz  
Gordon West

It was moved by Supervisor Grady to adopt Resolution 67. Seconded by Supervisor Smitz.  
Motion carried.

**RESOLUTION 68**

68. From the Human Services Committee to Approve the Appointment of Kathleen Frederick to the Kenosha County Commission on Aging.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-23, the County Executive has appointed Kathleen Frederick 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 Kathleen Frederick to the Kenosha County Commission on Aging. Ms. Frederick's appointment shall be effective immediately and continuing until the 31st day of December, 2006 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Frederick will serve without pay as defined under Resolution 65 (1982-83). Ms. Frederick will be filling a vacancy.

Submitted by

HUMAN SERVICES COMMITTEE:

John O'Day

William Grady

Ruth Delace Booth

Don Smitz

Gordon West

It was moved by Supervisor Grady to adopt Resolution 68. Seconded by Supervisor Smitz.

Motion carried.

#### **RESOLUTION 69**

69. From the Human Services Committee to Approve the Appointment of Linda Weiss to the Kenosha County Board of Health.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-25, the County Executive has appointed Linda Weiss to serve on the Kenosha County Board of Health, 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 Board of Health 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 Linda Weiss to the Kenosha County Board of Health. Ms. Weiss' appointment shall be effective immediately and continuing until the 4th day of February, 2008 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Weiss will serve without pay and will be filling a vacant position.

Submitted by

HUMAN SERVICES COMMITTEE:

John O'Day

William Grady

Ruth Delace Booth

Don Smitz

Gordon West

It was moved by Supervisor Grady to adopt Resolution 69. Seconded by Supervisor Smitz.

Motion carried.

#### **RESOLUTION 70**

70. From the Human Services Committee to Approve the Appointment of Timothy Thompkins to the Kenosha County Resource Center Board.

**WHEREAS**, pursuant to County Executive Appointment 2004/05-26, the County Executive has appointed Timothy Thompkins to serve on the Kenosha County Resource Center 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 Resource Center 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 Timothy Thompkins to the Kenosha County Resource Center Board. Mr. Thompkin's appointment shall be effective immediately and continuing until the 31st day of May, 2007 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Thompkins will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83). Mr. Thompkins will be succeeding himself.

Submitted by

HUMAN SERVICES COMMITTEE:

John O'Day

William Grady

Ruth Delace Booth

Don Smitz

Gordon West

It was moved by Supervisor Grady to adopt Resolution 70. Seconded by Supervisor West.

Motion carried.

#### **RESOLUTION 71**

71. From the Judiciary & Law and Building & Grounds Committees Resolution to upgrade communications systems in Joint Services Dispatch with Motorola Equipment.

**WHEREAS**, Kenosha City/County Joint Services anticipates a system upgrade for the communications consoles currently used by the 911 dispatchers at the Kenosha County Public Safety Building and a system replacement at the back up site located at the Kenosha County Center, and

**WHEREAS**, the upgrade and replacement of the consoles will be funded through grant dollars previously provided to the County in the amount of \$162,723.19, and

**WHEREAS**, the communications consoles at the Public Safety Building were a part of the original county-wide, two-way communications system and emergency communications network of Motorola equipment originally purchased in 1993-1994, and

**WHEREAS**, the Motorola equipment can be provided more cost effectively by Milwaukee 2-Way which is the authorized Motorola dealer providing service for Motorola equipment in this area, and that Milwaukee 2-Way will recommend to Kenosha County and Joint Services a communications system for the back up site at the Kenosha County Center, within the total available grant dollars.

**NOW, THEREFORE BE IT RESOLVED**, that Kenosha County authorizes a contract with Milwaukee 2-Way to provide the upgrade to the Motorola dispatch console software and hardware system at the Joint Services Public Safety Building, not to exceed the grant funds available for this purpose in the amount of \$162,723.19. The County Executive shall sign all necessary documents for this transaction.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Susan Deschler

William Michel, II

Terry Rose

BUILDING & GROUNDS

Mark Molinaro, Jr.

Douglas Noble

Gordon West

Judith Rossow

Leonard Johnson

FINANCE

Robert Carbone

Terry Rose

Mark Wisnefski

Mark Modory

It was moved by Supervisor Huff to adopt Resolution 71. Seconded by Supervisor Noble.

Roll call vote passed unanimously.

#### **RESOLUTION 72**

72. From Judiciary & Law and Finance Committees Regarding Citizen Corps Grant.

**WHEREAS**, Kenosha County Division of Emergency Management has been awarded a Citizen Corps Grant totaling \$44,362 from Wisconsin Office of Justice Assistance (OJA), and

**WHEREAS**, the Citizen Corps Grant is to be used to promote Citizen Corps activities throughout Kenosha County, by training and educating citizens on hazards and emergency response, encouraging citizens to get involved/volunteer, strengthening Municipal/Local Neighborhood Watch Programs, promoting volunteers

in the law enforcement and fire disciplines, and training and establishing Community Emergency Response Teams, and

**WHEREAS**, the performance period of this Grant is July 04 through July 05 and the work under this Grant will strengthen the emergency response network throughout Kenosha County and its municipalities, and

**WHEREAS**, Kenosha County will hire a limited term, non-rep temp for the duration of this Grant, and

**WHEREAS**, the cost of this grant which will end August 1, 2005, will require no tax levy now or in the future,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the FY04 Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

**BE, IT FURTHER RESOLVED** that the Grant will carry-over into the FY05 Budget and that the Administration be authorized to modify these Budget Expenditures for purposes of expending all of the grant dollars in accordance with grant criteria.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT	FINANCE COMMITTEE
James Huff	Robert Carbone
Brenda Carey-Mielke	Mark Wisnefski
Susan Deschler	Terry Rose
Terry Rose	Mark Modory
William Michel, II	

It was moved by Supervisor Huff to adopt Resolution 72. Seconded by Supervisor Carbone.

Roll call vote passed unanimously.

#### **RESOLUTION 73**

73. From Judiciary & Law and Finance Committees Regarding OJP (Office of Justice Programs) FY03 Exercise Grant.

**WHEREAS**, Kenosha County Division of Emergency Management is being awarded an Office of Justice Programs (OJP) Exercise funding Grant totaling \$14,900.00 from the State of Wisconsin Division of Emergency Management (WEM), and

**WHEREAS**, this grant will be used in conjunction with a previously approved exercise grant of 33,090.00 for a total of \$47,990.00, to hire a temp to help coordinate and conduct the exercise, to pay for materials, supplies, expendable equipment, and cover overtime/backfill costs of those participating in the May 2005 full-scale exercise, and

**WHEREAS**, the cost of this grant is 100% funded by WEM, requiring no tax levy, and

**WHEREAS**, the Kenosha County Emergency Management Budget will require a FY04 Budget Modification of \$14,900.00,

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors approve that the FY04 Emergency Management revenue and expenditure line items be modified, as per the attached budget modification form.

**BE IT FURTHER RESOLVED**, that the Grant will carry-over into the FY05 Budget and that the Administration be authorized to modify these Budget Expenditures for purposes of expending all of the grant dollars in accordance with Grant criteria.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT	FINANCE COMMITTEE
James Huff	Robert Carbone
Brenda Carey-Mielke	Mark Wisnefski
Susan Deschler	Terry Rose
Terry Rose	Mark Modory
William Michel, II	

It was moved by Supervisor Huff to adopt Resolution 73. Seconded by Supervisor Rose.

Roll call vote passed unanimously.

#### **RESOLUTION 74**

74. From the Judiciary & Law Enforcement Committee regarding Cabaret License for Cross Lake Inn.

**WHEREAS**, the application of Michael & Karin Johnson for a probationary cabaret license for Cross Lake Inn, 12425 Antioch Road, Trevor, Wisconsin, in the

Town of Salem, was made during the month of May, was turned over to this office on May 8, 2003, and

**WHEREAS,** the establishment known as Cross Lake Inn was granted a probationary Cabaret License per County Board Resolution #8 on May 18, 2004, and

**WHEREAS,** the establishment known as Cross Lake Inn was found to be in conformity with the Cabaret Ordinance Number 8.02 governing its conduct for a probationary period of the last 6 months.

**NOW, THEREFORE BE IT RESOLVED,** that a regular cabaret license, in lieu of a probationary cabaret license be granted to Michael & Karin Johnson, for Cross Lake Inn.

Submitted by:

JUDICIARY AND LAW ENFORCEMENT

James Huff

Brenda Carey-Mielke

Susan Deschler

Terry Rose

William Michel, II

It was moved by Supervisor Huff to adopt Resolution 74. Seconded by Supervisor Deschler.

Motion carried.

#### **RESOLUTION 75**

75. From the Land Use Committee to Approve the Appointment of Leonard R. Johnson to serve a six-year term on the Southeastern Wisconsin Regional Planning Commission.

**WHEREAS,** pursuant to County Executive Appointment 2004/05-27, the County Executive has appointed Leonard R. Johnson to serve on the Southeastern Wisconsin Regional Planning Commission; and

**WHEREAS,** the Land Use Committee of the Kenosha County Board of Supervisors has reviewed the request of the County Executive for confirmation of the above-named to serve on the Southeastern Wisconsin Regional Planning Commission and is recommending to the County Board the approval of the appointment,

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors confirms the appointment of Leonard R. Johnson to the Southeastern Wisconsin Regional Planning Commission. Mr. Johnson's appointment shall be effective immediately and shall continue until the 15<sup>th</sup> day of September 2010, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Mr. Johnson will be succeeding Supervisor Thomas J. Gorlinski. Mr. Johnson will be reimbursed \$50.00 per meeting plus mileage by Southeastern Wisconsin Regional Planning Commission.

Submitted by:

LAND USE COMMITTEE

Don Smitz

Tom Gorlinski

Fred Ekornaas

Mark Molinaro, Jr.

Janice Marrelli

It was moved by Supervisor Smitz to adopt Resolution 75. Seconded by Supervisor Molinaro.

Motion carried. Supervisor L. Johnson abstained from voting.

#### **RESOLUTION 76**

76. From the Land Use Committee Resolution which transfers funds from the Landfill Tipping Fee Revenue Account and establishes a Legal Fee Account for the Board of Adjustments.

**WHEREAS,** the Kenosha County has a Board of Adjustments to hear zoning and sanitary appeals pursuant to Wisconsin State Statutes 59.694; and

**WHEREAS,** the Board of Adjustments on occasion has a need for legal counsel; and

**WHEREAS,** the Office of Corporation Counsel has determined that it is in the best interest of Kenosha County that the Board of Adjustments is represented by independent counsel; and

**WHEREAS**, there is a surplus of revenue received in the Landfill Tipping Fee account; and

**WHEREAS**, it is estimated that approximately \$25,000 is needed for legal services; and

**WHEREAS**, this Resolution does not require funds from the General Fund.

**NOW, THEREFORE, BE IT RESOLVED** that Land Tipping Fee Revenue be increased and Legal Fee Expenditure line item be established as per the attached Budget Modification which is hereby incorporated by reference.

**BE IT FURTHER RESOLVED** that any funds remaining at the end of 2004 be carried over to the 2005 Board of Adjustments budget into the same legal fee line item being established by this resolution.

Submitted by:

LAND USE COMMITTEE	FINANCE
Don Smitz	Robert Carbone
Tom Gorlinski	Mark Wisnefski
Fred Ekornaas	Terry Rose
Mark Molinaro, Jr.	Mark Modory
Janice Marrelli	

It was moved by Supervisor Smitz to adopt Resolution 76. Seconded by Supervisor Carbone.

Roll call vote passed unanimously.

Supervisor Carey-Mielke was not in the chambers during the vote.

#### **RESOLUTION 77**

77. From the Land Use Committee Resolution which transfers funds within the County Development Division 2004 Budget. The transfer will be from salary line items to the other professional services line item to cover Land Conservationist costs caused by a delay in filling an approved position.

**WHEREAS**, the Planning and Development - Division of County Development Division 2004 adopted budget allowed for a Land and Water Conservation Engineer to be hired with Land and Water Conservation grant funds; and

**WHEREAS**, the Land and Water Conservation Engineer was budgeted to start in March of 2004, however the position was not filled until October 4, 2004; and

**WHEREAS**, the grant funds not used for Land and Water Conservation engineering services are needed to pay for Land and Water Conservation services performed by SEWRPC as was previously done under a professional services contract; and

**WHEREAS**, the transfer of funds from the salary and benefit line items to the professional services line item will have no effect on the levy;

**NOW, THEREFORE, BE IT RESOLVED** that the extra funds in the Planning and Development - County Development Division salary and benefit line item be transferred to the professional services line item as outlined in the Budget Modification form, which is attached and part of this resolution; and

**BE IT FURTHER RESOLVED** that any grant funds remaining at the end of 2004 be carried over to the County Development Division professional services line item to be used for Land and Water Conservation purposes rather than returning said funds to the State of Wisconsin.

LAND USE COMMITTEE	FINANCE
Don Smitz	Robert Carbone
Tom Gorlinski	Mark Wisnefski
Fred Ekornaas	Terry Rose
Mark Molinaro, Jr.	Mark Modory
Janice Marrelli	

It was moved by Supervisor Smitz to adopt Resolution 77. Seconded by Supervisor Modory.

Roll call vote passed unanimously.

Supervisor Carey-Mielke was not in the chambers during the vote.

#### **COMMUNICATION**

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

Chairman Elverman referred Communication 11 to the Land Use Committee.

#### **CLAIMS**

17. Dale S. Tudjan - Injured by County owned Roadway Excavator while riding a bicycle.

Chairman Elverman referred Claim 17 to Corporation Counsel.

It was moved by Supervisor Modory to approve the November 16, 2004 minutes. Seconded by Supervisor Clark.

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

Motion carried.

Meeting adjourned at 8:14 P.M.

Prepared by: Edie LaMothe

Submitted by: Edna R. Highland  
County Clerk