

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**December 2, 2003**

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, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Larsen, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, West, Gorlinski, Huff, Elverman, O'Day, Wisnefski, Ruffolo.

Excused: Supervisors Kerkman.

Absent: Supervisor Marrelli.

Present. 26. Excused. 1. Absent. 1.

Presentation from County Executive, Allan Kehl honoring Jenny Gelden on becoming the first female swimmer in county history to win a title at the Wisconsin Interscholastic Athletic Association Division - 1 State Swimming & Diving Championship on November 15, 2003 and the Westosha Central High School Volleyball Team on their WIAA Division Championship.

**CITIZEN COMMENTS**

Bob Danbeck, 7626-27th Avenue, stated that there was one item in the County Budget that he would have liked to have seen passed and that is the supervisors full time insurance benefits. It's not right. There is no other group that has full health insurance serving on a county board and we are in a budget crunch. We need to down size the county board. Another thing - why are the County Golf Courses closed? This is not right because he and his friends have been golfing at other courses in the county.

Donna Dickenson, 990 Professional Services Union Officer encouraged the board to vote in favor of the tentative agreement. It took several months of hard work to achieve this agreement. Many concessions with the health insurance were made by 990 Professional Unit.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler stated that he has selected nine supervisors to be on the committee to meet with people from Kemper Center. They are Supervisors Wisnefski, Elverman, Molinaro, Bergo, Carey-Mielke, Gorlinski, West, Singer and Faraone. These supervisors indicated that they wanted to serve.

Chairman Kessler reminded everyone about the Christmas Party. Please return your checks to the County Clerk.

Chairman Kessler stated that the next 7-County Meeting will be on January 21st at 7:00 p.m. More details will be coming.

Chairman Kessler stated that Pleasant Prairie is still looking at the tax equity study and hopefully reports will be coming in January.

SUPERVISORS REPORTS

Supervisor Pitts stated that he has decided not to run for County Board Supervisor for District 13. This was a easy decision and he feels that he has done the best he could. He has enjoyed the staff that he has worked with. Kenosha County has the finest staff providing information to this board. He has the highest respect for all of the supervisors that serve on the County Board. They might not agree on issues all the time but he respects all of them. He plans on continuing with Brookside as a trustee and he might be relocating maybe to Somers. He has a home up north and maybe now he will have an opportunity to fish more. He has enjoyed the six years as a County Board Supervisor and helping people. It's gratifying to know that the conditions of this have improved greatly in the last six years and it is a credit to this board because they have worked as a team.

Supervisor Faraone stated that she is very disturbed about her name being omitted on the inside front cover of the Proceedings Book. When the budget book was presented her name was misspelled. What we put out should be better proof read.

The County Clerk apologized for the error and stated she will look into it.

Supervisor West thanked everyone for the flowers sent to his wife who is recovering from surgery.

Supervisor Wisnefski stated that Central High Volleyball Team has been ranked nationally.

Supervisor Carbone stated that replacement budget pages were placed on everyone's desk.

COUNTY EXECUTIVE APPOINTMENTS

APPOINTMENT 10

10. Barbara K. Ford to serve on the Kenosha County Zoning Board.

Chairman Kessler referred Appointment 10 to the Land Use Committee.

APPOINTMENT 11

11. George Vujovic to serve as a member of the Kenosha County Veterans Commission.

12. Ronald Johnson to serve a three year term on the Kenosha County Human Services Board.

Chairman Kessler referred Appointments 10 & 11 to Human Services Committee.

NEW BUSINESS

Policy Resolutions - first reading, two required.

POLICY RESOLUTION 2

2. From Legislative and Finance Committees regarding Establishing a Policy on the Disposition of County Real Estate.

Policy Resolution 2 was removed from the agenda.

Ordinances - one reading required.

From Land Use Committee regarding:

ORDINANCE 34

34. Harold Vila, requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District in the Town of Brighton.

**ORDINANCE 35**

35. Jean M. Nelson (Owner)/Glen Nelson (Agent), requesting rezoning from A-2 General Agricultural District to R-1 Rural Residential District in the Town of Bristol.

It was moved by Supervisor Smitz to adopt Ordinances 34 & 35. Seconded by supervisor Gorlinski.

Motion carried.

**ORDINANCE 36**

36. The estate of Roger F. and Virginia Sherman (Owners), Patrick Sherman (Agent), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District in the Town of Randall.

**ORDINANCE 37**

37. John E. Horak (Owner), Attorney William R. Kuehn (Counsel/Agent), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Randall.

**ORDINANCE 38**

38. Frank, Jr. and Phyllis M. Kriska (Owners), Lon Wienke (Agent), requesting rezoning from B-2 Community Business District to R-4 Urban Single-Family Residential District in the Town of Salem.

It was moved by Supervisor Smitz to adopt Ordinances 36, 37 & 38. Seconded by Supervisor Larsen.

Motion carried.

**ORDINANCE 39**

39. Brian K. Olsen and Tammie Kislia, requesting rezoning from PR-1 Park and Recreational District to R-4 Urban Single-Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Salem.

**ORDINANCE 40**

40. Dale and Joni Kessler (Owners), Donald C. Schenning (Buyer/Agent), requesting rezoning from A-2 general Agricultural District, and C-1 Lowland Resource Conservancy District to R-1 Rural Residential District, R-2 Suburban Single-Family Residential District and C-1 Lowland Resource Conservancy District in the Town of Wheatland.

It was moved by Supervisor Smitz to adopt Ordinances 39 & 40. Seconded by Molinaro. Motion carried.

Resolutions - One reading.

**RESOLUTION 81**

81. From Administration and Finance Committees regarding Approving the Successor Labor Agreement between Kenosha County and AFSCME Local 990 - Professional Employees.

It was moved by Supervisor Singer to adopt Resolution 81. Seconded by Supervisor Carbone.

2/3 vote required.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Singer, Ruffolo, Montemurro, Wisnefski, West, Smitz, Ekornaas.

Nays: Supervisors Faraone, Larsen, Carey-Mielke, Clark, Noble, Gorlinski, Elverman.

Ayes. 19. Nays. 7.

Motion carried.

**RESOLUTION 82**

82. From Human Services and Finance Committee regarding Modifying the 2003 Division of Aging Budget to reflect additional funding for the Nutrition Program.

It was moved by Supervisor Boyer to adopt Resolution 82. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 83**

83. From Human Services and Finance Committees and Brookside Trustees regarding Budget Modification to increase Licensed Bed Assessment Expense and Increase Operating Offsetting Revenue.

It was moved by Supervisor Boyer to adopt resolution 83. Seconded by Supervisor Pitts.

2/3 vote required.

Motion carried unanimously.

**RESOLUTION 84**

84. From Judiciary & Law, Finance and Buildings and Grounds Committees regarding Detentions Capital Improvement Project.

It was moved by Supervisor Huff to adopt Resolution 84. Seconded by Supervisor Wisnefski.

It was moved by Supervisor Molinaro to strike the ninth (9th) Whereas that refers to the sale of the county property of the old 52nd Street building. Strike the \$250,000 from the sale of the 52nd street property and modify the \$711,000 surplus revenue and expenditures in the Sheriff's Budget to \$961,000. Seconded by Supervisor Grady.

It was moved by Supervisor Elverman to refer Resolution 84 to the next meeting and at that meeting we request that someone from the Finance Department and Sheriff's Department attend the meeting to answer questions. Seconded by Supervisor Ruffolo.

It was moved and seconded to Close Debate on the Referral.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Larsen, Wisnefski, Clark, West, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Faraone, Singer, Ruffolo, Montemurro, Carey-Mielke, Noble, Gorlinski.

Ayes. 17. Nays. 9.

Motion failed.

It was moved by Supervisor Singer to Amend the Amendment to read that the \$250,000 come from the General Fund and the surplus revenue stay at \$711,000 and the first monies received in revenues be put back into the General Fund. Seconded by Supervisor by Supervisor Wisnefski. Supervisor Molinaro agreed to modify his amendment to read as Supervisor Singer moved.

It was moved by Supervisor O'Day to Close Debate on the referral. Seconded By Supervisor Johnson.

Roll call vote.

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

Nays: Supervisors Molinaro, Carbone, Ruffolo, Montemurro.

Ayes. 22. Nays. 4.

Motion carried.

Roll call vote on the amendment.

Ayes: Supervisors Grady, Huff, Molinaro, Bergo, Faraone, Johnson, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Noble, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Kessler, Boyer, Rose, Carbone, Modory, Pitts, Ruffolo, Wisnefski, Clark, Elverman.

Ayes. 16. Nays. 10.

Motion carried.

It was moved by Supervisor Johnson to close debate. Seconded by Supervisor Rose.

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, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Ruffolo, Montemurro, Gorlinski.

Ayes. 21. Nays. 5.

Motion carried.

Roll call vote on Resolution 84 as amended. (2/3 vote required)

Ayes: Supervisors Kessler, Grady, Huff, Molinaro, Bergo, Faraone, O'Day, Singer, Montemurro, Larsen, Carey-Mielke, Noble, West, Gorlinski, Ekornaas.

Nays: Supervisors Boyer, Rose, Carbone, Modory, Johnson, Pitts, Ruffolo, Wisnefski, Clark, Smitz, Elverman.

Ayes. 15. Nays. 11.

Motion lost.

It was moved by Supervisor Rose to adopt Resolution 84 as printed on tonight's Agenda.

Frank Volpintesta, Corporation Counsel said that he will look into Supervisor Rose' motion.

Chairman Kessler stated that they would continue with the agenda until Mr. Volpintesta came back with an answer.

**RESOLUTION 85**

85. From Judiciary & Law and Finance Committees regarding BOTS - Traffic Enforcement Grant.

It was moved by Supervisor Huff to adopt Resolution 85. Seconded by Supervisor West.

Roll call vote.

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

Nays: Supervisor Gorlinski.

Ayes. 24. Nays: 1.

Motion carried.

**RESOLUTION 86**

86. From Judiciary & Law and Finance Committees regarding recognizing Unanticipated Revenue Surplus.

It was moved by Supervisor Huff to adopt Resolution 86. Seconded by Supervisor Rose.

Motion carried unanimously.

**RESOLUTION 87**

87. From Judiciary & Law and Finance Committees regarding a Resolution to transfer funds from the General Fund to the Medical Examiner's Budget.

It was moved by Supervisor Huff to adopt resolution 87. Seconded by Supervisor O'Day.

Motion carried unanimously.

**RESOLUTION 88**

88. From Judiciary & Law Enforcement Committee regarding CCW - Senate Bill 214.

It was moved by Supervisor Huff to adopt Resolution 88. Seconded by Supervisor Carey-Mielke.

It was moved by Supervisor Pitts to postpone Resolution 88. Seconded by Supervisor Carey-Mielke.

It was moved by Supervisor O'Day to close debate. Seconded by Supervisor Rose.

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, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Ruffolo, Montemurro, Gorlinski.

Ayes. 21. Nays. 5.

Motion carried.

Roll call vote on postponing.

Ayes: Supervisors Grady, Boyer, Carbone, Pitts, Larsen, Wisnefski, Clark, Noble, Gorlinski, Ekornaas.

Nays: Supervisors Kessler, Rose, Huff, Molinaro, Bergo, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Carey-Mielke, West, Smitz, Elverman.

Ayes. 10. Nays. 16

Motion failed.

Roll call vote on Resolution 88.

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

Nays: Supervisors Grady, Boyer, Carbone, Ruffolo, Wisnefski, Gorlinski, Ekornaas.

Ayes. 19. Nays. 7.

Motion carried.

**RESOLUTION 89**

89. From Land Use and Finance committee regarding Modifying 2003 County Development Division Budget after applying for and receiving additional State Funds for Land Conservation Purposes.

It was moved by Supervisor Smitz to adopt Resolution 89. Seconded by Supervisor Pitts.

Motion carried unanimously.

**RESOLUTION 90**

90. From Land Use Committee regarding Final Plat of Hazeldell Estates Subdivision, Robert D., Jr. and Julia Pringle (Owners/Developers), Lon Wienke (Agent), located in the Town of Bristol.

It was moved by Supervisor Smitz to adopt Resolution 90. Seconded by Supervisor Ekornaas.

Motion carried.

**RESOLUTION 91**

91. From Land Use Committee regarding Final Plat of Falcon Heights Subdivision, Stafford Development, L.L.C. (Owner/Developer), located in the Town of Salem

It was moved by Supervisor Smitz to adopt Resolution 91. Seconded by Supervisor Ekornaas.

Motion carried.

**RESOLUTION 92**

92. From Land Use Committee regarding Final Plat of Oak Forest Estates Subdivision, Ray Parvinian (Developer), located in the Town of Somers.

It was moved by Supervisor Smitz to adopt Resolution 92. Seconded by Supervisor Larsen.

Motion carried.

**RESOLUTION 93**

93. From Finance Committee regarding Bills over \$5,000.00.

It was moved by Supervisor Carbone to adopt Resolution 93. Seconded by Supervisor Rose.

Supervisor Clark abstained from voting on Professional Services, Community Programs. Spanish Center and Shalom Center.

Motion carried.

It was moved by Supervisor Noble to amend Resolution 84 by making an additional line item that would have \$250,000.00 in anticipated revenue as opposed to the General Fund which would leave \$250,000 intact and the concept of what to do with the Human Services Building on 52nd Street be left alone to another time. Seconded by Supervisor Molinaro.

It was moved by Supervisor Grady to close debate. Seconded by Carey-Mielke.

Roll call vote.

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

Nays: Supervisors Molinaro, Ruffolo, Montemurro.

Ayes. 23. Nays. 3.

Motion carried.

Roll call on amendment.

Ayes: Supervisors Grady, Boyer, Huff, Bergo, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Carey-Mielke, Clark, Noble, Gorlinski, Smitz, Ekornaas, Molinaro, Montemurro.

Nays. Supervisors Kessler, Rose, Carbone, Ruffolo, Wisnefski, West, Elverman.

Ayes. 19. Nays. 7.

Motion carried.

Roll call vote on Resolution 84 as amended.

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

Nays: Supervisors Rose, Carbone, Ruffolo, Wisnefski, West, Elverman.

Ayes. 20. Nays. 6.

Motion carried.

#### COMMUNICATION

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

Chairman Kessler referred Communication 28 to the Corporation Counsel.

#### CLAIMS

- 55. Kristen Singer - pothole damage.
- 56. Kristy Borst - miscarriage while incarcerated.

Chairman Kessler referred Claims 55 & 56 to corporation Counsel.

It was moved by Supervisor Rose to approve the November 12th, 13th, 18th 2003 minutes. Seconded by Supervisor West.

Motion carried.

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

Roll call vote requested.

Ayes: Boyer, Rose, Pitts, Wisnefski, Smitz.

Nays: Supervisors Kessler, Grady, Huff, Molinaro, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Ruffolo, Montemurro, Larsen, Carey-Mielke, Clark, Noble, West, Gorlinski, Elverman, Ekornaas.

Ayes. 5. Nays. 21

Motion failed.

Supervisor Singer moved to go into closed session. Seconded by Supervisor Montemurro.

Motion carried.

Meeting went into CLOSED SESSION PER 1985 (1)(e)of the Wisconsin Statutes, conducting specified public business where competitive or bargaining reasons require a closed session.  
Review status of collective bargaining.

Meeting went into closed session at 11:50 p.m.

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