

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

April 15, 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 Boyer, Rose, Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Singer, Montemurro, Larsen, Wisnefski, Clark, Noble, Gorlinski, Smitz, Elverman, Ekornaas, West, O'Day, Modory, Kerkman, Pitts.

Excused: Supervisor Grady, Ruffolo, Carey-Mielke.

Present. 25. Excused. 3.

CITIZEN COMMENTS

William Phenicie, an attorney with the law firm of Lloyd, Phenicie, Lynch and Kelly. He is representing the owners of various parcels of property adjacent to and located nearby the parcel owned by Michiko Nagai in the Town of Salem. Ms Nagai has petitioned for rezoning from A-1 Agricultural to A-2 Agricultural and B-5 Wholesale Trade and Warehousing classification to allow her tenant to operate a Landscaping Business on the property. This narrow parcel is bordered by horse farms unsuited to the B-5 zoning district. Adopt the Land Use Committee's Resolution to deny the rezoning.

Carole Allgauer, one of the owners of Fireside Farm and adjoins the Nagai property to the east. She hopes the board will support Resolution 152 and deny the rezoning request by Michiko Nagai.

Lisa Froehlig, one of the owners of Silverwood Farm a 103 acre horse farm and adjoins the Nagai property to the west. Please follow the Land Use Committees recommendation and deny the rezoning request.

Tim Voeller, an attorney representing Michiko Nagai. Crane Landscaping began operation since 1997. Under the current A-1 Zoning this is a legal operation. In September of 1999 the Kenosha County Planning Department issued an order to correct conditions on the property. The Planning department went to each of the Landscaping Contractors under county jurisdiction and asked that each operation change their zoning to a B-5 Conditional Use which was a better suited zoning for landscape operations. The Zoning Code was void of a reference to landscape operation. Ms. Nagai was just complying with the order to rezone her property to B-5 so that she could continue the business. She also agreed to certain conditions. One was that it would be rezoned back to A-1 at the termination of the landscaping business. The Town of Salem did approve this. There has been precedence set.

Michiko Nagai, owner of the property stated that this has been a terrible fight. Before this she was friends with her neighbors. Her property should be A-1 Agricultural with Conditional Use not B-5 Wholesale Trade and Warehousing District. She has to fight and she feels like a insignificant mouse pushed into a corner. Now she will fight and bite the big fat cat!

Julie Claeys, Lydia Breul, Corinne Krebs, Art Lukowicz, Bob Livingston Sr., Jerry Hajducey, David Giza, Yvette Livingston and Robert Livingston all spoke in favor of the Landscape Business staying operational.

Carol Allgauer, Carl Habendott and Deborah Habendott live across or adjacent to Michiki Nagai property and are against having a landscape business so close to their horse farms.

SUPERVISOR REPORTS

Supervisor Pitts announced that Karen Vincent, Director of Brookside Care Center will be leaving April 30th. She has been so dedicated and she will be going into consulting work.

Supervisor Rose stated that there is a possibility the Barber Shop Headquarters would be leaving this area. This is an important organization for Kenosha. We do not want to lose this business. He asked Chairman Kessler to contact the Executive Director to find out what it will take to keep that organization in Kenosha County.

Supervisor Molinaro stated that the Legislative Committee has been looking at Citizens Comments on the agenda. He is urging the Legislative Committee not to tamper with citizen comments. It is important that the taxpayers of this county the opportunity to speak to this body when they want to and about what they want to.

Supervisor Elverman stated that the Highway & Parks Committee closed the new Parkland. At this time there is a development plan in progress. We will be reaching out to community groups to be involved.

Supervisor Wisnefski stated that a compressor at the 45 & 50 building went out. He does not know what the replacement cost will be. The building is ten years old and things are bound to break down.

Supervisor Gorlinski stated that he is involved with a community group in the Town of Salem. They got the D.O.T. to approve an engineer change on Highway 83 from the state line to Highway 50 relative to pedestrian and bike walkways. The important thing has been communication. One of the most reoccurring comment was - does the County have a Director of Recreation. Given the future of how this county is growing it is important that this county look to the future relative to it's plan for recreation and it's availability to all citizens in Kenosha County.

NEW BUSINESS

Ordinances - one reading.

ORDINANCE 73

73. From Land Use Committee regarding Anthony R. Rossi and Sons Partnership (Owner), Randall Rossi (Agent), requesting rezoning from A-1 Agricultural Preservation district to R-2 Suburban Single-Family residential 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 #35-4-121-042-0101 located in the northwest quarter of Section 4, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation 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 "K" (60th Street) approximately ¼ mile east of the intersection of County Trunk Highway "D" (184th Avenue).

Anthony R. Rossi and Sons Partnership - (Owners)

Randall Rossi - (Agent)

Description: Part of the northeast ¼ of the northwest ¼ of Section 4, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Town of Bristol, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the north ¼ corner of said Section 4; thence south 88°49'04" west along the north line of said northwest ¼ section 1066.65 feet (recorded as west 1066.46 feet) to the place of beginning of this description; thence south 01°49'29" east 422.02 feet; thence south 88°49'04" west 255.00 feet; thence north 01°49'29" west (recorded as north 00°37'25" west) 422.02 feet to a point on the north line of said northwest ¼ section; thence north 88°49'04" east (recorded as east) along said north line 255.00 feet to the place of beginning. Containing 2.47 acres of land more or less. Subject to rights of the public over the north 40 feet thereof dedicated to the public for public highway purposes (County Trunk Highway "K" a/k/a 60th Street). 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 74

74. From Land Use Committee regarding Robert W. Bohn (Owner)/Patrick M. Lloyd (Counsel/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 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 #35-4-121-233-0300 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 excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the north side of County Trunk Highway "Q" (104th Street) at the intersection of County Trunk Highway "MB" (152nd Street).

Robert W. Bohn - (Owner)

Patrick M. Lloyd - (Counsel/Agent)

Description: Part of the northwest ¼ and the southwest ¼ of the southwest ¼ of Section 23, 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: Begin at the southwest corner of said southwest ¼ section; thence north 02°09'54" west along the west line of said southwest ¼ section 2640.89 feet to the northwest corner of said southwest ¼ section; thence north 89°24'08" east along the north line of said southwest ¼ section 335.00 feet; thence south 04°05'52" east 677.00 feet; thence north 88°44'08" east 384.90 feet; thence south 05°57'42" east 204.92 feet; thence south 84°55'52" east 220.18 feet; thence south 05°15'52" east 286.41 feet; thence south 87°12'23" east 295.37 feet; thence south 46°15'52" east 18.90 feet; thence south 07°50'14" east 44.35 feet; thence south 70°26'15" east 20.04 feet to a point on the east line of the west ½ of said southwest ¼ section; thence south 02°10'50" east along said east line 1376.12 feet to a point on the south line of said southwest ¼ section; thence south 89°23'31" west along said south line 1321.34 feet to the place of beginning. Containing 59.79 acres of land more or less. Subject to rights of the public over the south 33 feet thereof for highway purposes (County Trunk Highway "Q" a/k/a 104th Street) excluding lands currently zoned C-2 Upland Resource Conservancy District. 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 73 & 74. Seconded by Supervisor Molinaro.

Motion carried.

Resolutions - one reading.

RESOLUTION 147

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

WHEREAS, the Wisconsin State Statutes provides that the County Board may act On all bills over \$10,000.00 and

WHEREAS the County Resolution requires that the Finance Committee must act on all bills over \$5,000.00, and

NOW, THEREFORE LET IT BE RESOLVED, that the following bills be approved for payment:

KENOSHA COUNTY PAYMENT GROUPS BILLS OVER \$5,000.00
APPROVAL BY FINANCE COMMITTEE AND COUNTY BOARD ARE REQUIRED:

<u>DIVISIONS</u>	<u>PAYMENT GROUPS</u>
FINANCE GROUPING # 1	\$1,472,036.46

FINANCE GROUPING # 2	\$ 100,232.20
PERSONNEL GROUPING # 1	\$1,138,486.38
DISABILITY GROUPING # 1	\$1,097,065.60
PAYMENT GROUPS GRAND TOTAL:	\$3,807,820.64

Re-submit approved Resolution #45, dated 9/17/02, Workman's Compensation settlement was adjusted by order of State of Wisconsin Workman's Compensation Division from \$18,400 to \$17,529.42.

Submitted by:

FINANCE COMMITTEE

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

It was moved by Supervisor Carbone to adopt Resolution 147. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Community Impact Program, Shalom Center and Professional Services Group.

RESOLUTION 148

148. Finance Committee regarding 2002 Year End Closeout Resolution.

WHEREAS, certain 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, and

WHEREAS, year-end analysis shows there is a cash deficit of \$629,983 in Golf Course Fund 640, and there are monies available from certain funds that can cover this deficit, and

WHEREAS, the following monies can be transferred to Golf Course Fund 640 to cover the deficit: \$335,572 from Highway Fund 700; and \$294,411 from Brookside Care Center Fund 600; and

WHEREAS, there are funds available in the Human Services Special Revenue Fund 200 that may be appropriated to cover a projected placement deficit in Disability Services of \$340,000, and

NOW, THEREFORE, BE IT RESOLVED, that the appropriate funds be carried over from 2002 to 2003, and that the 2003 budget be adjusted as shown in the attached fiscal notes which are incorporated by reference,

BE IT FURTHER RESOLVED, that funds be transferred to the Golf Course Fund 640 for purposes of covering the cash deficit with \$335,572 to be lapsed from the Highway Fund and \$294,411 to be lapsed from Brookside Care Fund. These funds shall not be appropriated but should be lapsed only for covering the Golf Course cash deficit, and

BE IT FURTHER RESOLVED, that \$340,000 remain in Social Services Fund 200 and not be lapsed into the General Fund, and be appropriated in the Department of Disability Services as shown in the attached fiscal notes, and

BE IT FURTHER RESOLVED, that the attached fiscal notes detail the source and application of funds,

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 separated 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
 Gordon West
 Terry Rose
 John O'Day

Robert Pitts

It was moved by Supervisor Carbone to adopt Resolution 148. Seconded by Supervisor O'Day.
2/3 vote required.

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

Nays: Supervisors Molinaro, Marrelli, Montemurro.

Ayes. 22. Nays. 3.

Motion carried.

RESOLUTION 149

149. From Human Services and Finance Committees regarding Modifying 2002 budget to reflect additional funding received in the fourth quarter of 2002 for the Wisconsin "WINS" program.

WHEREAS, the Kenosha County Department of Human Services, Division of Health has received additional funding from the Wisconsin Department of Health and Family Services in the amount of \$3,008 for the period of January 1, 2002 through December 31, 2002, and

WHEREAS, the Kenosha County Department of Human Services, Division of Health has received these funds for the Wisconsin Wins Program for the period of January 1, 2002 through December 31, 2002, 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 \$3,008 and expenditures increase by \$3,008 as indicated in the attached budget modifications that are incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Donald 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 149. Seconded by Supervisor Carbone.

2/3 vote required.

Motion carried unanimously.

RESOLUTION 150

150. From Human Services Committee regarding Division of Children & Family Services: Resolution for Leave of Absence for an Ongoing Unit Social Worker.

It was moved by Supervisor Boyer to adopt Resolution 150. Seconded by Supervisor Bergo.

Chairman Kessler referred Resolution 150 to the Administration Committee.

RESOLUTION 151

151. From Judiciary & Law enforcement Committee regarding Probationary Cabaret License - Dianne's Place.

WHEREAS, the applicant Dianne M. Anderson received approval by County Board action for a probationary cabaret license for the establishment known as Dianne's Place, and

WHEREAS, the application of Dianne M. Anderson for a probationary cabaret license for Dianne's Place, 1543-22nd Avenue, Kenosha, Wisconsin, in the Town of Somers, was made during the month of March, was turned over to this office on March 5, 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 Dianne M. Anderson, for Dianne's Place.

Submitted by:

JUDICIARY & LAW ENFORCEMENT COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

It was moved by Supervisor Huff to adopt Resolution 151. Seconded by Supervisor Faraone.

Motion carried.

RESOLUTION 152

152. From Land Use Committee regarding Denial of the rezoning request of Michiko Nagai Trustee of Michiko Nagai Revocable Living Trust from A-1 Agricultural Preservation District to A-2 General Agricultural District and B-5 Wholesale Trade and Warehousing District excluding lands currently zoned C-2 Upland Resource Conservancy District in the Town of Salem.

It was moved by Supervisor Smitz to adopt Resolution 152. Seconded by Supervisor Ekornaas.

It was moved by Supervisor Wisnefski to refer Resolution 152 back to Land Use Committee. Seconded by Supervisor Rose.

It was moved by Supervisor Kerkman to amend the amendment to be that Resolution 152 be changed to A2 zoning with a Conditional Use Permit due to the fact that Crane's Landscaping is an existing business. Seconded by Supervisor Faraone.

It was moved by Supervisor Rose to close debate on the amendment to the amendment. Seconded by Supervisor Kerkman.

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Wisnefski, Clark, West, Kerkman, Smitz, Elverman.

Nays: Supervisors Huff, Molinaro, Pitts, Montemurro, Noble, Gorlinski, Ekornaas.

Ayes. 18. Nays. 7.

Motion carried.

Roll call vote on amendment to the amendment.

Ayes: Supervisors Boyer, Rose, Wisnefski, Kerkman.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Montemurro, Larsen, Clark, Noble, West, Gorlinski, Smitz, Elverman, Ekornaas.

Ayes. 4. Nays. 21.

Motion failed.

It was moved by Supervisor Pitts to close debate on the amendment. Seconded by Supervisor Rose.

Ayes: Supervisors Boyer, Rose, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Wisnefski, Kerkman, Smitz.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Modory, Singer, Montemurro, Larsen, Clark, Noble, West, Gorlinski, Elverman, Ekornaas.

Ayes. 11. Nays. 14.

Motion lost.

It was moved by Supervisor Singer to close debate on the amendment. Seconded by Supervisor Rose.

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

Nays: Supervisors Huff, Molinaro, Marrelli, Montemurro, Noble, Elverman.

Ayes. 19. Nays. 6.

Motion carried.

Roll call vote on the referral amendment to refer back to Land Use Committee Resolution 152 with direction to come back to the County board with an Ordinance granting the petition of the petitioner based on the findings in Exhibit "A".

Roll call vote.

Ayes: Supervisors Kessler, Boyer, Rose, Huff, Molinaro, Bergo, Carbone, Modory, Pitts, O'Day, Singer, Montemurro, Wisnefski, Clark, Noble, West, Kerkman, Elverman.

Nays: Supervisors Marrelli, Faraone, Johnson, Larsen, Gorlinski, Smitz, Ekornaas.

Ayes. 18. Nays. 7.

Motion carried.

COMMUNICATION.

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

Chairman Kessler referred Communication 26 to the Land Use Committee.

It was moved by Supervisor Faraone to approve April 8, 2003 minutes as amended. Seconded Supervisor West.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn sine die. Seconded by Supervisor Marrelli.

Motion carried.

Meeting adjourned at 11:30 p.m.

Prepared by: Pam Young
Chief Deputy

Submitted by: Edna R. Highland
County Clerk