

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS

COUNTY ADMINISTRATION BUILDING

July 23, 2002

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

Excused: Supervisors Larsen, Marrelli, Noble.

Present. 25. Excused. 3.

County Executive, Allen Kehl gave the State of the County Address.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that last Saturday he attended the unveiling of a historical marker in Library Park that is in honor of Rueben Demming who was born in Vermont in 1789 and came to the Village of Southport in 1836. He was a Methodist Preacher and a supporter of the anti-slave movement. Slavery was considered the worst of social wrongs. In the 1850's Kenosha was a active stop on the underground railroad.

Chairman Kessler reminded everyone about the Committee of the Whole, Thursday at 7:00 p.m. and it will be a closed session to discuss up-coming labor negotiations.

Chairman Kessler stated that if anyone is planning on attending the WCA in Milwaukee, September 22nd thru 25th. Let the County Clerk know.

SUPERVISOR REPORTS

Supervisor Pitts reminded the board that tomorrow is the Brookside Family Picnic from 10:00 a.m. until 1:15 p.m. The State's Annual Inspection was done at Brookside and only two very minor violations that were corrected immediately.

Supervisor Elverman reported on the Highway & Parks Committee. Regarding the large scale use of our parks this summer especially on the lakes, people have been turned away because the parks are full. As far as the Golf Courses go, the extreme heat slows down golfing especially in the afternoon. Another concern of the golf operation is a gas pipe line that would be feeding a plant in Pleasant Prairie. The pipe line is on hold and their concerns were with the disruptions of the golf course. Country Thunder finally got it right this year. Planning & Development laid stringent ground rules this year. Some 50,000 people were there for four days and all went well.

Supervisor Bergo stated that everyone is receiving invitations to fund raisers and she would like to publicly thank Senator Kohl for his donation to the Pringle Nature Center.

Supervisor Carey-Mielke thanked everyone for the flowers and well wishes she received after her surgery. She placed on everyone's desk a copy of purchase for ads space for Alcohol and other Drug Counsel of Kenosha County. It is a non profit organization that promotes such programs as the children's safe house, drivers safety education and counseling just to name a few. This is an opportunity to raise funds to help support the programs. Also, this is replacing the Pike Creek Duck Race.

County Executive Appointment.

16. Kay E. Goergen to serve on the Kenosha County Zoning Board of Adjustments.

Chairman Kessler referred Appointment 16 to the Land Use Committee.

OLD BUSINESS

Policy Resolution - second reading, two required.

**POLICY RESOLUTION 1**

1. From Administration and Finance Committees regarding the Non-Represented Employee Pay Plan.

It was moved by Supervisor Singer to adopt Policy Resolution 1. Seconded by Supervisor Carbone.

It was moved by Supervisor Ruffolo to amend the last paragraph: Newly hired Non-represented employees, who have not been internally promoted, who enroll in a health plan are required to enroll in the most cost effective health plan. Seconded by Supervisor Molinaro.

It was moved by Supervisor Rose to amend Supervisor Ruffolo's amendment to read: to enroll in the newly or substitute plan as designated by the Administration. The amendment was accepted by Supervisor Ruffolo and Supervisor Molinaro.

Motion carried.

It was moved by Supervisor Clark to table Policy Resolution 1 until the August 6th meeting. Seconded by Supervisor Faraone.

Roll call vote to table.

Ayes: Supervisors Kessler, Boyer, Molinaro, Bergo, Carbone Modory, Faraone, Pitts, O'Day, Wisnefski, Clark, Gorlinski, Elverman.

Nays: Supervisors Haen, Rose, Johnson, Singer, Ruffolo, Montemurro, Carey-Mielke, West, Kerkman, Smitz, Ekornaas.

Ayes. 13. Nays. 12.

Motion to table carried.

NEW BUSINESS

Ordinance - one reading, two required.

**ORDINANCE 13**

13. Text Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance.

Ordinances - one reading.  
From Land Use Committee regarding:

**ORDINANCE 14**

14. Elizabeth M. Weber, Trustee of Elizabeth Weber Revocable Trust (Owner), Peter C. Weber (Agent), requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential 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 #30-4-220-142-0300 located in the northwest quarter of Section 14, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District. For informational purposes only, this property is located on the southwest corner of the intersection of State Trunk Highway "142" (Burlington Road) and County Trunk Highway "X" (240<sup>th</sup> Avenue).

**Elizabeth M. Weber, Trustee of  
Elizabeth Weber Revocable Trust - (Owner)  
Peter C. Weber - (Buyer)**

**Description:** Part of the northwest quarter of Section 14, Town 2 North, Range 20 East of the Fourth Principal Meridian; lying and being in the Town of Brighton, Kenosha County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said quarter section; thence north 01°46'29" west along the east line of said quarter section 941.45 feet to the point of beginning of the parcel to be herein described; thence south 88°11'01" west along the north line of Certified Survey Map No. 863, a plat of record, 303.00 feet; thence north 01°46'29" west parallel to the east line of said quarter section 877.66 feet to the southerly right-of-way line of State Trunk Highway "142" (Burlington Road); thence south 83°34'16" east along said right-of-way line 108.76 feet; thence south 76°55'45" east along said right-of-way line 150.37 feet to the westerly right-of-way line of County Trunk Highway "X" (240<sup>th</sup> Avenue); thence south 06°37'59" east along said right-of-way line 200.72 feet; thence north 88°13'31" east 33.00 feet to the east line of said quarter section; thence south 01°46'29" east along said east line 623.40 feet to the point of beginning; containing 5.716 acres (incl. hwy.), 5.244 acres (excl. hwy); more or less; subject to a public highway over and across part of the easterly portion thereof 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  
Mark Molinaro  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

**ORDINANCE 15**

15. Robert L. Zubor, Jr. requesting rezoning from C-1 Lowland Resource Conservancy District to A-2 General Agricultural District for a residential driveway 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 #35-4-121-201-0260 located in the northeast quarter of Section 20, Township 1 North, Range 21 East, Town of Bristol 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 south side of County Trunk Highway "C" approximately 0.6 mile east of the intersection of U.S. Highway "45".

**Robert L. Zubor, Jr. - (Owner)**

**Description:** A 15.00 foot strip of land across the following described property: Kenosha County Certified Survey Map Number 2248, according to the recorded plat thereof on file and of record in the office of the Register of Deeds, Kenosha County, Wisconsin, as Document Number 1214614, recorded April 12, 2001, and located in the northeast quarter of Section 20, Town 1 North, Range 21 East of the Fourth Principal Meridian, Town of Bristol, County of Kenosha and State of Wisconsin.

The center line of said strip of land is described as follows: Commencing at the northwest corner of the northeast quarter of said Section 20; thence north 89°08'53" east, grid bearing from North, Wisconsin Coordinate System, South Zone, along the north line of said northeast quarter 171.04 feet; thence south 02 degrees 04 minutes 13 seconds east parallel with the west line of said northeast quarter 320.00 feet to the beginning of the center line of said 15.00 foot strip of land; thence continuing south 02°04'13" east parallel with the west line of said northeast quarter 245.00 feet and said center line there terminating.

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 16

16. Richard F. and Kathleen M. Frederick Trustees of Frederick Family Trust, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural 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 #45-4-221-091-0102 located in the northeast quarter of Section 9, Township 2 North, Range 21 East, Town of Paris be changed from A-1 Agricultural Preservation District to A-2 General Agricultural District, this property is located on the southeast corner of the intersection of County Trunk Highway "A" (7<sup>th</sup> Street) and County Trunk Highway "D" (172<sup>nd</sup> Avenue).

**Richard F. and Kathleen M. Frederick Trustees - Frederick Family Trust - (Owner)**

**Description:** The northeast quarter of the northeast quarter of Section 9, Township 2 North, Range 21 East of the Fourth Principal Meridian, in the Township of Paris, County of Kenosha, and State of Wisconsin. Excepting therefrom all that land being part of the northeast quarter of the northeast quarter of Section 9, Township 2 North, Range 21 East of the Fourth Principal Meridian, in the Township of Paris, County of Kenosha, State of Wisconsin and being more particularly described as follows: Beginning at the northeast corner of Section 9; thence south 01°01'56" east 1327.26 feet along the east line of the northeast 1327.26 feet along the east line of the northeast quarter of the northeast quarter of Section 9, to the south line of said northeast quarter quarter section; thence south 89°22'29" west 328.04 feet along the south line of said northeast quarter quarter section; thence north 01°01'56" west 1328.61 feet parallel to the east line of said northeast ¼ section to the north line of said northeast quarter section; thence north 89°36'37" east 328.05 feet to the point of beginning. Subject to rights of the public for County Trunk Highway "A" and County Trunk Highway "D".

In addition: Commencing at the northeast corner of the northeast quarter of said Section 9; thence south 01°01'56" east, 1327.26 feet along the east line of said northeast quarter to the south line of the northeast quarter of the northeast quarter; thence west along the south line of the northeast quarter of the northeast quarter, 1374.88 feet to the westerly right-of-way line of County Trunk Highway "D", thence north 00°50'30" west along the westerly right-of-way line of County Trunk Highway "D", 350 feet more or less to the point of beginning; thence south 89°22'29" west 911.87 feet to a point on the easterly

right-of-way line of County Trunk Highway "A"; thence north 44°44'43" east along the easterly right-of-way of County Trunk Highway "A" to a point being the intersection of the easterly right-of-way line of County Trunk Highway "A" with the westerly right-of-way line of County Trunk Highway "D"; thence southerly along the westerly right-of-way line of County Trunk Highway "D" to the point of beginning. Said land being in the Township of Paris, County of Kenosha, State of Wisconsin.

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 17

17. Pathway Development Corporation, requesting from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy 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 Parcels #67-4-120-351-0303 and #67-4-120-351-0304 located in the northeast quarter of Section 35, Township 1 North, Range 20 East, Town of Salem 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. For informational purposes only, this property is located immediately northeast of the intersection of State Trunk Highway "83" and 122<sup>nd</sup> Street.

**Pathway Development Corporation - (Owner)**

**Description:** Lots 3 and 4 of Kenosha County Certified Survey Map Number 2186, according to the recorded plat thereof on file and of record in the office of the Register of Deeds for Kenosha County, Wisconsin, as Document Number 804463, and recorded May 8, 2000.

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 18

18. FS Cooperative Kenosha-Racine, c/o Conserv FS (Owner)/Joseph G. Smith (Buyer), requesting rezoning from M-1 Limited Manufacturing District to A-3 Agricultural Related Manufacturing, Warehousing and Marketing 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 #80-4-222-273-0380 located in the southwest quarter of Section 27, Township 2 North, Range 22 East, Town of Somers be changed from M-1 Limited Manufacturing District to A-3 Agricultural Related Manufacturing, Warehousing and Marketing District. For informational purposes only, this property is located on the south side of County Trunk Highway "S" immediately east of the Union Pacific Railroad crossing.

**FS Cooperative Kenosha-Racine, c/o Conserv FS - (Owner)**

**Joseph G. Smith - (Buyer)**

**Description:** Part of the southwest quarter of Section 27, Township 2 North, Range 22 East of the Fourth Principal Meridian, being in the Township of Somers, more particularly described as follows: Beginning on the north line of

the southwest quarter of Section 27-2-22, at a point which is 170.66 feet east from the northwest corner of said quarter section, said property also being on the easterly line of the right-of-way of the Chicago and Northwestern Railway Company, and running thence east along and upon the north line of said quarter section and the center line of Highway #43, 74.5 feet; thence running south parallel with the west line of said quarter section 211 feet; thence running east parallel with the north line of said quarter section 30 feet; thence running south parallel with west line of said quarter section, 180.45 feet; thence running west parallel with the north line of said quarter section 150.5 feet to the easterly line of Chicago and Northwestern Railway Company right-of-way; thence running northerly upon the easterly line of said right-of-way 392.95 feet to 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

#### ORDINANCE 19

19. Timothy M. and Judith L. Hubbard (Owners)/Gregg Vigansky (Agent), requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential 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 #80-4-222-011-0210 located in the northeast quarter of Section 1, Township 2 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, this property is located on the east side of County Trunk Highway "G" (30<sup>th</sup> Avenue) approximately 0.23 mile south of the intersection of County Trunk Highway "KR" (1<sup>st</sup> Street).

**Timothy M. and Judith L. Hubbard - (Owners)**

**Gregg Vigansky - (Agent)**

**Description:** Part of the northeast quarter of Section 1, 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: Beginning at the southwest corner of Certified Survey Map No. 629, a plat of record and on file at the Kenosha County Land Registry; thence south 89°03'51" east along and upon the south line of said Certified Survey Map and its extension easterly thereof, 325.00 feet; thence south 01°37'17" east parallel to the west line of said quarter section, 150.00 feet; thence north 89°03'51" west parallel to the south line of the aforesaid Certified Survey Map, 325.00 feet and to the west line of said quarter section; thence 01°37'17" west along and upon said west line, 150.00 feet and to the point of beginning. Subject to a public highway over and across the most westerly 33.00 feet thereof. Also containing 1.12 acres, more or less 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  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 14 thru 19.  
Seconded by Supervisor Molinaro.

Motion carried.

**ORDINANCE 20**

20. Armando and Theresa Covelli, 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 part of Tax Parcel #81-4-223-072-0240 located in the northwest quarter of Section 7, 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 County Trunk Highway "Y" (22<sup>nd</sup> Avenue) approximately 0.3 mile south of the intersection of County Trunk Highway "A" (7<sup>th</sup> Street).

**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 and upon 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, 42.90 feet to the easterly right-of-way of County Trunk Highway "Y" (22<sup>nd</sup> Avenue) and the point of beginning of the parcel hereinafter described; thence continue north 87°42'02" east parallel to the south line of said quarter section, 1487.49 feet and to the westerly right-of-way line of the abandoned Chicago North Shore and Milwaukee Railroad; thence north 14°22'52" west along said right-of-way line, 401.36 feet; thence north 14°39'38" west along said right-of-way line, 51.50 feet; thence north 14°22'52" east along said right-of-way line, 39.56 feet; thence south 87°51'47" west parallel to the north line of said quarter section, 1601.47 feet and to the easterly right-of-way line of the aforesaid highway; thence south 01°30'44" east along said right-of-way line, 99.42 feet; thence north 88°29'16" east along and upon said right-of-way line, 5.00 feet; thence south 01°30'44" east along and upon said right-of-way line, 377.77 feet and to the point of beginning; containing 737,492 square feet, more or less. Subject to easements and restrictions of record.

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 Smitz to adopt Ordinance 20. Seconded by Supervisor Gorlinski. Supervisor Ruffolo abstained.

Motion carried.

Resolutions - one reading.

**RESOLUTION 29**

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

It was moved by Supervisor Carbone to adopt Resolution 29. Seconded by Supervisor Rose. Supervisor Clark abstained from voting on Community Impact and Woman's Horizons.

Motion carried.

**RESOLUTION 30**

30. From Finance Committee regarding Cost of Marriage License.

It was moved by Supervisor Carbone to adopt Resolution 30. Seconded by Supervisor O'Day.

Motion carried.

**RESOLUTION 31**

31. From Land Use Committee regarding A Siting Resolution pursuant to Wisconsin Statutes Section 289.33(6)(a), stating the intent of Kenosha County to Negotiate and if necessary, arbitrate with Waste Management, Inc. regarding the Proposed Vertical Expansion of the Pheasant Run Recycling and Disposal Facility.

It was moved by Supervisor Smitz to adopt Resolution 31. Seconded by Supervisor Eknoraas.

Motion carried.

Communications.

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

7. From Jean A. Morgan, city Clerk-treasurer regarding Attachment and Temporary Zoning District classification of Land in the Town of Bristol.

Chairman Kessler referred Communications 6 & 7 to the Land Use Committee.

Claims.

- 10. Carolyn Jedrzejewski - fell in bathroom.
- 11. Sheldon Anderson - car damage.
- 12. J.C. Cameron - car damage.
- 13. Dennis A. Haglund - car damage.
- 14. Dwight Bizzell - injured in Conveyance Unit.
- 15. Javier Garcia - injured in Conveyance Unit.

Chairman Kessler referred Claims 10 thru 15 to the Corporation Counsel.

It was moved by Supervisor Pitts to approve the July 2nd, 2002 minutes. Seconded by Supervisor West.

Motion carried.

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

Motion carried.

Meeting adjourned at 9:30 p.m.

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