

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
October 21, 2008**

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

Roll call was taken.

Present: Supervisors Grady, Zerban, Kessler, Huff, Rose, Kubicki, Hallmon, Marks, Gentz, Modory, Faraone, Ronald Johnson, Michel, O'Day, Singer, Nudo, Moore, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Present: 28. Absent: 0.

There were no Citizen Comments

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Clark announced that there were three students from LakeView Technology Academy in attendance for their US Government and Politics Class.

SUPERVISOR REPORTS

Supervisor Huff reported he attended the Interoperability Communications seminar at WCA. The State of Wisconsin is spending \$15,000,000 to have another radio channel dedicated to Law Enforcement and Fire Fighters. He also attended Open Meetings Law on e-mails seminar. It was suggested that all the supervisors get an e-mail account through the county. Requests can be made to the County Clerk.

Vice-chair Faraone stated Human Services and Finance Committees received an update on the Human Services Department of the potential shortfall on the W-2 Program. Due to a 2007 Court of Appeals ruling, W-2 participants last year began receiving cash benefits leaving the County with a potential shortfall of \$270,000. John Jansen appealed to the State to amend the County's W-2 contract. The States response was to allocate 2009 funds to the 2008 funds and for the County to worry about the potential shortfall in the future. This response was not satisfactory to the Committee or to Corporation Counsel. Corporation Counsel has recommended and the Committee endorsed, the County appeal first to the State Department Workforce Development and then to the Chief Legal Counsel and then to the Department Secretary.

Vice-chair Faraone also reported the Finance Committee reviewed the 2009-2010 Capital Finance Plan update and options. The information is in the budget book and will be taken up during the budget process.

Supervisor Moore reported that out of the 7 non-rep evaluations that were pending, 5 are still pending, two of which are late, 2 which have been challenged by the employee, the last one is being held up in the process. There is also be 3 re-classifications that will be coming through the budget process. The Administration Committee spent time talking about liability claims and about the risks associated with them. They anticipate spending time the next couple of meetings trying to zero in a little more on what we can do as a county to reduce risks in some of these areas and hopefully have a positive influence on liability claims.

Supervisor Breunig reported Barb Larsen, Horticulture Educator, will be doing a presentation on Trends in Wisconsin and American Horticulture and Floriculture at the US/China Agriculture Forum held in China. UW Extension had their first Webinar at the County Center. These Webinars are available on the web. UW Extension received a notice that the Emerald Ash Borer is in Wisconsin. She also reported that at WCA she learned the Juvenile Justice System is talking about legislation that would put 17 year olds back under the juvenile court system.

Supervisor Noble reported at the Building & Grounds meeting they had the budget hearing for Facilities as well as the Capital Projects. The committee made a recommendation to the Finance Committee to approve the 9.9 million-dollar Safety Building addition. They also voted to add a third floor for future use for 1.6 million dollars and remodel some space for Kenosha Police Department, in which the city would reimburse the county the entire amount for the re-model.

Supervisor Molinaro stated he believes the Building and Grounds Committee approved earmarking the funding in the budget, which does not eliminate future discussion on this project.

COUNTY EXECUTIVE APPOINTMENT AND APPROVAL OF RESOLUTION

18. Gary Sipsma to serve as the Highway Commissioner.

RESOLUTION 71

71. From Highway & Parks Committee regarding Appointment of Gary Sipsma as the Kenosha County Highway Commissioner.

WHEREAS, pursuant to County Executive Appointment 2008/2009-18, the County Executive has appointed Gary Sipsma to serve as the Kenosha County Highway Commissioner as provided for in Wisconsin Statute 83.01(1)(c) and;

WHEREAS, the Highway and Parks Committee has reviewed the County Executive's appointment of Mr. Sipsma to serve in this position and is recommending to the Kenosha County Board of Supervisors the approval of this appointment;

NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors approves the appointment of Gary Sipsma as the Kenosha County Highway Commissioner, effective immediately upon passage of this resolution.

BE IT FURTHER RESOLVED that Gary Sipsma will retain the title of Director of Division of Highways and there will be no change in pay grade due to the appointment of Highway Commissioner.

SUBMITTED BY:

Highway & Parks Committee
Dennis Elverman
John O'Day
William Grady
Gordon West
Douglas Noble

It was moved by Supervisor Elverman to adopt Resolution 71. Seconded by Supervisor Noble.

Motion carried.

NEW BUSINESS

Ordinances - one reading

ORDINANCE 13

13. From the Land Use Committee regarding McDermit Revocable Trust, Jacqueline T., Matthew and Paul McDermit, Trustees (Owner), Lon Wienke (Agent) requesting rezoning from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District, R-1 Rural Residential District and R-3 Urban Single-Family Residential District to A-2 General Agricultural District and 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 Tax Parcels #30-4-220-143-0300, #30-4-220-143-0200, #30-4-220-143-0102, #30-4-220-143-0500 and #30-4-220-143-0110 located in the southwest quarter of Section 14, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District, R-1 Rural Residential District and R-3 Urban Single-Family Residential District to A-2 General Agricultural District and C-2 Upland Resource Conservancy District.

For informational purposes only, these properties are generally located on the north side of 18th Street and the west side of County Trunk Highway "X" (240th Avenue).

SUBMITTED BY:

Land Use Committee
Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West
Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 13. Seconded by Supervisor Nudo.

Motion carried

ORDINANCE 14

14. From the Land Use Committee regarding Myron & Doreen Daniels and Dorothy Daniels (Owners) requesting rezoning from A-1 Agricultural Preservation District to R-2 Suburban Single-Family 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 #30-4-220-262-0102 and all of Tax Parcel #30-4-220-262-0400 located in the northwest quarter of Section 26, Township 2 North, Range 20 East, Town of Brighton be changed from A-1 Agricultural Preservation 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 "JB" (31st Street) approximately ½ mile west of the intersection of County Trunk Highway "EW" (232nd Avenue).

SUBMITTED BY:

Land Use Committee
Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West
Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 14. Seconded by Supervisor Breunig.

Motion carried.

ORDINANCE 15

15. From the Land Use Committee regarding Regency Hills/Pike Creek Crossing LLC (Owner) requesting rezoning from A-2 General Agricultural District and A-1 Agricultural Preservation District to R-8 Urban Two-Family Residential District and R-9 Multiple-Family Residential District with a PUD Planned Unit Development Overlay District application 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 #80-4-222-152-0200 and parts of Tax Parcels #80-4-222-152-0225 and #80-4-222-152-0300 located in the northwest quarter of Section 15, Township 2 North, Range 22 East, Town of Somers be changed from A-2 General Agricultural District and A-1 Agricultural Preservation District to R-8 Urban Two-Family Residential District and R-9 Multiple-Family Residential District with a PUD Planned Unit Development Overlay District application.

For informational purposes only, these properties are located on the south side of County Trunk Highway "E" (12th Street) immediately west of the Union Pacific Railroad Crossing.

SUBMITTED BY:

Land Use Committee
Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West
Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 15. Seconded by Supervisor West.

Motion carried.

Resolutions - one reading

RESOLUTION 72

72. From the Finance Committee a Resolution Accepting a Federal Emergency Management Agency Hazard Mitigation Grant Program Award (FEMA-1719-DR-WI)

WHEREAS, Kenosha County submitted an application to the Federal Emergency Management Agency (FEMA) and Wisconsin Emergency Management (WEM) Hazard Mitigation Grant Program (HMGP) for the purpose of continuing the buyout of floodprone properties in the 100-year Floodplain of the Fox River in the Towns of Wheatland and Salem and the Village of Silver Lake; and

WHEREAS, Kenosha County was notified on September 30, 2008, that FEMA and WEM had approved a FEMA-1719-DR-WI grant in the amount of \$1,243,287.00 for Kenosha County; and

WHEREAS, Kenosha County will be providing funds for operating expenses, with WEM reimbursing the County with HMGP funds as County funds are expended; and

WHEREAS, no property tax levy dollars will be used or budgeted for this grant program.

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors does hereby accept the FEMA-1719-WI-DR grant for Kenosha County in the amount of \$1,243,287.00 and authorizes the Kenosha County Executive and Kenosha County Clerk, on behalf of the County, to enter into a contractual agreement with FEMA and WEM for the purpose of securing these funds; and

BE IT FURTHER RESOLVED, that the Kenosha County Housing Authority, with the contracted services of the Southeastern Wisconsin Regional Planning Commission, is designated as the County's administrative agent for the HMGP grant; and

BE IT FURTHER RESOLVED, that the County Director of Finance is authorized to establish the following revenue and expense accounts on the County books for the HMGP program:

240.77202.442332	FEMA-1719-DR-WI Revenue	\$1,243,287.00
240.77202.582130	Floodplain Acq/Relo/Demo	\$1,218,363.00
240.77202.529590	HMGP Administration	\$ 24,924.00

BE IT FURTHER RESOLVED, that the authorization to spend grant funds authorized by this resolution be carried over into future years to complete this project, with the grant funds to be disbursed in accordance with all Federal and State regulations of the program and in compliance with generally accepted accounting principles; and

BE IT FURTHER RESOLVED, that the accounts and balances for said Housing Authority accounts will continue to be maintained on Kenosha County's books.

Note: This resolution uses \$0 from the General Fund.

SUBMITTED BY:

Finance Committee

Anita Faraone

Terry Rose

David Singer

John O'Day

Mark Molinaro, JR.

It was moved by Vice-Chair Faraone to adopt Resolution 72. Seconded by Supervisor Rose.

Roll call vote passed unanimously.

RESOLUTION 73

73. From Highway & Parks, Building & Grounds, and Finance Committees regarding approval of release \$50,000 to Kemper Center for Capital Improvement Project.

WHEREAS, within the 2008 Parks Capital Outlay Budget there has been appropriated \$50,000 for Kemper Center Capital Improvements, and

WHEREAS, in the 2008 Kenosha County Budget Policy Resolution Number 1, it states that the \$50,000 of Kemper Center Capital improvements funds, funded with Bonding be released only after the project is approved by the County Board, and

WHEREAS, the project at the Kemper Center is the exterior restoration of the Armitage Wing and the north side of the Conference Center, and

NOW, THEREFORE, BE IT RESOLVED, that the project at Kemper Center is approved by the County Board and the \$50,000 of Kemper Center Capital improvement funds be released.

SUBMITTED BY:

Highway & Parks Committee

Dennis Elverman

William Grady

Gordon West
Douglas Noble

It was moved by Supervisor Elverman to adopt Resolution 73. Seconded by Vice-Chair Faraone.
Motion carried.

RESOLUTION 74

74. From Human Services and Finance Committees regarding Division of Health: Resolution adjusting the 2008 Budget to reflect the award of the Forensic Scientific Improvement Grant.

WHEREAS, the Kenosha County Division of Health, as the lead agency and fiscal agent, has applied for and received grant funding in the amount of \$95,000 from the National Institute of Justice, and

WHEREAS, these funds will be used to improve the quality and timeliness of forensic and medical examiner services through the acquisition of equipment and staff development for the Division of Health's Public Health Laboratory, Office of the Medical Examiner, City of Kenosha Police Department, 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 and the Office of the Medical Examiner budgets be modified, at no cost to the county, as follows:

Revenue increases by \$95,000 and expenditures increase by \$95,000 as indicated in the attached budget modification, which is incorporated into this resolution by reference, and any unexpended dollars as of December 31, 2008 should be rolled over into the 2009 budget.

SUBMITTED BY:

Human Services Committee
Edward Kubicki
Terry Rose
Richard Kessler
Jennifer Jackson
Jeffrey Gentz

Finance Committee
Anita Faraone
John O'Day
Terry Rose
Mark Molinaro, Jr.
David Singer

It was moved by Supervisor Kubicki to adopt Resolution 74. Seconded by Vice-Chair Faraone.

Roll call vote passed unanimously.

RESOLUTION 75

75. From Judiciary & Law and Legislative Committees regarding SE WI Mutual Aid Compact for County Emergency Management Assistance.

WHEREAS, Kenosha County Division of Emergency Management is a part of the Southeast Wisconsin Emergency Management (WEM) Region, and

WHEREAS, any County in the Southeast WEM Region may be involved in a large disaster and may seek additional assistance beyond its own resources, and

WHEREAS, Emergency Management staff possess certain knowledge, skills and abilities which can be requested to assist in dealing with disasters within the Southeast Wisconsin WEM Region,

NOW, THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors approve the attached Compact to allow for the exchange of Emergency Management personnel during a disaster and that it be understood that the rendering of assistance is completely discretionary; that assistance may be refused or terminated at any time; that all personnel acting under the Compact shall at all times remain an employee of the person's own county; that there will be no charges between Counties for the first 48 hours of assistance but if assistance is required beyond that time, the assisting county will invoice the requesting county for all expenses incurred on their behalf beyond the initial 48 hours.

SUBMITTED BY:

Judiciary & Law Committee
William Michel, II
James Huff
Bob Haas
Roger Johnson
Ronald Johnson

It was moved by Supervisor Michel to adopt Resolution 75. Seconded by Supervisor Huff. Motion carried.

RESOLUTION 76

76. From Land Use Committee regarding request to approve the Appointment of Kay Goergen to serve on the Kenosha County Board of Adjustments.

WHEREAS, pursuant to County Executive Appointment 2008/09-11, the County Executive has appointed Kay Goergen to serve on the Kenosha County Board of Adjustments; 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 Kenosha County Board of Adjustments 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 Kay Goergen to the Kenosha County Board of Adjustments. Ms. Goergen's appointment shall be effective immediately and shall continue until the 30th day of June 2012, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Goergen will receive a per diem along with mileage reimbursements and will be succeeding herself.

SUBMITTED BY:

Land Use Committee
Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West
Brian Morton

It was moved by Supervisor Ekornaas to adopt Resolution 76. Seconded by Supervisor Morton. Motion carried.

RESOLUTION 77

77. From Land Use Committee regarding Final Plat of Pike Creek Crossing South (Phase 1) Regency Hills/Pike Creek Crossing LLC (Owner/Developer) in the Town of Somers.

WHEREAS, at a regularly held public hearing of the Kenosha County Land Use Committee on October 8, 2008, review was given to the Final Plat of Pike Creek Crossing South (Phase 1) located on Tax Parcel #80-4-222-152-0200 and part of Tax Parcels #80-4-222-152-0225 and #80-4-222-152-0300 in the northwest quarter of Section 15, Township 2 North, Range 22 East, Town of Somers. For informational purposes only, these properties are located on the south side of County Trunk Highway "E" (12th Street) immediately west of the Union Pacific Railroad Crossing; and

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 Pike Creek Crossing South (Phase 1) Subdivision subject to the conditions presented in (Exhibit 1, on file in the Department of Planning and Development) and subject to signing 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 Pike Creek Crossing South (Phase 1) Subdivision subject to the conditions as approved by the Land Use Committee.

SUBMITTED BY:

Land Use Committee

Fred Ekornaas
Gabe Nudo
Kimberly Breunig
Gordon West
Brian Morton

It was moved by Supervisor Ekornaas to adopt Resolution 77. Seconded by Supervisor Nudo.
Motion carried.

COMMUNICATION

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

Chairman Clark referred Communication 9 to Land Use.

CLAIM

29. Jesse Nelson - injured while being detained by a Deputy Sheriff.

Chairman Clark referred Claim 29 to Corporation Counsel.

It was moved by Supervisor Rose to approve the September 16, 2008 minutes.
Seconded by Supervisor Kessler.

Motion carried.

It was moved by Vice-chair Faraone to go into closed session. Seconded by Supervisor Morton.

Roll call vote passed unanimously.

It was moved by Supervisor Kessler to adjourn. Seconded by Supervisor Jackson.
Motion carried.

Meeting adjourned at 9:29 P.M.

Prepared by: Edie LaMothe
Deputy Clerk

Submitted by: Edna R. Highland
County Clerk