

**KENOSHA COUNTY BOARD OF SUPERVISORS
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING
August 18th, 2009**

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

Excused: Supervisor Breunig.

Present: 27. Absent: 1.

At this time County Executive Kreuser recognized the St. Joseph High School Baseball Team for winning the WIAA Division 3 State Baseball Championship.

CITIZEN COMMENTS

Jim Smith, Chairman of the Town of Somers stated there has been problems with the bar El Fracazos. He stated that in April the bar appeared closed and became a used car lot. He took pictures and gave them to Supervisor Molinaro. There have also been other problems such as fighting, stabbings, and guns being shown. He asks on behalf of the Town Board that the County Board hold off on granting El Fracazos a Cabaret License.

Mary Dixon, 6201 5th Ave., stated she wanted to wish the YMCA well in their new spot. By moving out west, they are leaving the population base that they are supposed to be servicing. She has been an everyday participant in the YMCA for the past 30 years and she has seen the malignant neglect and lack of cleanliness in the facility. She hopes that in 30 years there is not someone else standing here saying the same about the new YMCA facility.

Jim Moore, 9218 74th Pl., stated this past week the Chairman of the County Board made a decision to fix a committee process that has been broken by reassigning two veteran supervisors and finance committee members to other committees. The stated reason in the chairman's August 10th memo was "the recent flip flop in votes by two leaders has violated the principals of an effective committee process". This action is without merit and sets a very poor precedent for the future. This was an isolated incident; we do not see a pattern of flip flop voting. It is irresponsible to say because of the change in one vote, the committee process has been broken. It's not only the right, but it's the responsibility of each and every supervisor to weigh carefully each new piece of information that becomes available through debate on the board floor, calls from constituents, interested parties, or further reflection on the issue at hand and to vote their conscience even if it's a change on how they previously voted. Jim Moore reminded the board that on this very same question one supervisor, after he had voted on the board floor called for reconsideration of the question and changed the vote. He was not placed in a penalty box for changing his vote, nor should he have been. He was able to do this without explanation, yet in the case of Supervisors Faraone and Rose they are being singled out for reassignment because "they have changed their votes without explanation or immaterial factor". The democratic process protects the right to not share why a vote is changed. The precedence set here is extremely dangerous. If you flip flop your vote for any reason no matter how legitimate in your thinking, you may find your committee reassigned.

Charles Olson stated he is homeless and is here with the Strength and Humanity Network and their purpose is to raise awareness of homelessness in the City of Kenosha and Kenosha County. He has been homeless for 14 months living completely outdoors for the past 11 months. He's had 3 bikes stolen in the past few months and he was jumped by 6 guys and beaten, it is a difficult existence.

Kristie Parker stated she has been homeless for 6 1/2 years. She hopes that someone could make an old school into a permanent homeless shelter. She stated they have to hustle to earn their food, clothing and shoes. She invited everyone to see First Step, Grace Lutheran, Bridges and other places they have been. It's hard for them to find a job because everywhere they go no one wants

to hire the homeless. She asked for a chance to get a job so she can get back on her feet.

George Brock, 5707 13th Ave., stated when he moved here from Illinois he was appalled at the lack of treatment the homeless was given here in Kenosha and the State of Wisconsin. There are a lot of reasons people become homeless, such as lack of employment, death in the family, mental instability or family problems. There are only a few places for the homeless to go and he would like to see a permanent homeless shelter in Kenosha.

Monica Higgin stated she has been homeless for over a year. If it wasn't for First Step, Grace Lutheran or Bridges for the mentally ill, they would be lost. They do not choose to be homeless and are always being harassed. She would like to see a homeless shelter in Kenosha especially for the kids.

There were no Announcements of the Chairman.

SUPERVISOR REPORTS

Supervisor Huff stated he will present the Ethic's Policy at the next Legislative Committee. He would like each Legislative Committee member to go through it and highlight any changes, suggestions, or deletions and return it to Corporation Counsel. Supervisor Huff requested Supervisor O'Day have the Finance Committee do the same thing. Once Corporation Counsel has the changes, suggestions or deletions there will be a joint meeting with Finance and Legislative Committees and hopefully work out some of the sticking points and then bring it before the County Board.

Supervisor Modory stated Milwaukee's Mayor Tom Barrett was attacked while trying to intervene in a domestic violence situation and was hurt and hospitalized. Supervisor Modory will be passing a get well card around to send to the Mayor if anyone is interested in signing it.

Supervisor O'Day stated the Finance Committee adopted 5 resolutions at their meeting which are all on the agenda tonight. They also received 3 reports one from Kenosha Area Business Alliance 2009 2nd quarter loan report, the History Center review in lieu of an audit every other year and a report from the County Clerk on the new Domestic Partnership Law. On the supervisor's desks are letters in regards to the YMCA financing plan and the General Fund Balance Report.

Supervisor Rose requested the board invite the County Executive to meet with the board in closed session to report to the board regarding the progress of the negotiations with respect to the Intergovernmental Agreement. It's been approximately one year since the negotiations have commenced, we passed a bond resolution with respect to that. They need to meet in closed session to discuss what the specific problems are from the County Executive's perspective. Supervisor Rose would also like the County Executive to report to the board on the status of the finances and the budget for 2009. He thinks this is an issue that needs to be addressed in 2009 not 2010.

Supervisor Elverman stated there will be a County Executive Golf Outing which is a fund raiser for the Kenosha County Junior Golf Program at Brighton Dale on September 18, 2009. Registration can be done by contacting the County Executive's office, Brighton Dale Golf Course or the Highway & Parks Division. Supervisor Elverman reported that two of the shelters at the new unnamed county park on Hwy KD & F have been completed along with many of the trails. If anyone would like a tour, they should contact Supervisor Elverman or the Highway & Parks Department.

Supervisor Noble stated the county and city staff met for seven hours this past Friday and worked out the remaining issues relating to the Intergovernmental Agreement (IGA) involving the Public Safety Building Construction and operation. There is still one outstanding issue relating to the language and the City Administrator is expected to draft the language and present it to Corporation Counsel within the next two weeks. The parties plan on meeting on Thursday, August 27th to review the final draft of the language and expect the final documents could be placed on the Common Counsel Agenda in mid September. Supervisor Noble reported the bids for the construction Safety Building were let to the subcontractors, the total bid package No. 1 came in at about \$1,005,000, which is 20% lower than the bid package estimate was. This is probably the smallest package of all of them that will be let and was

favorable with regards to the budget. They anticipate the digging to start the week of August 31st.

Supervisor Moore reported for the Administration Committee. The County has come to an agreement with Humana Health Care on a Medicare Supplement Health Insurance option for the County's Medicare eligible retirees. The new health insurance option provides comparable coverage when compared to the County's self funded plan and will be offered as a lower cost alternative to the County's self funded plan. The new health benefit will be introduced to the retirees in a series of information sessions scheduled for the last week of September. Administration Committee will have more information as the process continues.

NEW BUSINESS

Ordinances - one reading.

ORDINANCE 14

14. From the Land Use Committee regarding AM Community Credit Union 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 Parcels #30-4-220-343-0320 and #30-4-220-343-0301 located in the southwest quarter of Section 34, 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 County Trunk Highway "NN" (52nd Street) approximately 0.3 miles west of the intersection of State Trunk Highway "75" (256th Avenue).

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

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 Nudo.

Motion carried.

ORDINANCE 15

15. From the Land Use Committee regarding Town of Somers (Sponsor), Berwick Properties, Inc. (Owner) requesting rezoning from R-9 Multiple-Family Residential District to I-1 Institutional 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 #80-4-222-151-0560 located in the northeast quarter of Section 15, Township 2 North, Range 22 East, Town of Somers be changed from R-9 Multiple-Family Residential District to I-1 Institutional District. For informational purposes only, this property is located on the south side of County Trunk Highway "E" (12th Street) approximately ¼ mile west of State Trunk Highway "31" (Green Bay Road) and just east of the Pike Creek.

Description: Being the North 5.24 feet of Outlot 1 of Certified Survey Map No. 2556, being a part of the Northeast ¼, Southwest ¼ and Northwest ¼ of the Northeast ¼ of Section 15, Township 2 North, Range 22 East, in the Town of Somers, Kenosha County, Wisconsin, bounded and described as follows:

Commencing at the southeast corner of Lot 2 of said Certified Survey Map No. 2556 and the point of beginning; thence S 01°17'59"W, a distance of 5.24 feet; thence S 89°24'20"W, a distance of 155.58 feet; thence N 53°23'00"W, a distance of 8.66 feet; thence N 89°24'20"E, a distance of 162.66 feet to the point of beginning.

Containing 833 square feet or 0.0191 acres, more or less.

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

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.

Roll call vote.

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

Nays: 0

Abstain: Chairman Clark.

Ayes: 26. Nays: 0. Abstain: 1.

Motion carried.

Resolutions - one reading.

36. From the Finance Committee a Resolution Providing for the Financing and Refinancing of a Public Indoor Recreational Facility; Authorizing the Issuance of its not to Exceed \$8,300,000 Principal Amount Kenosha County, Wisconsin Community Facility Revenue Bond (Kenosha YMCA Project), Series 2009 (The "Bond") Which Will be Payable Solely from the Receipts from a Bond and Sale Agreement and Related Documents; Authorizing the Execution and Delivery of a Bond and Sale Agreement; Authorizing the Execution and Delivery of Conveyances of Facilities; and Related Matters.

It was moved by Supervisor O'Day to adopt Resolution 36. Seconded by Supervisor Singer.

It was moved by Supervisor Elverman to refer Resolution 36 back to the Finance Committee. Seconded by Supervisor Haas.

Roll call vote.

Ayes: Supervisors Grady, Zerban, Rose, Kessler, Huff, Kubicki, Marks, Gentz, Faraone, Michel, Nudo, Moore, Molinaro, Morton, Jackson, Noble, Roger Johnson, Haas, Elverman.

Nays: Supervisors Clark, Hallmon, Modory, Ronald Johnson, O'Day, Singer, West, Ekornaas.

Ayes: 19. Nays: 8.

Motion carried.

RESOLUTION 37

37. From the Human Services and Finance Committees a Resolution to Modify Division of Aging & Disability Services 2009 Budget to add ARRA Funding for Senior Nutrition Services.

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services was awarded American Recovery and Reinvestment Act of 2009 funds in the amount of \$36,374 to purchase additional Home Delivered Meals and Congregate Meals for people age 60 and over; and

WHEREAS, the Kenosha County Department of Human Services, Division of Aging and Disability Services will receive \$12,594 for Home Delivered Meals Program and \$23,780 for Congregate Meals; and

WHEREAS, no additional County Levy is required;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Department of Human Services, Division of Aging and Disability Services 2009 budget be modified as follows; Authorize increase of expenditures of \$36,374 and to increase revenues by \$36,374, per the attached budget modification incorporated herein by reference.

SUBMITTED BY:

Human Services Committee
Edward Kubicki
Terry Rose
Richard Kessler
Jennifer Jackson

Finance Committee
John O'Day
David Singer
Mark Modory

Jeffrey Gentz

It was moved by Supervisor Kubicki to adopt Resolution 37. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

38. From Judiciary & Law Committee regarding Probationary Cabaret License for El Fracazo Tavern.

It was moved by Supervisor Michel to adopt Resolution 38. Seconded by Supervisor Huff.

It was moved by Supervisor Rose to refer Resolution 38 back to the Judiciary and Law Committee. Seconded by Supervisor Elverman.

Roll call vote.

Ayes: Supervisors Rose, Kessler, Kubicki, Hallmon, Marks, Michel, Moore, Molinaro, Jackson, West, Elverman.

Nays: Supervisors Grady, Zerban, Huff, Gentz, Modory, Faraone, Ronald Johnson, O'Day, Singer, Nudo, Morton, Clark, Noble, Roger Johnson, Haas, Ekornaas.

Ayes: 11. Nays: 16.

Motion failed.

It was moved by Supervisor Hallmon to call the question on Resolution 38. Motion dies for lack of a second.

It was moved by Supervisor Molinaro to send Resolution 38 back to the Judiciary and Law Committee. Seconded by Supervisor Rose.

Ayes: Supervisors Rose, Clark, Molinaro, West.

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

Ayes: 4. Nays: 23.

Motion failed.

Roll call vote on Resolution 38.

Ayes: Supervisors Huff, Hallmon, Marks, Gentz, Ronald Johnson, Michel, Moore, Jackson, Noble, West, Roger Johnson, Haas, Elverman.

Nays: Supervisors Grady, Zerban, Rose, Kessler, Kubicki, Modory, O'Day, Singer, Nudo, Clark, Molinaro, Morton, Ekornaas.

Abstain: Supervisor Faraone.

Ayes: 13. Nays: 13. Abstain: 1

Motion failed.

RESOLUTION 39

39. From Judiciary & Law Committee Establishing the month of September as Juror Appreciation Month.

WHEREAS, the right to have a trial by a fair and representative jury is an essential safeguard protected by both the United States and Wisconsin Constitutions; and

WHEREAS, service as a juror in the Kenosha County Circuit Court is, along with voting, one of the most important responsibilities of citizenship; and

WHEREAS, the Wisconsin State Court System, partnering with the State Bar of Wisconsin, has established September as Juror Appreciation Month, a time to publicly recognize the contribution of those who are summoned and serve.

NOW THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors hereby supports the goals of Juror Appreciation Month:

- Educate the public about jury duty and the importance of jury service, and
- Applaud the efforts of jurors who fulfill their civic duty, and
- Ensure that all jurors are treated with respect and that their service is not unduly burdensome.

BE IT FURTHER RESOLVED, that the Kenosha County Board of Supervisors extends its sincere thanks and appreciation to all employers who pay employees their normal wages while allowing them to serve as jurors, preventing financial hardship and fostering community strength.

BE IT FINALLY RESOLVED, that the Kenosha County Board of Supervisors honors the service and commitment of citizens who perform jury duty, who by participating in the judicial process aid those elected to serve the citizens of Kenosha County by preserving the rule of law, the basis for a free society.

SUBMITTED BY:

Judiciary and Law Committee
William Michel, II
Jim Huff
Bob Haas
Ronald Johnson
Roger Johnson

It was moved by Supervisor Michel to adopt Resolution 39. Seconded by Supervisor Haas.
Motion carried.

RESOLUTION 40

40. From Judiciary & Law and Finance Committees regarding FY09 Round 2 Restraining Order Project.

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$25,334.00 for a Law Enforcement Justice Assistance Grant (JAG), for the period July 1st, 2009 through June 30th, 2012, and

WHEREAS, these funds have been made available to the Kenosha County Sheriff's Department after an agreed upon split of a total award of \$61,639.00 with the City of Kenosha, and

WHEREAS, these funds will be used to purchase law enforcement equipment for the Department that has been so designated by the Sheriff for law enforcement purposes, and

WHEREAS, this grant will not require any local match, and

WHEREAS, this budget modification will not require any additional tax levy dollars.

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

BE IT FURTHER RESOLVED, that any unobligated grant funds remaining available at year end be hereby authorized for carryover to subsequent years until such time as the grant funds are expended in accord with the JAG grant requirements, and that the administration shall be authorized to modify the grant fund appropriation among various budget and expenditure appropriation units within the Sheriff's Department budget 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 increases revenues by \$25,334.00 and increases expenditures by \$25,334.00.

SUBMITTED BY:

Judiciary and Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	David Singer
Bob Haas	Mark Modory
Roger Johnson	
Ronald Johnson	

It was moved by Supervisor Michel to adopt Resolution 40. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 41

41. From Judiciary & Law and Finance Committees regarding Kenosha County PreTrial Intensive Supervision Program XIII.

WHEREAS, the Kenosha County Sheriff's Department has been awarded \$47,625 by the WI Dept. of Transportation (DOT) to support the expenditures for the "Kenosha County Sheriff's Department DUI Intensive Supervision Program" now in its 13th year, and

WHEREAS, the State DOT office changed its funding award period to the State fiscal year, therefore, these funds will cover the expenditure period July 1, 2009 through June 30, 2010, and

WHEREAS, the total operating budget for the 2009-2010 Intensive Sanctions Program (ISP) is \$184,279, funded by four sources:

- (1) State DOT grant \$47,625
- (2) Client Fees collected by Wisconsin Community Services, Inc. totalling \$67,500
- (3) Sheriff's Dept. - In-kind match of \$17,481 (Safety Building office space and Sheriff supervision)
- (4) Sheriff's Department - hard match of \$51,673, and

WHEREAS, the grant award period extends into 2010 and the Kenosha County 2010 operating budget has not been approved at the time of this grant award, for which, the Sheriff's hard cash match contribution to this ISP program is projected with the understanding that adjustments to other ISP program revenue sources or a reduction in expenditures would occur if the authorized 2010 Sheriff's budget does not meet the ISP budget plan, and

WHEREAS, the project will be facilitated by the Wisconsin Community Services, Inc. (WCS) out of Milwaukee, WI for which a contract for services will be reviewed by county Administration, and

WHEREAS, repeat DWI offenders will be screened by WCS, Inc. to receive intensive counseling treatment and supervision in lieu of incarceration in an effort to effectively deter repeat offenses, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the award of \$47,625 and approve the Revenue and Expenditure line item modifications to the Sheriff's 2009 budget as per the attached budget modification form, which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that any unobligated DOT ISP grant funds remaining at year end be hereby authorized for carryover to the subsequent year until such time as the grant funds are expended in accord with the WI Dept of Transp 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 and Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	David Singer
Bob Haas	Mark Modory
Roger Johnson	
Ronald Johnson	

It was moved by Supervisor Michel to adopt Resolution 41. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

RESOLUTION 42

42. From the Judiciary & Law and Finance Committees regarding Organized Crime Drug Enforcement Task Forces Strategic Initiative.

WHEREAS, the federal Organized Crime Drug Enforcement Task Forces (OCDETF) office has awarded the Sheriff's drug unit, K-DOG, \$7,000 to cover overtime costs and other expenditures incurred while assisting in OCDETF investigations, Strategic Initiatives and prosecutions, and

WHEREAS, this funding will cover the cost of overtime for hours worked by the K-DOG unit through September 30, 2009, and

WHEREAS, the Sheriff will submit reimbursement claims monthly to the OCDETF Executive Office, and

NOW, THEREFORE BE IT RESOLVED, that the Kenosha County Board of Supervisors accept the award of \$7,000 and approve the Revenue and Expenditure line item modifications to the Sheriff's 2009 budget as per the attached budget modification form, which are incorporated herein by reference.

BE IT FURTHER RESOLVED, that any unobligated funds remaining at year end be hereby authorized for carryover to the subsequent year until such time as the funds are expended in accord with the OCDETF 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 and Law Committee	Finance Committee
William Michel, II	John O'Day
James Huff	David Singer
Bob Haas	Mark Modory
Roger Johnson	
Ronald Johnson	

It was moved Supervisor Michel to adopt Resolution 42. Seconded by Supervisor O'Day.

Roll call vote passed unanimously.

COMMUNICATIONS

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

Chairman Clark referred Communication 7 to the Land Use Committee.

It was moved by Supervisor Molinaro to approve the August 4, 2009 minutes with two changes. Seconded by Supervisor Huff.

Motion carried.

It was moved by Supervisor Marks to adjourn. Seconded by Supervisor Hallmon.

Motion carried.

Meeting adjourned at 9:45 p.m.

Prepared by:	Edie LaMothe Deputy Clerk
Submitted by:	Mary Schuch-Krebs County Clerk