

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING**

**October 19, 2004**

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

Present: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Wipper, Faraone, R. Johnson, Michel, Singer, Deschler, Wisnefski, Clark, Kerkman, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, Noble, O'Day, Molinaro, Huff, Gorlinski, L. Johnson, West.

Excused: Supervisor Booth.

Present. 27. Excused. 1.

County Executive Allan Kehl presented a "Certificate of Appreciation" to Carly Werwie. Carly is the first female golfer in County history to win the Division-1 Wisconsin Interscholastic Athletic Association (WIAA) Girls State Tournament at University Ridge Golf Course in Verona, WI. On Tuesday, October 12, 2004.

**CITIZENS COMMENTS**

Jim Moore, 9218-74th Place, Kenosha stated that he is in favor of Supervisor Clark's Resolution regarding the City/County apportionment of payments received pursuant to the Intergovernmental Agreement. The 60/40 split is the way to go. Problem gambling is on the rise in Wisconsin and it will sky rocket in our area with the Casino. Our schools will be impacted. He is troubled by the huge discrepancy in the two Economic Studies. The Menominee's projected a annual number of 5.3 million visitors a year and the City's report projected 3.3 million per year. Is a Kenosha Casino viable in a near saturated market?

Paul Wokwicz, 7641-49th Avenue, Pleasant Prairie, stated that after looking at the Intergovernmental Agreement he as a almost retired attorney found at least 40 things wrong. What is going on? Mediation is just as hard as going to trial. The contract can be amended by the governor of the tribe not by County Government.

Lynne Horn, 6347-26th Avenue, Kenosha, stated that she could not believe we would even consider giving away 223 acres of land. The casinos in the state are already causing problems. We will never get that land back and this will not lower our property taxes.

Bill O'Toole, 8502-108th Avenue, Pleasant Prairie, stated that the county board did the right thing by having a referendum. Giving everyone a right to voice their opinion. He knows there are going to be added costs. He knows that Pleasant Prairie Supervisors will fight for Pleasant Prairie. Thanks to Supervisor Clark. In his opinion the city is not bargaining in good faith.

Bob Danbeck, 7626-27th Avenue, Kenosha, stated that he hopes the Intergovernmental Agreement regarding the 60/40 or 70/30 split can be settled before the election. He will be happy with either one.

Jennifer Franco, 10732-64th Street, Kenosha, going to the Casino in Milwaukee was one of the most depressing experiences she went through. The casino was right in the middle of an industrial area. There were no homes near the Casino. We are the ones going to be dealing with the social cost. We will be dealing with the increased traffic. They will take the money and leave. The money will not stay in Kenosha. She read in the Reader's Digest that Kenosha was one of the best places to raise a family. That is why she moved here. Her property value will decrease because nobody will want to buy a home close to the casino.

Morey Smith, 10519-69th Street, Kenosha, stated that he is glad to see the casino on the ballot. He went to a builder who is building homes less than half a mile away from Dairyland. He asked the sales people if they were telling perspective buyers about a proposed casino? The builder told him that they do not tell the buyers unless they ask about it. That showed him that the casino is not a great amenity to Kenosha County. His neighbors are selling their homes. Gambling is going to be a problem.

Vickie Kwasny, 11003 - 84th Street, Pleasant Prairie, stated that we should demand to see studies that show the cost/benefit ratios and environmental issues.

John Franco, 10731-64th Street, Kenosha stated that all the money talk regarding the casino is just perspective.

#### **CHAIRMAN ANNOUNCEMENTS**

Chairman Elverman stated that the budget hearings have started. If anyone has questions on any budget and have the time to attend he would highly recommend attending.

Chairman Elverman stated that our County Clerk was appointed to The National Association of Counties as a member of the Community and Economic Steering Committee.

Chairman Elverman stated that there will be a WCA Conference on Parliamentary Procedure and Open Meetings Laws on November 15th.

Chairman Elverman stated that we received a 'thank you' from Supervisor West and it is great to see him at his desk.

Chairman Elverman stated that there will be a Public Hearing on the Intergovernmental Agreement at the County Center next Wednesday, October 27th at 7:00 P.M. Attendance is not mandatory.

Chairman Elverman announced that there is a 7 County Meeting, Wednesday, November 17th. Dinner at 6:15 P.M. A show of hands indicated that three would be attending.

Chairman Elverman announced that the Kenosha Commons will be holding their Grand Opening at 10:30 A.M.

Chairman Elverman stated that Supervisor Reports is for reports and not debates. He will not allow any debates.

#### **SUPERVISOR REPORTS**

Supervisor Molinaro reported on Building & Grounds Committee. The budget was passed onto the Finance Committee. A report from the Sheriff's Department regarding a completion of a project started some time ago which a replacement and reconstruction of shower units. There is an effort underway of a public/private partnership in conjunction with the Bio CATT which is the new technology facility on the Gateway Campus in Kenosha to install redundant

fiber-optic loop that will connect all the technology centers, corporate and industrial parks in Kenosha County. The county has dedicated over the next two years over \$200,000.00 towards that project. The county will then receive a quantity of dedicated fiber-optic lines for us to utilize. Over the last several weeks Supervisor Reports have deteriorated into something that is unfair to those who believe in the process of debate.

Supervisor Rose stated that he has a copy on everyone's desk of Title 25 United States Code Section 2710 regarding the inability of a State, County or City to tax an Indian Casino.

Supervisor Clark stated that he did look at the County Board Rules regarding Supervisor Reports and there is really not a definition.

Supervisor Clark wanted to respond to some of the citizens comments regarding the Intergovernmental Agreement. We will have a public hearing to receive their concerns and considerations. The Menominee Legislature has approved the Mohegan Contract. This is a fact. They have built the largest Indian Gaming Casino in the United States.

Supervisor Kerkman started that he has a real hard time understanding the benefit of a casino.

Supervisor Molinaro called for point of order.

Chairman Elverman asked Supervisor Kerkman to wait with his comments until they are debating an issue on the casino.

Supervisor Kerkman stated that he was placed on the agenda and if he was told that he could not speak under Supervisor Reports he would have spoken under Citizen Comments. He is not debating just wanting to express his views on some items that he has experience with.

Supervisor Kerkman asked to be excused.

Supervisor Smitz asked to move Resolution 57 to the beginning of New Business. Seconded by Supervisor Molinaro.

Motion carried.

#### **OLD BUSINESS**

Ordinance - second reading.

#### **ORDINANCE 35**

35. From Legislative Committee regarding Amending Section 2.05 of the Municipal Code of Kenosha County Entitled "Standing Committees".

It was moved by Supervisor R. Johnson to adopt Ordinance 35. Seconded by Supervisor Kessler.

It was moved by Supervisor Rose to defer Ordinance 35 to both committees. Seconded by Supervisor Wisnefski.

Roll call vote to defer.

Ayes: Supervisors Grady, Rossow, Rose, Wipper, Marrelli, Michel, Deschler, Wisnefski, Noble, Gorlinski, Ekornaas.

Nays: Supervisors Elverman, Kessler, Huff, Carbone, Modory, Faraone, R. Johnson, O'Day, Singer, L. Johnson, Molinaro, Carey-Mielke, Clark, West, Smitz.

Ayes. 11. Nays. 15.

Motion failed.

Roll vote on Ordinance 35.

Ayes: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Wipper, Faraone, R. Johnson, Singer, Wisnefski, Clark, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, O'Day, Molinaro, Huff, Gorlinski, L. Johnson, West.

Nays: Supervisors Michael, Noble.

Abstain: Supervisor Deschler.

Ayes. 23. Nays. 2. Abstain. 1.

Motion carried.

**NEW BUSINESS**

**RESOLUTION 57**

57. From Land Use Committee regarding Supporting a Cooperation Planning Process among Kenosha County, Participating Local Governments, and SEWRPC to prepare a Multi-Jurisdictional Comprehensive Plan and Apply for a Planning Grant From the State of Wisconsin.

It was moved by Supervisor Smitz to adopt Resolution 57. Seconded by Supervisor Gorlinski.

Motion carried.

Ordinances - one reading.

From Land Use Committee regarding:

**ORDINANCE 36**

36. Richard Maloni and David E. and Kathleen J. Miller (Owners), requesting rezoning from A-1 Agricultural Preservation District and R-1 Residential District to A-2 General Agricultural District in the Town of Brighton.

**ORDINANCE 37**

37. Daniels Dairy Farm II/Dale Daniels (Owner), requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Brighton.

It was moved by Supervisor Smitz to adopt Ordinances 36 & 37. Seconded by Supervisor Marrelli.

Motion carried.

**ORDINANCE 38**

38. John A. Jr. and Carol Schaefer, requesting rezoning from A-1 Agricultural Preservation District to A-2 General Agricultural District in the Town of Brighton.

**ORDINANCE 39**

39. Peace Evangelical Lutheran Church (Owner), Milton Schenning (Agent), requesting rezoning from I-1 Institutional District to R-4 Urban Single-Family Residential District in the Town of Salem.

It was moved by Supervisor Smitz to adopt Ordinances 38 & 39. Seconded by Supervisor Molinaro.

Motion carried.

**ORDINANCE 40**

40. Stanley J. and Janice M. Putra, requesting rezoning from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District in the Town of Somers.

**ORDINANCE 41**

41. Jean M. Brackett (Owner)/Jeff Erickson (Agent), requesting rezoning from A-2 General Agricultural District to R-2 Suburban Single-Family Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District in the Town of Wheatland.

It was moved by Supervisor Smitz to adopt Ordinances 40 & 41. Seconded by Supervisor Ekornaas.

Motion carried.

Resolutions - one reading.

**RESOLUTION 54**

54. From Finance Committee regarding Initial Resolution Authorizing the Issuance of General Obligation Refunding Bonds in an Amount not to Exceed \$3,095,000 and Providing for the Sale of the Bonds.

It was moved by Supervisor Carbone to adopt Resolution 54. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Elverman, Grady, Rossow, Rose, Kessler, Wipper, Faraone, R. Johnson, Singer, Deschler, Wisnefski, Clark, Carbone, Carey-Mielke, Smitz, Ekornaas, Marrelli, Modory, O'Day, Molinaro, Huff, Gorlinski, L. Johnson, West.

Nays: Supervisors Deschler.

Ayes. 25. Nays. 1.

Motion carried.

**RESOLUTION 55**

55. From Judiciary & Law and Finance Committees regarding Recognizing Unanticipated Revenue 2004 Sheriff Budget.

It was moved by Supervisor huff to adopt resolution 55. Seconded by Supervisor Carey-Mielke.

Motion carried unanimously.

**RESOLUTION 56**

56. From Judiciary & Law regarding Probationary Cabaret License for Michael's Pub.

It was moved by Supervisor Huff to adopt Resolution 56. Seconded by Supervisor L. Johnson.

Motion carried.

**RESOLUTION 58**

58. From Land Use Committee regarding Final Plat of Covelli Heights Subdivision, Armando Covelli (Developer), located in the Town of Somers.

It was moved by Supervisor Smitz to adopt Resolution 58. Seconded by Supervisor Gorlinski.

Motion carried.

**RESOLUTION 59**

59. From Supervisor William Grady regarding Setting Board Agenda Item Listing Supervisors to speak During "Reports".

It was moved by Supervisor Grady to adopt Resolution 59. Seconded by Supervisor Faraone.

It was moved by Supervisor Molinaro to refer Resolution 59 to Legislative Committee. Seconded by Supervisor Faraone.

Roll call vote.

Ayes: Supervisors Elverman, Wipper, Deschler, Faraone, Molinaro, Noble.

Nays: Supervisors Grady, Rose, Kessler, Huff, Marrelli, Carbone, Modory, Faraone, Michel, O'Day, Singer, L. Johnson, Wisnefski, Carey-Mielke, Clark, West, Gorlinski, Smitz, Ekornaas.

Abstain: Supervisor Rossow.

Ayes. 6. Nays. 19. Abstain 1.

Motion lost.

It was moved by Supervisor Clark to amend Resolution 59 to have all agendas include Supervisor Comments along with Citizen Comments. Then Supervisor Reports. Seconded by Supervisor Noble.

Roll call vote on the amendment.

Ayes: Supervisor Clark, Noble.

Nays: Supervisors Elverman, Grady, Rose, Kessler, Huff, Wipper, Marrelli, Carbone, Modory, Faraone, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Carey-Mielke, West, Gorlinski, Smitz, Ekornaas.

Abstain: Supervisor Rossow.

Ayes. 2. Nays. 23. Abstain 1.

Motion lost.

Roll call vote on Resolution 59.

Ayes: Supervisors Elverman, Grady, Rossow, Kessler, Huff, Wipper, Marrelli, Carbone, Modory, Faraone, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Wisnefski, Carey-Mielke, Clark, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Molinaro, Noble.

Ayes. 23. Nays. 2.

Motion carried.

**RESOLUTION 60**

60. From Supervisor Joe Clark regarding the City/County Apportionment of Payments Received Pursuant to the Intergovernmental Agreement with the Menominee Indian Tribe of Wisconsin.

It was moved by Supervisor Clark to adopt Resolution 60. Seconded by Supervisor Wisnefski.

Roll call vote.

Ayes: Supervisors, Elverman, Grady, Rossow, Rose, Kessler, Huff, Wipper, Marrelli, Modory, R. Johnson, Michel, O'Day, Singer, L. Johnson, Deschler, Molinaro, Wisnefski, Noble, Carey-Mielke, Clark, West, Gorlinski, Smitz, Ekornaas.

Nays: Supervisors Carbone, Faraone.

Ayes. 24. Nays. 2.

Motion carried.

COMMUNICATIONS

9. From Jean A. Morgan City Clerk/Treasurer regarding Attachment and Temporary Zoning District Classification of Land in the Town of Bristol.

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

Chairman Elverman referred Communications 9 & 10 to Land Use Committee.

It was moved by Supervisor Kessler to approve the October 5th, 2004 minutes as amended. Seconded by Supervisor Wisnefski.

Motion carried.

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

Meeting adjourned at 10:15 P.M.

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







