

KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING

January 14, 2003

The **Special Meeting** was called to order by Chairman Kessler at 6:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Noble, Rose, Kessler, Huff, Molinaro, Bergo, Johnson, Pitts, Montemurro, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Marrelli, Carey-Mielke.

Excused: Supervisor Boyer, Ruffolo, Wisnefski, West.

Present. 23. Excused. 4.

ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Kessler stated that this coming Saturday the Council of Governments will be meeting at the Kenosha County Center at Hwys 45 & 50. Everyone is encouraged to attend this important meeting.

It was moved by Supervisor Molinaro to open up Citizen Comments. Corporation Counsel ruled the motion out of order and the meeting continued.

OLD BUSINESS ON JANUARY 7, 2003 AGENDA

ORDINANCE 42A

Ordinance 42A adopted December 3, 2002 regarding Reconsideration of Chapter 16 Revision - Environmental Health/Food Ordinance.

AN ORDINANCE TO REVISE CHAPTER 16 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO THE ENVIRONMENTAL HEALTH/FOOD CODE

WHEREAS, it is deemed expedient and necessary that the Municipal Code of Kenosha County, Wisconsin and specifically the Kenosha County Environmental Health/Food Ordinance be revised, defects be amended, and new ordinances be enacted, and

WHEREAS, the Kenosha County Board hereby authorizes the preparation of such a revision of the Kenosha County Environmental Health/Food Ordinance of Kenosha County, Wisconsin, and

WHEREAS, a copy of such code has been on file and open for public inspection in the Office of the County Clerk for not less than two weeks as required by section 66.0103 of the Wisconsin Statutes and notice thereof has been given pursuant to a publication in the Kenosha News.

NOW, THEREFORE, the Kenosha County Board of Supervisors does ordain as follows:

Section 1.

That the code of ordinances in book form entitled Municipal Code of Kenosha County, Wisconsin --- Revised July, 1981, and as subsequently amended, and specifically the Kenosha County Environment Health/Food Ordinance, a copy of which is on file in the Office of the County Clerk for public inspection, shall be and hereby is adopted under the authority granted to the County by sections of the Wisconsin Statutes: Chapters 250, 251, 252, 254 66.0103, 66.0113, and 66.0114. In addition, it is also adopted to all provisions of the Wisconsin Administrative Code: HFS 196, 197, 173, 172, 175, 178, Comm 90, 95, and ATCP 75 and incorporates by reference the powers, duties, responsibilities and authority permitted to be exercised by counties as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and in the rules and regulations adopted pursuant thereto. These rules and regulations shall apply until amended or renumbered and then shall apply as amended and renumbered. Furthermore the existing Kenosha County Environmental Health/Food Ordinance as adopted on February 16, 1999 by the Kenosha County Board of Supervisors shall be repealed effective on the date of enactment of this ordinance. All other County ordinances or parts of ordinances of the Kenosha County Municipal Code that are inconsistent or conflicting with this ordinance to the extent of the consistency only are hereby repealed.

Section 2.

That this ordinance, as it relates to parties under its jurisdiction shall take effect the day after publication of the above ordinance as provided under the authority granted to the County by sections of the Wisconsin Statutes: Chapters 250, 251, 252, 66.0103, 66.0113, and 66.0114. In addition, it is also adopted to all provisions of the Wisconsin Administrative Code: HFS 196, 197, 173, 172, 175, 178, Comm 90, 95, and ATCP 75 and incorporates by references the powers, duties, responsibilities and authority permitted to be exercised by counties as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and in the rules and regulations adopted pursuant thereto. These rules and regulations shall apply until amended or renumbered and then shall apply as amended and renumbered.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O' Day

Don Smitz

It was moved by Supervisor Bergo to adopt Ordinance 42A. Seconded by Supervisor O'Day.

Corporation Counsel explained that Ordinance 42A was a follow-up ordinance to Ordinance 42 that was approved on December 3, 2002. 42A addresses publication of Ordinance 42.

It was moved by Supervisor Bergo to reconsider Ordinance 42. Seconded by Supervisor O'Day.

Roll call vote.

Motion carried unanimously.

It was moved by Supervisor Bergo to substitute Ordinance 42A for Ordinance 42. Seconded by Supervisor O'Day.

Roll call vote.

Motion carried unanimously.

It was moved by Supervisor O'Day to adopt Ordinance 42A. Seconded by Supervisor Johnson.

Motion carried.

RESOLUTION 81

Resolution 81 referred to Judiciary & Law Committee on November 13th 2002 regarding Probationary Cabaret License - Club Viper, Inc. (Nytro's)

WHEREAS, the applicant Leann J. McCarty received approval by County Board action for a probationary cabaret license for the establishment known as Club Viper, Inc. (Nytro's), and

WHEREAS, the application of Leann J. McCarty for a probationary cabaret license for Club Viper, Inc. (Nytro's), 32800 Geneva Road, Hwy "50" and "W", Wheatland, Wisconsin, in the Town of Wheatland, was made during the month of August, was turned over to this office on August 29, 2002, 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

WHEREAS, the applicant stated through her attorney that she is aware of the terms and conditions of Kenosha County General Ordinance section 8.02 and has been advised by her attorney of their meaning and effect, a copy of which is attached hereto for reference, and

NOW, THEREFORE BE IT RESOLVED, that because this is the initial application by the license holder, a probationary license be granted to Leann J. McCarty, for Club Viper, Inc. (Nytro's).

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Joe Montemurro

Terry Rose

Applicant has read the foregoing and understands the same:

Frank R. Lettenberger, applicant's attorney
Viper, Inc.

Leann J. McCarty for Club

It was moved by Supervisor Huff to adopt resolution 81. Seconded by Supervisor Carey-Mielke.

Roll call vote.

Ayes: Supervisors Kessler, Rose, Huff, Molinaro, Marrelli, Bergo, Carbone, Faraone, Johnson, Pitts, O'Day, Montemurro, Carey-Mielke, Elverman.

Nays: Supervisors Modory, Singer, Larsen, Clark, Noble, Kerkman, Gorlinski, Smitz, Ekornaas.

Ayes. 14. Nays. 9.

Motion carried.

Ordinances - Second reading, two required.

ORDINANCE 43

43. From Land Use Committee regarding Repealing and Recreating the Kenosha County Sanitary Code and Private Sewage System Ordinance.

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 15 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO THE SANITARY CODE

WHEREAS, it is deemed expedient and necessary that the Municipal Code of Kenosha County, Wisconsin and specifically the Kenosha County Sanitary Code and Private Sewage System Ordinance be repealed and recreated, revised, renumbered and recodified and arranged in appropriate chapters, sections, subsections, that omissions be supplied, defects be amended, and new ordinances be enacted and that the same be published in book form to make the whole thereof plain, concise, intelligible, and convenient, and

WHEREAS, the Kenosha County Board authorizes the preparation of such a recodification of the Kenosha County Sanitary Code and Private Sewage System Ordinance of Kenosha County, Wisconsin, and

WHEREAS, a copy of such code has been on file and open for public inspection in the Office of the County Clerk for not less than two weeks prior to enactment as required by section 66.0103 of the Wisconsin Statutes and notice of such opportunity for inspection has been given pursuant to a publication in the Kenosha News.

NOW, THEREFORE, the Kenosha County Board of Supervisors does ordain as follows:

Section 1.

That the code of ordinances in book form entitled Municipal Code of Kenosha County, Wisconsin --- Revised July, 1981, and as subsequently amended, and specifically the Kenosha County Sanitary Code and Private Sewage System Ordinance, a copy of which is on file in the Office of the County Clerk for public inspection, shall be and hereby is adopted under the authority granted to the County by Wisconsin Statutes Sections: 59.70(1), 59.70(5), 145.04, 145.19, 145.20 and 145.245 and pursuant to the provisions of the Wisconsin Administrative Code Comm 52.63, Comm 81-85, Comm 87, Comm 91, NR113 and NR116 which incorporates by references the powers, duties, responsibilities and authority permitted to be exercised by counties as set forth in the Wisconsin Administrative Code and Wisconsin Statutes and in the rules and regulations adopted pursuant thereto. These rules and regulations shall apply until amended or renumbered and then shall apply as amended and renumbered. Furthermore the existing Kenosha County Sanitary Code and Private Sewage System Ordinance as adopted on July 15, 1980 by the Kenosha County Board of Supervisors shall be repealed effective on the date of enactment of this ordinance. All other County ordinances or parts of ordinances of the Kenosha County Municipal Code that are inconsistent or conflicting with this ordinance to the extent of the inconsistency only are hereby repealed.

Section 2.

That this ordinance, as it relates to lands under its jurisdiction shall take effect the day after

publication of the above ordinance as provided by law.

Submitted by:

LAND USE COMMITTEE
Donald Smitz
Mark Molinaro, Jr.
Thomas J. Gorlinski
Gordon West
Irving Larsen
Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 43. Seconded by Supervisor Molinaro.

It was moved by Supervisor Rose to amend Ordinance 43 by reducing 18 months to 6 months. Seconded by Supervisor Clark.

It was moved by Supervisor Gorlinski to close debate on the amendment. Seconded by Supervisor Smitz.

Roll call vote.

Ayes: Supervisors Noble, Bergo, Johnson, Pitts, Larsen, Kerkman, Elverman, Smitz, Faraone, O'Day, Singer, Modory, Gorlinski, Carbone, Clark, Ekornaas, Carey-Mielke, Rose, Kessler.

Nays: Supervisors Huff, Molinaro, Marrelli, Montemurro.

Ayes. 19. Nays. 4.

Motion carried.

Roll call vote on the amendment.

Ayes: Supervisors Rose and Kessler.

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

Ayes. 2. Nays. 21.

Motion failed.

Supervisor Noble moved to amend Ordinance 43 by saying that if the 18 month is exercised and the additional training is required the Land Use Committee will be kept abreast. Seconded by Supervisor Rose.

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

Roll call vote requested.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Carey-Mielke, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Montemurro, Clark.

Ayes. 18. Nays. 5.

Motion carried.

Roll call on Ordinance 43 as amended.

Motion carried unanimously.

ORDINANCE 44

44. From Judiciary & Law and Finance Committees regarding Amending part of Chapter 7 of the Municipal Code of Kenosha County pertaining to Parking Violations.

The Kenosha County Board of Supervisors does hereby ordain that part of chapter 7 of the Municipal Code of Kenosha County, namely Subsection 7.06(4), be and hereby is, amended as follows:

CHAPTER 7

TRAFFIC AND BOATING LAWS CODE

Subsection (4) of Section 7.06 PENALTY is hereby amended to read as follows:

(4) Parking Violations. The penalty for violation of sec.7.03 shall be \$20.00 if paid within 10 days of the date of issue. If paid after 10 days but within 40 days of issue the penalty shall be \$40.00 If paid after 40 days of issue the penalty shall be \$55.00.

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon west

It was moved by Supervisor Huff to adopt Ordinance 44. Seconded by Supervisor Carbone.
Motion carried.

ORDINANCE 45

45. From Judiciary & Law and Finance Committees regarding Amending Section 8.05(9)(a) of the Municipal Code of Kenosha County Entitled Penalties for Repeated False Alarms.

The Kenosha County Board of Supervisors does hereby ordain that section 8.05(9)(a) of the Municipal Code of Kenosha County be, and hereby is, amended to read as follows:

(9) Penalties for Repeated False Alarms.

(a) Persons in possession of alarm systems intended to elicit a response from law enforcement personnel or fire department personnel shall pay to the Joint Services Board a charge per each false alarm responded to by such personnel, according to the following schedule for each calendar year:

1.	First 2 false alarms	No Charge
2.	Third and fourth false alarms	\$ 50.00
3.	Fifth through eighth false alarms	\$ 75.00
4.	Ninth and tenth false alarms	\$100.00
5.	Eleventh through fifteenth false alarms	\$200.00
6.	Sixteenth through twentieth false alarms	\$300.00
7.	Twenty-first or more false alarms	\$500.00

Submitted by:

JUDICIARY & LAW COMMITTEE

James Huff

Brenda Carey-Mielke

Anita Faraone

Terry Rose

Joe Montemurro

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Huff to adopt Ordinance 45. Seconded by Supervisor Carbone.
Motion carried.

NEW BUSINESS ON JANUARY 7, 2003

Ordinance - first reading, two required.

ORDINANCE 52

52. From Highway & Parks Committee regarding Speed Limits for CTH "D" from STH 142 southerly to a point .70 miles south of its west intersection with STH 142.

Ordinances - one reading.

From Land Use Committee regarding:

ORDINANCE 53

53. New Sunrise, LLC (Owner), Mike Doble (Agent), requesting rezoning from PR-1 Park and Recreational District to R-3 Urban Single-Family Residential 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 Parcel #67-4-120-343-0111 located in the southwest and southeast quarters of Section 34, Township 1 North, Range 20 East, Town of Salem be changed from PR-1 Park and Recreational District to R-3 Urban Single-Family Residential District. For informational purposes only, this property is located on the southeast corner of the intersection of Rock Lake Road and 122nd Street.

New Sunrise, LLC - (Owner)

Mike Doble - (Agent)

Description: Being a part of the northeast quarter of the southwest quarter of Section 34, Township 1 North, Range 20 East, in the Town of Salem, Kenosha County, Wisconsin bounded and described as follows: Commencing at the northwest corner of said southwest quarter; thence north 88°29'34" east, along the north line of said southwest quarter, 1881.32 feet to the place of beginning; thence north 88°29'34" east, along said north line, 32.70 feet to a meander corner of

Rock Lake marked by a concrete monument with a brass cap; thence north 88°35'13" east, 447.30 feet to a meander line of Rock Lake; thence south 17°21'50" west, along said meander line, 172.68 feet to an angle point; thence south 09°43'29" east, along said meander line, 198.51 feet to an angle point; thence south 39°41'46" east, along said meander line, 506.53 feet; thence south 39°37'55" west, 163.82 feet to the centerline of Rock Lake Road; thence north 50°26'26" west, along said centerline, 285.38 feet to an angle point; thence north 35°01'26" west, along said centerline, 800.00 feet to an angle point; thence north 02°42'54" west, along said centerline, 27.00 feet to the place of beginning. Said lands containing 5.50 acres to the meander line of Rock Lake. Total property contains 6.43 acres, which includes lands up to the high water mark of Rock Lake.

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 54

54. Ray and Sara N. Parvinian requesting rezoning from B-2 Community Business District and A-2 General Agricultural District to R-3 Urban Single-Family Residential District and R-2 Suburban Single-family Residential District excluding lands currently zoned C-2 Upland Resource Conservancy 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 #80-4-222-141-0226 located in the northeast quarter of Section 14, Township 2 North, Range 22 East, Town of Somers be changed from B-2 Community Business District and A-2 General Agricultural District to R-3 Urban Single-Family Residential District and R-2 Suburban Single-Family Residential District excluding lands currently zoned C-2 Upland Resource Conservancy District. For informational purposes only, this property is located on the south side of County Trunk Highway "E" (12th Street) and west of 41st Avenue.

Ray and Sara N. Parvinian - (Owners)

Descriptions: R-3 Urban Single-Family Residential District: Part of the northeast quarter of Section 14, 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: Commencing at the northeast corner of said quarter section; thence south 89°35'38" west along the north line of said quarter section 990.00 feet; thence south 01°41'21" east 58.01 feet to the point of beginning; thence continue south 01°41'21" east 601.99 feet; thence north 89°35'38" east 330.00 feet; thence south 01°41'21" east 522.31 feet; thence south 89°35'38" west 395.90 feet; thence north 01°41'21" west 470.46 feet; thence south 89°35'38" west 302.28 feet; thence north 01°41'21" west 662.71 feet; thence north 89°35'38" east 368.28 feet to the point of beginning.

R-2 Suburban Single-Family Residential District: Commencing at the northeast corner of said quarter section; thence south 89°35'38" west along the north line of said quarter section 990.00 feet; thence south 01°41'21" east 660.00 feet; thence north 89°35'38" east 330.00 feet; thence south 01°41'21" east 522.31 feet to the point of beginning; thence continue south 01°41'21" east 130.85 feet; thence north 89°09'29" east 17.74 feet; thence south 01°44'25" east 294.00 feet; thence north 88°08'24" west 145.25 feet; thence north 25°14'17" west 11.25 feet; thence north 08°29'24" west 137.17 feet; thence north 24°40'39" west 40.29 feet; thence north 49°36'13" west 30.06 feet; thence north 82°22'08" west 75.49 feet; thence north 60°10'10" west 57.44 feet; thence north 59°03'51" west 71.97 feet; thence north 78°03'43" west 26.82 feet; thence north 01°41'21" west 125.00 feet; thence north 89°35'38" east 395.90 feet to the point of beginning.

In addition: Commencing at the northeast corner of said quarter section; thence south 89°35'38" west along the north line of said quarter section 1358.28 feet; thence south 01°41'21" east 720.72 feet; thence north 89°35'38" east 302.28 feet; thence south 01°41'21" east 595.46 feet; thence south 89°09'29" west 301.09 feet to the point of beginning; thence south 00°50'31" east 75.46 feet; thence south 18°08'50" west 41.14 feet; thence south 04°07'08" west 27.24 feet; thence south 14°15'33" east 36.47 feet; thence south 23°14'37" east 35.33 feet; thence south 27°27'27" east 51.78 feet; thence south 06°47'05" west 36.88 feet; thence south 00°50'31" east 21.48 feet; thence south 89°09'29" west 413.09 feet; thence north 01°41'21" west 314.00 feet; thence north 89°09'29" east 393.24 feet to the point of beginning. This description excludes 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

ORDINANCE 55

55. Ronald E. and Constance Lester (Owners), Anthony F. Zwilling and Lori A. Lester-Zwilling (Buyers/Agents), requesting rezoning from A-1 Agricultural Preservation District to R-2 Suburban Single-Family Residential District in the Town of Wheatland.

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 #95-4-119-011-0300 located in the northeast quarter of Section 1, Township 1 North, Range 19 East, Town of Wheatland 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 0.3 mile east of the intersection of County Trunk Highway "W."

Ronald E. and Constance Lester - (Owners)

Anthony F. Zwilling and Lori A. Lester-Zwilling - (Buyers/Agents)

Description: Being part of the northeast quarter and the northwest quarter of the northeast quarter of Section 1, Township 1 North, Range 19 East of the Fourth Principal Meridian. In the township of Wheatland, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the north quarter corner of said Section 1; thence north 87°52'54" east (recorded as north 87°53'06" east) along the north line of said northeast quarter section, 966.94 feet to the place of beginning of a parcel of land hereinafter described; thence continue north 87°52'54" east (recorded as north 87°53'06" east) along said north line 699.96 feet; thence south 01°19'06" east (recorded as south 01°18'54" east) 305.00 feet; thence south 87°41'43" west (recorded as south 87°41'55" west) 700.00 feet; thence north 01°19'06" west (recorded as north 01°18'54" west) 307.27 feet to the place of beginning. Containing 4.92 acres of land more or less. Subject to the rights of the public over the north 33 feet thereof for highway purposes (County Trunk Highway "K").

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 56

56. Michael J. and Darlene P. Sanew and Robert Vanderwerff requesting rezoning from A-1 Agricultural Preservation District and R-2 Suburban Single-Family Residential District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District in the Town of Wheatland.

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 #95-4-119-061-0283 and part of Tax Parcel #95-4-119-061-0270 located in the northeast quarter of Section 6, Township 1 North, Range 19 East, Town of Wheatland be changed as follows: Tax Parcel #95-4-119-061-0283 be changed from A-1 Agricultural Preservation District and R-2 Suburban Single-Family Residential District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District (Sanew) and from A-1 Agricultural Preservation District and R-4 Urban Single-Family Residential District to B-2 Community Business District (Vanderwerff). For informational purposes only, these parcels are generally located on the east side of County Trunk Highway "P" (400th Avenue) and south of 60th Street (Old State Trunk Highway "50").

Michael J. and Darlene P. Sanew - (Owners of Tax Parcel #95-4-119-061-0283)

Robert Vanderwerff - (Owner of Tax Parcel #95-4-119-061-0270)

Descriptions: A-1 Agricultural Preservation District and R-2 Suburban Single-Family Residential District to R-1 Rural Residential District excluding lands currently zoned C-1 Lowland Resource Conservancy District:

Lot 1 of Certified Survey Map No. 1182, being part of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 6, Township 1 North, Range 19 East of the Fourth Principal Meridian, in the Town of Wheatland, County of Kenosha, and State of Wisconsin.

Also: Part of Lot 2 of Certified Survey Map No. 1182, being more particularly described as follows: Commence at the southwest corner of said Lot 2; thence north $01^{\circ}37'22''$ west, 349.26 feet to the northeast corner of Lot 1 of said Certified Survey Map No. 1182; thence south $73^{\circ}19'09''$ east, 50.83 feet; thence north $88^{\circ}41'53''$ east, 50.54 feet; thence north $80^{\circ}47'45''$ east, 56.78 feet; thence north $88^{\circ}10'18''$ east, 111.77 feet to the east line of said Lot 2; thence south $03^{\circ}06'33''$ east along said east line, 340.00 feet to the southeast corner of said Lot 2; thence south $88^{\circ}10'18''$ west along the south line of said Lot 2, 275.59 feet to the place of beginning. Containing 2.11 acres of land more or less.

Also: Part of the northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 6; Township 1 North, Range 19 East of the Fourth Principal Meridian in the Town of Wheatland, County of Kenosha, and State of Wisconsin and being more particularly described as follows: Commence at the southeast corner of Lot 2 of Certified Survey Map No. 1182 and the place of beginning of this description. Thence north $03^{\circ}06'33''$ west along the easternmost line of said Lot 2, 340.00 feet; thence north $88^{\circ}10'18''$ east, 30.41 feet; thence south $01^{\circ}58'59''$ east, 136.04 feet; thence north $88^{\circ}10'18''$ east, 149.94 feet; thence south $01^{\circ}45'40''$ east, 264.00 feet; thence north $85^{\circ}27'01''$ west, 451.22 feet; thence north $01^{\circ}37'22''$ west, 10.00 feet to the southwest corner of said Lot 2; thence north $88^{\circ}10'18''$ east, along south line of said Lot 2, 275.59 feet to the place of beginning. Containing 1.27 acres of land more or less.

A-1 Agricultural Preservation District and R-4 Urban Single-Family Residential District to B-2 Community Business District:

Being part of the northwest quarter of the northeast quarter of Section 6, Township 1 North, Range 19 East of the Fourth Principal Meridian in the Town of Wheatland, County of Kenosha, and State of Wisconsin and being more particularly described as follows: Commence at the northwest corner of the northeast quarter of said Section 6; thence north $88^{\circ}10'18''$ east (recorded as north $89^{\circ}33'30''$ east) along the north

line of said northeast quarter, 536.25 feet to the place of beginning of a parcel of land hereinafter described; thence continue north 88°10'18" east, 33.57 feet; thence south 01°59'49" east, 162.96 feet; thence south 88°10'18" west (recorded as south 89°33'30" west), 30.41 feet; thence north 03°06'33" west (recorded as north 01°43'20" west), 163.00 feet to the place of beginning. Subject to the rights of the public over the north 33 feet for road purposes (60th Street). Said land being in the Town of Wheatland, County of Kenosha and 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

It was moved by Supervisor Smitz to adopt Ordinances 53 thru 56.

Seconded by Supervisor Gorlinski.

Motion carried.

Resolutions - one reading.

RESOLUTION 95

95. From Finance Committee regarding Appointment of Sharon A. Acerbi to the Kenosha County Library Committee.

WHEREAS, pursuant to County Executive Appointment 2002/2003-37, the County Executive has appointed Sharon A. Acerbi to serve on the Kenosha County Library Committee, and

WHEREAS, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Library Committee and is recommending to the County Board the approval of this appointment, and

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors confirm the appointment of Sharon A. Acerbi to serve on the Kenosha County Library Committee. Ms. Acerbi's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31st day of December 2005, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Acerbi will serve without pay as defined under Resolution 65 (1982-83).

Submitted by:

FINANCE COMMITTEE
Robert Carbone
Terry Rose
Richard Kessler
John O' Day

It was moved by Supervisor Carbone to adopt Resolution 95. Seconded by Supervisor Pitts.

Motion carried.

RESOLUTION 96

96. From Finance Committee regarding Appointment of Louise M. Gagliano to the Kenosha County Library Committee.

WHEREAS, pursuant to County Executive Appointment 2002/2003-35, the County Executive has appointed Louise M. Gagliano to serve on the Kenosha County Library Committee, and

WHEREAS, the Finance Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Library Committee and is recommending to the County Board the approval of this appointment, and

NOW, THEREFORE, BE IT RESOLVED, that the Kenosha County Board of Supervisors confirm the appointment of Louise M. Gagliano to serve on the Kenosha County Library Committee. Ms. Gagliano's appointment shall be effective immediately upon the confirmation of the County Board and continuing until the 31st day of December 2005, or until a successor is appointed by the County Executive and confirmed by the Kenosha County Board of Supervisors. Ms. Gagliano will serve without pay as defined under Resolution 65 (1982-83).

Submitted by:
FINANCE COMMITTEE
Robert Carbone
Terry Rose
Robert Pitts
John O'Day
Gordon West

It was moved by Supervisor Carbone to adopt resolution 96. Seconded by Supervisor Pitts.
Motion carried.

RESOLUTION 99

99 From Finance, Building & Grounds and Highway & Parks Committees regarding Supporting a Youth Sports Complex Community Center along 39th Avenue and a Residential Project to Provide Housing for the Physically Disabled and Authorize Transfer of Property formerly used as the Highway Garage on 60th Street.

WHEREAS, Kenosha County has owned the property known as the East End County Highway Garage at 5512 - 60th Street in Kenosha since the 1930's for maintenance of county highways by its Highway Department, until a new facility was built in 1993, which now serves all the county highways needs; and Kenosha County no longer uses the old 60th Street Garage site and the premises, consisting of approximately 8.4 acres of land, remains vacant except for cold storage, and the buildings and facilities are deteriorating and in need of extensive repair or demolition; however, there is an antenna tower which is presently being used by the Sheriff's Department; and

WHEREAS, It is in the public interest to encourage and develop safe, accessible and affordable housing for the physically disabled members of our community and their families; and

WHEREAS, It is also in the public interest to develop sports programs and other wholesome activities for youth, and to provide community centers for its citizens of all ages for convenient recreational and social activities; and further, some years ago the County of Kenosha informally endorsed creation of a "Field of Dreams" baseball complex for the youth of the east side of Kenosha County; and

WHEREAS, The County of Kenosha and the City of Kenosha have been invited by Equal Access for Affordable Housing, Inc., a nonprofit corporation, and the Kenosha Vision Committee, a large group of benevolent organizations and private citizens, to share in a combined effort to promote these worthy goals as expressed in the attached Letter of Understanding; and

WHEREAS, Equal Access for Affordable Housing, Inc. (EAAH) has developed a plan named "Kenosha Commons" to convert the former 60th Street Kenosha County Garage property into a residential property with suitable access for the physically disabled, and amenities to allow 48 families to care for a physically disabled child or adult member; and has made plans for design, financing, State tax credits, match grant donations and other sources of revenue; and

WHEREAS, The only way the "Kenosha Commons" Plan will come to reality is by the County of Kenosha donating the land for the development; and the donation of such land would be "as is", with EAAH responsible for all site preparation (now budgeted at \$625,000), including demolition and/or environmental clean-up; and further that Kenosha County's only financial commitment would be the donation of such land and no more financial assistance would be requested of the County in years to come; and further, that title to the land and improvements would automatically revert to Kenosha County, if at any time in the next 15 years the property was not used at least 48% as residential housing for the physically disabled.

NOW THEREFORE BE IT RESOLVED, That the County of Kenosha approves the concept expressed above and in the attached letter of Understanding for the development of a Youth Sports & Community Center, and a Housing Development for the Disabled, with the land being provided by the County of Kenosha and the City of Kenosha at nominal consideration, as indicated above, and the consortium of nonprofit organizations obtaining the funds necessary for development of such facilities from other sources; That such measures fulfill

Kenosha County's commitment to support a youth sports ballfield in the City of Kenosha; Provided further that the County of Kenosha receive proper recognition for its support of both development projects by appropriate signs and memorial plaques, etc., at each project site, and wherein possible the County desires that both projects proceed in a timely and simultaneous manner; and

BE IT FURTHER RESOLVED, That the County of Kenosha shall transfer the real estate known as the former Kenosha County Highway Garage located at 5512 - 60th Street, Kenosha, Wisconsin, consisting of approximately 8.4 acres and bearing Tax Parcel No. 08-222-35-355-012 to Equal Access for Affordable Housing, Inc., a nonprofit corporation, for \$1.00, "as is, with all faults", with the grantee liable for all demolition, environmental remediation and site preparation costs, and with a right of reversion for 15 years to have title to the property revert to Kenosha County if the property is not developed and used as planned for at least 48% dwelling space for physically handicapped persons and their families, and reserving a sufficient easement to access, maintain, repair or replace the communications tower used by Kenosha County for law enforcement and rescue purposes; and

BE IT FURTHER RESOLVED, That Kenosha Vision and Equal Access for Affordable Housing, Inc. have expressly agreed that the donation of the 8.4 acres of land at 5512 - 60th Street is a generous measure of support to the creation of both projects mentioned above and that no further requests for donations or financial support of any kind will be made to Kenosha County with regard to these projects; and

BE IT FURTHER RESOLVED, That the County Clerk and the County Executive are authorized to execute all documents and papers necessary to complete such transfer of real estate and related matters.

Submitted by:

FINANCE COMMITTEE

Robert Carbone

Gordon West

John O'Day

Robert Pitts

BUILDING & GROUNDS COMMITTEE

Gordon West

John O'Day

Anne Bergo

Mark Molinaro Jr.

Mark Wisnefski

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Robert Pitts

Irv Larsen

It was moved by Supervisor Carbone to adopt Resolution 99. Seconded by Supervisor Elverman.

It was moved by Supervisor Noble to refer Resolution 99 back to Building & Grounds and Highway & Parks Committees. Seconded by Supervisor Rose.

It was moved by Supervisor Carbone to close debate. Seconded by Supervisor Rose.

Roll call vote.

Ayes: Supervisors Kessler, Rose, Bergo, Carbone, Faraone, O'Day, Singer, Larsen, Carey-Mielke, Noble, Kerkman, Elverman, Ekornaas.

Nays: Supervisors Huff, Molinaro, Marrelli, Modory, Johnson, Pitts, Montemurro, Clark, Gorkinski, Smitz.

Ayes. 13. Nays. 10.

Motion failed.

Roll call vote on referral.

Ayes: Supervisors Rose, Johnson, Clark, Noble, Kerkman, Gorkinski, Ekornaas.

Nays: Supervisors Kessler, Huff, Molinaro, Marrelli, Bergo, Carbone, Modory, Faraone, Pitts, O'day, Singer, Montemurro, Larsen, Carey-Mielke, Smitz, Elverman.

Ayes. 7. Nays. 16.

Motion failed.

It was moved by Supervisor Carey-Mielke to amend Resolution 99 by amending the second, BE IT FURTHER RESOLVED, (1) 15 years to 29 years, (2) the developers will pay property tax, (3) change \$1.00 to \$36,000.00 and (4) the

resolution will be effective upon the completion of such documentation.
Seconded by Supervisor Faraone.

It was moved by Supervisor O'Day to close debate on the amendment.
Seconded by Supervisor Johnson.
Roll call vote.

Ayes: Supervisors Kessler, Huff, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Noble, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays: Supervisors Rose, Molinaro, Marrelli, Pitts, Montemurro, Clark.
Ayes. 17. Nays. 6.

Motion carried.

Roll call vote on the amendment.

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

Nays: Supervisors Rose, Kerkman.
Ayes. 21. Nays. 2

Motion carried.

Roll call on closing debate on resolution as amended. (2/3 vote required)

Ayes: Supervisors Kessler, Bergo, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smitz, Elverman, Ekornaas, Pitts, Kerkman.

Nays: Supervisors Rose, Huff, Molinaro, Marrelli, Montemurro, Clark, Noble, Gorlinski.

Ayes. 15. Nays. 8.

Motion lost.

Supervisor Gorlinski asked Chairman Kessler to instruct the Finance Committee to research and develop a policy for the disposal and acquisition of property to private, public and not-for-profit organizations. Also, the policy to include the acquisition of properties.

It was moved by Supervisor Noble to amend Resolution 99 to read that we incorporate in writing the commitment by the Kenosha Vision Committee that the field will proceed at the same speed as the other development on 60th Street. Phase 1 to be the baseball diamonds and concession together. Seconded by Supervisor Clark.

Roll call vote.

Ayes: Supervisors Kessler, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smitz, Elverman, Ekornaas, Pitts, Kerkman, Rose, Huff, Molinaro, Marrelli, Montemurro, Clark, Noble, Gorlinski.

Nays: Supervisor Bergo.
Ayes. 22. Nays. 1

Motion carried.

It was moved by Supervisor Kerkman to close debate. Seconded by Supervisor Carey-Mielke.

Ayes: Supervisors Kessler, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smitz, Elverman, Ekornaas, Pitts, Kerkman, Rose, Noble, Gorlinski, Bergo.

Nays: Supervisor Huff, Molinaro, Marrelli, Montemurro, Clark.
Ayes. 18. Nays. 5.

Motion carried.

Roll call vote on resolution 99 as amended.

Ayes: Supervisors Kessler, Carbone, Modory, Faraone, Johnson, O'Day, Singer, Larsen, Carey-Mielke, Smitz, Elverman, Ekornaas, Pitts, Rose, Noble, Gorlinski, Bergo, Huff, Molinaro, Marrelli, Montemurro, Clark.

Nays: Supervisor Kerkman.
Ayes. 22. Nays. 1.

Motion carried.

RESOLUTION 101

101. From Human Services Committee regarding the Re-Appointment of William Lehman to the Kenosha County Commission on Aging.

WHEREAS, pursuant to County Executive Appointment 2002/03-38, the County Executive has appointed William Lehman to serve on the Kenosha County Commission on Aging; and

WHEREAS, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging and is recommending to the County Board the approval of this appointment,

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors confirms the appointment of William Lehman to the Kenosha County Commission on Aging. Mr. Lehman's appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Lehman will serve without pay as defined under Resolution 65 (1982-83). Mr. Lehman will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

John O'Day

RESOLUTION 102

102. From Human Services Committee regarding the Re-Appointment of Eugene Schutz to the Kenosha County Commission on Aging.

WHEREAS, pursuant to County Executive Appointment 2002/03-36, the County Executive has appointed Eugene Schutz to serve on the Kenosha County Commission on Aging; and

WHEREAS, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Commission on Aging and is recommending to the County Board the approval of this appointment,

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors confirms the appointment of Eugene Schutz to the Kenosha County Commission on Aging. Mr. Schutz' appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Mr. Schutz will serve without pay as defined under Resolution 65 (1982-83) and will be succeeding himself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Donald Smitz

Anne Bergo

John O'Day

RESOLUTION 103

103. From Human Services Committee regarding the Re-Appointment of Colleen Sandt to the Kenosha County Commission on Aging.

WHEREAS, pursuant to County Executive Appointment 2002/03-34, the County Executive has appointed Colleen Sandt to serve on the Kenosha County Human Services Board, and

WHEREAS, the Human Services Committee has reviewed the request of the County Executive for confirmation of his appointment of the above named to serve on the Kenosha County Human Services Board and is recommending to the County Board the approval of this appointment,

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors confirms the appointment of Colleen Sandt to the Kenosha County Human Services Board. Ms. Sandt's appointment shall be effective immediately and continuing until the 31st day of December, 2005 or until a successor is appointed by the County Executive and confirmed by the County Board of Supervisors. Ms. Sandt will serve without pay but will receive mileage reimbursement as defined under Resolution 65 (1982-83), and will be succeeding herself.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

Donald Smitz

John O'Day

It was moved by Supervisor Bergo to adopt Resolutions 101 thru 103.
Seconded by Supervisor Smitz.
Motion carried.

RESOLUTION 104

104. From Land Use Committee regarding Appointment of John F. Lauer to the Voltz Lake District as Kenosha County Representative.

WHEREAS, Mr. Michael Borst has been Kenosha County's appointed representative on the Voltz Lake Management Board of Commissioners since 1994 and has tendered his resignation effective June 20, 2002; and

WHEREAS, the Voltz Lake Management District recommended the name of John F. Lauer to serve in the vacant position due to his professional background including commercial diving and various civic involvement; and

WHEREAS, the Kenosha County Land and Water Conservation Committee reviewed Mr. Lauer's credentials and recommended approval of the appointment at its September 25, 2002 meeting; and

WHEREAS, the Kenosha County Land Use Committee recommended approval of the appointment at its December 11, 2002 meeting;

NOW, THEREFORE, BE IT RESOLVED that the Kenosha County Board of Supervisors confirms the appointment of John F. Lauer to the Voltz Lake Management District as a representative of Kenosha County.

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 Resolution 104. Seconded by Supervisor Ekornaas.
Motion carried.

Communications

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

19. From the Village of Pleasant Prairie regarding annexation from the Town of Bristol.

Chairman Kessler referred Communications 18 & 19 to Land Use Committee.

Claim

31. Arlin Anderson - vehicle damage.

Chairman Kessler referred Claim 31 to Corporation Counsel.

It was moved by Supervisor Rose to approve the December 3rd minutes. Seconded by Supervisor Clark.

Motion carried.

It was moved by Supervisor Johnson to adjourn. Seconded by Supervisor Larsen.

Motion carried.

Meeting adjourned at 10:50 p.m.

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