

# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 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, Rose, Huff, 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.

## CITIZEN COMMENTS

Peni Keeling, 7915 31<sup>st</sup> Ave., spoke in favor of the resolution and support of federal aid to the auto industry and asked the board to pass the resolution tonight. Thousands of people in Kenosha and surrounding areas work for businesses that rely heavily on the work they get from Chrysler. Kenosha Achievement Center's special needs citizens benefit from the plant as they do over \$1,000,000 in contract work for Chrysler annually. The Chrysler Foundation has donated \$80,000 to dozens of Kenosha Charities. The bottom line, there is not an employer in the workforce in this community that has had a broader or more caring involvement in efforts to provide assistance to causes to benefit those in need.

Michael Underhill, 6301 238<sup>th</sup> Ave., stated he has been an employee at Chrysler for 22 years and is in support of the federal aid to the auto industry resolution.

Curt Wilson, 7525 28<sup>th</sup> Ave., he is the chairperson of the Local 72 retiree chapter. He urged the County Board to adopt the resolution in support of federal aid to the auto industry. This may be the most important philosophical vote you ever cast on behalf of the people you represent. Kenosha has a proud history in being a leader in the auto industry in America. The auto industry isn't asking for a hand out, they're asking for a hand up through a bridge loan they will repay.

## ANNOUNCEMENTS OF THE CHAIRMAN

Chairman Clark stated there is United Way Campaign material on the desks from County Executive Kreuser. Chairman Clark has a memo from the Wisconsin Counties Association regarding the 2009 Conference which will be September 13<sup>th</sup> - 15<sup>th</sup> in LaCrosse. They're asking that those who have participated, to provide some feedback if there are presentations or information they'd like to see presented. Feedback given to the chairman at the next meeting will be forwarded to WCA. He also stated this past month they went to Chicago on their bonding trip with Standard & Poors and Moodys, and they affirmed our bond ratings. They moved up our Management rating up to the top level. It was an opportunity to reflect on all the right things that are going on in this community. It made him very proud to be a part of this County Board and proud to represent Kenosha County.

Chairman Clark announced that this is the County Clerk Edna Highland's last meeting tonight. She is retiring after serving Kenosha County for 32 years, 12 years as County Clerk. She is the coordination between the County Board and the Administration. He presented Edna Highland a plaque on behalf of the Kenosha County Board of Supervisors and thanked her for a job well done.

## SUPERVISOR REPORTS

Supervisor Elverman reported they were commended by some citizens at the last Highway & Parks meeting for the lighting and flashing lights on the Hwy C. They are also going to do an advisory 45 mph speed limit on some of the hills and curves on Hwy C. They are now in the permitting process with the DNR for the west end park. They're looking at a \$300,000 - \$350,000 deficit for the Golf Courses compared to around a \$570,000 deficit last year. There were also some high level lay offs in the Golf Operation and there is a re-organization on going and the board will be updated as that occurs.

Vice-Chair Faraone reported the Finance Committee received two reports from the Kenosha Area Business Alliance. She also reported the County Administration made a trip to Chicago to make a presentation to Standard & Poors and Moody's Investors Services on November 18 & 19. This allowed the county to maintain their board rating of AA from Standard & Poors and Aa2 from Moodys. Standard & Poors in this latest update moved the County's Administration to the highest level. The County's good rating is reflected in the rates of the bonds.

Vice-Chair Faraone also announced that the Brookside Board of Trustees will be hosting a reception on Monday for the new Director for Brookside Care Center. She also wished everyone a happy and safe holiday season and looks forward to the challenges we'll face in the coming year.

## COUNTY EXECUTIVE APPOINTMENTS

19. Jack Rose to serve on the Kenosha County Aging and Disability Center Board.

Chairman Clark referred County Executive Appointment 19 to Human Services.

20. Frances Petrick to serve at the Administrator of Brookside Care Center.

It was moved by Supervisor Molinaro to suspend the rules and appoint Frances Petrick immediately. Seconded by Vice-Chair Faraone.

After some discussion, Supervisor Molinaro and Vice-Chair withdrew their motion.

Chairman Clark referred County Executive Appointment 20 to Human Services.

## NEW BUSINESS

Ordinances - one reading

### ORDINANCE 16

16. From the Land Use Committee regarding Land Use Committee (Sponsor), Kenosha County (Owner) requesting rezoning from A-2 General Agricultural District, M-3 Mineral Extraction District and C-1 Lowland Resource Conservancy District to PR-1 Park and Recreational District and 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 Parcels #60-4-119-152-0105 and #95-4-119-103-0401 located in the northwest quarter of Section 15, Township 1 North, Range 19 East, Town of Randall and the southwest quarter of Section 10, Township 1 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural District, M-3 Mineral Extraction District and C-1 Lowland Resource Conservancy District to PR-1 Park and Recreational District and C-1 Lowland Resource Conservancy District.

For informational purposes only, these parcels are generally located on the west side of County Trunk Highway "KD" and the north side of County Trunk Highway "F" (Bassett Road).

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 16.

Seconded by Supervisor Nudo.

Motion carried.

### ORDINANCE 17

17. From the Land Use Committee regarding Land Use Committee (Sponsor) requesting that the shoreland area designation be applied, adjusted, or removed on the tax parcels abutting the Kenosha County Park on County Trunk Highway "KD".

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 #60-4-11-151-0500, #60-4-119-151-0600, #60-4-119-151-0700, #60-4-19-152-0105, and #60-4-119-152-0400 located in the northeast and northwest quarter of Section 15, Township 1 North, Range 19 East, Town of Randall and Tax Parcels #95-4-119-102-0200, #95-4-119-102-0350, #95-4-119-103-0100, #95-4-119-103-0300, #95-4-119-103-0401, #95-4-119-104-0200, #95-4-119-104-0300 and #95-4-119-104-0400 located in the northwest, southwest and southeast quarters of Section 10, Township 1 North, Range 19 East, Town of Wheatland have the state mandated shoreland area applied or adjusted as shown on the enclosed map. In addition, that the shoreland area designation be removed from Tax Parcel #95-4-119-102-0310 located in the northwest quarter of Section 10, Township 1 North, Range 19 East, Town of Wheatland. For informational purposes only, these parcels are generally located on the west side of County Trunk Highway "KD" and the north side of County Trunk Highway "F" Bassett Road.

Shoreland area designation be applied or adjusted on the following parcels:

#### Randall Parcels

60-4-119-151-0500

60-4-119-151-0600

60-4-119-151-0700

60-4-119-152-0105

60-4-119-152-0400

Wheatland Parcels

95-4-119-102-0200

95-4-119-102-0350

95-4-119-103-0100

95-4-119-103-0300

95-4-119-103-0401

95-4-119-104-0200

95-4-119-104-0300

95-4-119-104-0400

Shoreland area designation be removed from the following parcel:

#### Wheatland Parcel

95-4-119-102-0310

#### Owner

State of WI Conservation Committee

State of WI Conservation Committee

Richard G. & Robin Newman

Kenosha County

Ketterhagen Family Revocable Trust

Owner

Stanley & Lucille Lois, et al.

Christian P. & Karen L. Albert

Laura Marg & Cyn Delligatti

Stanley & Lucille Lois, et al.

Kenosha County

Timothy Lois

Witek Trust

State of WI Conservation Committee

State of WI Conservation Committee

#### Owner

Thomas & Maryanne Wiley

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 17.

Seconded by Supervisor Breunig.

Motion carried.

### ORDINANCE 18

18. From the Land Use Committee regarding Patrick and Marilyn Smith (Owners) requesting rezoning from A-2 General Agricultural District to R-1 Rural Residential District in the Town of Somers.

*Continued on Page*

# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

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 #80-4-222-092-0203 located in the northwest quarter of Section 9, Township 2 North, Range 22 East, Town of Somers be changed from A-2 General Agricultural District to R-1 Rural Residential District. For informational purposes only, this property is located on the southeast corner of the intersection of County Trunk Highway "A" (7<sup>th</sup> Street) and County Trunk Highway "H" (88<sup>th</sup> Avenue).

**Patrick and Marilyn Smith - Owners**

**Description:** Part of the west half of the northwest quarter of Section 9, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as:

Beginning at the northwest corner of said quarter section; thence S89°27'28"E along and upon the north line of said quarter section 1335.49 feet and to the northeast corner of the west half of said quarter section; thence S01°38'51"E along and upon the east line of the west half of said quarter section 711.02 feet; thence N89°27'28"W parallel to the north line of said quarter section 1335.93 feet and to the west line of said quarter section; thence N01°36'44"W along and upon said west line 711.00 feet and to the point of beginning. Subject to County Trunk Highway "A" (7<sup>th</sup> Street), over and across the entire most northerly 33.00 feet and subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 50.00 feet. Containing 21.79 acres, inclusive of said highways and 20.00 acres, exclusive of said highways and subject to easements and restrictions of record.

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

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 18. Seconded by Supervisor Morton.

Motion carried

## **ORDINANCE 19**

From the Land Use Committee regarding Hawkview Partners LLC requesting rezoning from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District to R-2 Suburban Single-Family Residential District, C-2 Upland Resource Conservancy District and 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 Parcels #95-4-219-273-0220, #95-4-219-273-0230 and #95-4-219-274-0201 located in the southwest and southeast quarters of Section 27, Township 2 North, Range 19 East, Town of Wheatland be changed from A-1 Agricultural Preservation District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District to R-2 Suburban Single-Family Residential District, C-2 Upland Resource Conservancy District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the west side of County Trunk Highway "KD" across from the intersection of 45<sup>th</sup> Street.

**Hawkview Partners LLC - Owners**

**Description:** See Exhibit #1.

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

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 19. Seconded by Supervisor Nudo.

Motion carried.

## **ORDINANCE 20**

From the Land Use Committee regarding Land Use Committee (Sponsor), Rastol Investments LLC (Owner) requesting rezoning from R-1 Rural Residential District to C-1 Lowland Resource Conservancy District on in the Town of Bristol.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That Tax Parcels #35-4-121-293-0110 and #35-4-121-293-0120 locat-

ed in the southwest quarter of Section 29, Township 1 North, Range 21 East, Town of Bristol be changed from R-1 Rural Residential District to C-1 Lowland Resource Conservancy District. This rezoning is considered a zoning map amendment to reflect actual field conditions. For informational purposes only, these properties are located on the south side of U.S Highway "45" approximately 0.17 miles south of the intersection of County Trunk Highway "JS" (107<sup>th</sup> Street).

**Rastol Investments LLC - (Owner)**

**Description:** See Exhibit #1.

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

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

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

Motion carried.

## **ORDINANCE 21**

From the Land Use Committee regarding Fox River Road LLC (Owner), Igor Vaynberg, P.E. (Agent) requesting rezoning from A-2 General Agricultural District and C-1 Lowland Resource Conservancy District to R-2 Suburban Single-Family Residential District, PR-1 Park and Recreational District and C-1 Lowland Resource Conservancy 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 #95-4-119-013-0901 located in the southwest quarter of Section 1, Township 1 North, Range 19 East, Town of Wheatland be changed from A-2 General Agricultural District and C-1 Lowland Resource Conservancy District to R-2 Suburban Single-Family Residential District, PR-1 Park and Recreational District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the southeast corner of the intersection of State Trunk Highway "50" and County Trunk Highway "W" (Fox River Road).

**Fox River Road LLC - Owner**

**Description:** See Exhibit #1.

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

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 21. Seconded by Supervisor Morton.

Motion carried

## **ORDINANCE 22**

From the Land Use Committee regarding Land Use Committee (Sponsor), Gary and Debbie Reckers (Owners) requesting rezoning from C-1 Lowland Resource Conservancy District to C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District in the Town of Bristol.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That Tax Parcels #35-4-121-311-0310 and #35-4-121-314-0200 located in the northeast quarter and southeast quarter of Section 31, Township 1 North, Range 21 East, Town of Bristol be changed from C-1 Lowland Resource Conservancy District to C-1 Lowland Resource Conservancy District and C-2 Upland Resource Conservancy District. This rezoning is considered a zoning map amendment to reflect actual field conditions. For informational purposes only, these properties are located on the east side of 208<sup>th</sup> Avenue approximately 0.36 miles south of the intersection of County Trunk Highway "V" (116<sup>th</sup> Street).

**Gary and Debbie Reckers - (Owners)**

**Description:** See Exhibit #1.

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

SUBMITTED BY:

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 22. Seconded by Supervisor Nudo.

Motion carried.

## **ORDINANCE 23**

23. From the Land Use Committee regarding Estate of Lucille Lichter requesting rezoning from A-2 General Agricultural District and R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District and from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District in the Town of Somers.

AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

*Continued on Page*



# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

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 #80-4-222-124-0115 be changed from A-2 General Agricultural District and R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District and all of Tax Parcel #80-4-222-124-0110 from R-2 Suburban Single-Family Residential District to R-3 Urban Single-Family Residential District. For informational purposes only, these parcels are located on the west side of County Trunk Highway "Y" (22<sup>nd</sup> Avenue) approximately 100' north of the intersection of 11<sup>th</sup> Street.

## **Estate of Lucille Lichter - Owner**

**Description:** See Exhibit #1.

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

**SUBMITTED BY:**

Land Use Committee

Fred Ekornaas

Gabe Nudo

Kimberly Breunig

Brian Morton

It was moved by Supervisor Ekornaas to adopt Ordinance 23. Seconded by Supervisor Breunig.

Motion carried.

Resolutions – one reading

### **RESOLUTION 87**

87. From Extension Education and Finance Committees regarding UW-Extension 2008 budget modification Afterschool Project.

**WHEREAS**, Kenosha County has received funding from Kenosha Unified School District for afterschool training and staff development, and

**WHEREAS**, the external-funded position of Afterschool Program Coordinator is solely supported by this grant and thus the position will be eliminated when the grant funding ceases, and

**WHEREAS**, Kenosha Unified School District has awarded \$9,000 in additional funds to Kenosha County UW-Extension for the Afterschool Project, and

**WHEREAS**, county levy remains unaffected by this budget amendment,

**NOW, THEREFORE, BE IT RESOLVED** that the 2008 Kenosha County UW-Extension 67600 Afterschool Project budget be amended as reflected in the attached Expense/Revenue Budget Modification Form incorporated herein by reference, and

Fund: 100	Business Unit #: 67600	Afterschool Project Account	
Revenue Object Code 446650			\$ 20,765
<b>BE IT FURTHER RESOLVED</b> that the Kenosha County UW-Extension 67600 Office Account budget may be modified to reflect the following additional line items as necessary to reflect expenditures for the position of After School Program Coordinator, and			
Fund: 100	Business Unit #: 67600	Salaries	
Expense Object Code 511100			\$ 7,623
Fund: 100	Business Unit #: 67600	Retirement	
Expense Object Code 515200			\$812
Fund: 100	Business Unit #: 67600	FICA	
Expense Object Code 515100			\$737
Fund 100	Business Unit #67600	Mileage & Travel	
Expense Object Code 533900			\$476
Fund 100	Business Unit #67600	Other Professional Services	
Expense Object Code 521900			\$9,000
Fund 100	Business Unit #67600	Other Operating Supplies	
Expense Object Code 534900			\$2,117

**BE IT FURTHER RESOLVED** that the Kenosha County UW-Extension 67600

Afterschool Project account budget line items may be modified to increase the revenues and corresponding expenditures if the award comes in higher than expected and any unexpended dollars as of December 31, 2008, should be rolled over into the 2009 budget.

**SUBMITTED BY:**

Extension Education Committee

Kimberly Breunig

Richard A. Kessler

Ronald Johnson

Dayvin Hallmon

Finance Committee

Anita M Faraone

John O'Day

Terry Rose

Mark Molinaro, Jr.

It was moved by Supervisor Breunig to adopt Resolution 87. Seconded by Vice-Chair Faraone.

Roll call vote passed unanimously.

### **RESOLUTION 88**

88. From the Finance Committee a Resolution awarding the sale of \$8,300,000 General Obligation Promissory Notes, Series 2008B.

#### **RESOLUTION AWARDING THE SALE OF**

**\$8,235,000 GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2008B**

**WHEREAS**, on June 21, 2005, the County Board of Supervisors of Kenosha County, Wisconsin (the "County"), by a vote of more than three-quarters of the members-elect, adopted a resolution entitled

"Initial Resolution Authorizing the Borrowing of Not to Exceed \$20,000,000; Providing for the Issuance and Sale of General Obligation Securities Therefor; and Authorizing the Borrowing of Not to Exceed \$56,300,000; Providing for the Issuance and Sale of General Obligation Refunding Securities Therefor; and Levying a Tax in Connection Therewith" (the "2005 Initial Resolution") authorizing, among other things, the issuance of general obligation promissory notes in an amount not to exceed \$20,000,000 for public purposes, including paying the cost of constructing, extending, repairing and improving streets, roads and bridges; improvement and maintenance projects at various County buildings and sites; constructing and equipping a law enforcement and dispatch center; implementing the survey monumentation program; upgrades to the communications systems; and acquiring vehicles, equipment, furnishings, fixtures and land;

**WHEREAS**, on December 21, 2006, the County issued its \$2,150,000 General Obligation Promissory Notes, Series 2006, to finance capital projects authorized by the 2005 Initial Resolution;

**WHEREAS**, on December 20, 2007, the County issued \$3,050,000 of its General Obligation Promissory Notes, Series 2007A, to finance capital projects authorized by the 2005 Initial Resolution;

**WHEREAS**, the County Board of Supervisors hereby finds and determines that the projects authorized by the 2005 Initial Resolution are within the County's power to undertake and therefore serve a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

**WHEREAS**, counties are authorized by the provisions of Section 67.12(12), Wisconsin Statutes, to borrow money and issue general obligation promissory notes for such public purposes; and

**WHEREAS**, the County Board of Supervisors has determined that it is necessary, desirable and in the best interest of the County that general obligation promissory notes (the "Notes") now be issued in the aggregate principal amount of \$8,300,000, pursuant to and for the purposes authorized by the 2005 Initial Resolution, including constructing, extending, repairing and improving streets, roads and bridges; improvement and maintenance projects at various County buildings and sites; upgrades to the communications systems; and acquiring vehicles, equipment, furnishings and fixtures (the "Project");

**WHEREAS**, the County has directed its financial advisor, Ehlers & Associates, Inc., Brookfield, Wisconsin ("Ehlers") to take the steps necessary to sell the Notes;

**WHEREAS**, Ehlers, in consultation with the officials of the County, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on December 2, 2008;

**WHEREAS**, the County Clerk (in consultation with Ehlers) caused a form of notice of the sale of the Notes to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on December 2, 2008;

**WHEREAS**, the County has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference;

**WHEREAS**, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the attached Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the County. Ehlers has recommended that the County accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

**WHEREAS**, none of the proceeds of the Notes shall be used to fund operating expenses of the general fund of the County or to fund operating expenses of any special revenue fund of the County that is supported by property taxes;

**NOW, THEREFORE, BE IT RESOLVED** by the County Board of Supervisors of the County that:

**Section 1. Authorization and Sale of the Notes.** For the purpose of paying costs of the Project, there shall be borrowed pursuant to Section 67.12(12), Wisconsin Statutes, the principal sum of EIGHT MILLION THREE HUNDRED THOUSAND DOLLARS (\$8,300,000) from the Purchaser in accordance with the terms and conditions of the Proposal which is hereby accepted and the Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. The good faith deposit of the Purchaser shall be retained by the County Treasurer until the closing of the note issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, the Notes aggregating the principal amount of EIGHT MILLION THREE HUNDRED THOUSAND DOLLARS (\$8,300,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

**Section 2. Terms of the Notes.** The Notes shall be designated "General Obligation Promissory Notes, Series 2008B"; shall be issued in the aggregate principal amount of \$8,300,000; shall be dated December 18, 2008; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; shall bear interest at the rates per annum; and shall mature on December 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference (the "Schedule"). Interest is payable semi-annually on June 1 and December 1 of each year commencing on June 1, 2009. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the

*Continued on Page*



# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

Municipal Securities Rulemaking Board.

Section 3. Redemption Provisions. The Notes maturing on December 1, 2015 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on December 1, 2014 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption. If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP (the "Mandatory Redemption Provisions") and incorporated herein by this reference.

Section 4. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2008 through 2017 for the payments due in the years 2009 through 2018 in the amounts set forth on the debt service schedule attached hereto as Exhibit D-2 and incorporated herein by this reference.

(B) Tax Collection. So long as any part of the principal of or interest on the Notes remains unpaid, the County shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the County and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the County for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the County then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$8,300,000 General Obligation Promissory Notes, Series 2008B, dated December 18, 2008" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the County above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled; provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purposes for which borrowed or for the payment of the principal of and the interest on the Notes. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the taxexempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified TaxExempt Obligations. The Notes are hereby designated as "qualified taxexempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring taxexempt obligations.

Section 11. Execution of the Notes; Closing. The Notes shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing.

Section 12. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes shall be paid by the County Clerk or County Treasurer (the "Fiscal Agent").

Section 13. Persons Treated as Owners; Transfer of Notes. The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like

*Continued on Page*



# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

**Section 14. Record Date.** The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

**Section 15. Utilization of The Depository Trust Company Book-Entry-Only System.** In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

**Section 16. Payment of Issuance Expenses.** The County authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to Bank of America, N.A., New York, New York at Closing for further distribution as directed by the County's financial advisor, Ehlers & Associates, Inc.

**Section 17. Official Statement.** The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

**Section 18. Undertaking to Provide Continuing Disclosure.** The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

**Section 19. Record Book.** The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

**Section 20. Bond Insurance.** If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

**Section 21. Conflicting Resolutions; Severability; Effective Date.** All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

SUBMITTED BY:  
Finance Committee  
Anita M. Faraone  
John J. O'Day  
Terry Rose  
Mark Molinaro, Jr.  
David Singer

It was moved by Vice-Chair Faraone to adopt Resolution 88 Seconded by Supervisor O'Day.  
Roll call vote passed unanimously.

## **RESOLUTION 89**

89. From Highway & Parks, Judiciary & Law and Finance Committees a Resolution to approve acceptance of FEMA and State of Wisconsin funds for FEMA Flood Disaster 1768 Declared on June 27, 2008.

**WHEREAS**, in June of 2008, Kenosha County became eligible for FEMA Flood Disaster 1768-DR-059-99059-03 monies for actual cost of labor, machinery usage, and material usage and also for mitigation projects, and

**WHEREAS**, the Kenosha County Sheriff's Department, Division of Health and Division of Emergency Government will receive \$5,584.63 from FEMA and the State of Wisconsin for costs for labor, vehicle usage and other expenses incurred due to flood conditions; and

**WHEREAS**, the Kenosha County Department of Public Works will receive \$44,516.22 from FEMA and the State of Wisconsin for costs of labor, machinery usage, and materials incurred due to flood conditions; and

**WHEREAS**, the Kenosha County Department of Public Works received approval for a mitigation project for the restoration of the residential house located at Brighton Dale Park due to flood conditions in the amount of approximately \$25,763.09 with FEMA and the State of Wisconsin contributing \$22,542.71; and

**WHEREAS**, the Kenosha County Department of Public Works received approval for a mitigation project for the restoration of damaged cart paths due to the flood conditions in the amount of \$42,062.40 with FEMA and the State of Wisconsin contributing \$36,804.60.

**WHEREAS**, the Director of Public Works is reviewing all county facilities to determine short and long range viability.

**NOW THEREFORE BE IT RESOLVED** that the County Board of Supervisors approves the acceptance of any and all FEMA and State of Wisconsin 2008 Flood Disaster Declaration monies estimated to be \$109,448.16, and

**BE IT FURTHER RESOLVED** that if determined that it is not cost effective to restore the house located at Brighton Dale Links, the mitigation funds are to be returned to FEMA and the State of Wisconsin.

**BE IT FURTHER RESOLVED** that the appropriation in the 2008 Budget be modified per the attached budget modification incorporated herein by attached reference.

SUBMITTED BY:

Highway & Parks Committee	Judiciary & Law Committee	Finance Committee
Dennis Elverman	William Michel, II	Anita M. Faraone
John O'Day	James Huff	John O'Day
Douglas Noble	Bob Haas	Terry Rose
	Roger Johnson	Mark Molinaro, Jr.
	Ron Johnson	

It was moved by Supervisor Elverman to adopt Resolution 89. Seconded by Vice-Chair Faraone.  
Roll call vote passed unanimously.

## **RESOLUTION 90**

90. From Highway & Parks and Finance Committees a Resolution to authorize the Department of Public Works to apply for Urban Forestry Catastrophic Storm Grant and to accept the Grant Funds.

**WHEREAS**, Kenosha County Department of Public Works hereby request financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. Code, for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 20.370(5)(bw) and (1)(mv), Wis. Stats., and

**WHEREAS**, Kenosha County suffered forestry damage as a result of the tornado on January 7, 2008 in the amount of approximately \$23,000 which includes labor and machinery costs,

**THEREFORE, BE IT RESOLVED** that Kenosha County hereby authorizes the Director of Division of Highways to act on its behalf to submit an application to the Department of Natural Resources for financial assistance under s. 20.370, Wis. Stats., Chapter NR 47, Wis. Admin. Code, and

**BE IT FURTHER RESOLVED** that Kenosha County hereby authorizes the Director of Division of Highways to accept the grant funds in the amount of approximately \$23,716.06, and

**BE IT FURTHER RESOLVED** that the appropriation in the 2008 Budget be modified based upon the actual reimbursement and that the attached budget modification illustrates the estimated 2008 Budget modification.

SUBMITTED BY:

Highway & Parks Committee	Finance Committee
Dennis Elverman	Anita M. Faraone
John O'Day	John O'Day
Douglas Noble	Terry Rose
	Mark Molinaro, Jr.

It was moved by Supervisor Elverman to adopt Resolution 90. Seconded by Vice-Chair Faraone.  
Roll call vote passed unanimously.

## **RESOLUTION 91**

91. From Highway & Parks and Finance Committees regarding Jurisdictional Transfer for Kenosha County to the Village of Pleasant Prairie of a segment of County Trunk Highway "ML" (Springbrook Road) from State Trunk Highway 165 to 89<sup>th</sup> Street.

**WHEREAS**, Kenosha County and the Village of Pleasant Prairie have determined it to be in each respective best interest to jurisdictional

*Continued on Page*

# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

tionally transfer a segment of CTH "ML" (Springbrook Road) between the State Trunk Highway 165 and 89<sup>th</sup> Street, and

**WHEREAS**, the Comprehensive Land Use Plan for the Village of Pleasant Prairie indicates that residential development and neighborhood commercial development will take place along CTH "ML" (Springbrook Road) between the State Trunk Highway 165 and 89<sup>th</sup> Street, and

**WHEREAS**, to provide for more efficient capital planning for both Kenosha County and the Village of Pleasant Prairie, a jurisdictional transfer should be adopted at this time, and

**WHEREAS**, Section 83.025 of the Wisconsin Statutes enables jurisdictional transfers between units of government with mutual agreement and approval by the Wisconsin Department of Transportation, and

**THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors hereby approves the transfer of jurisdictional responsibility for CTH "ML" between STH 165 and 89<sup>th</sup> Street to the Village of Pleasant Prairie effective January 1, 2009.

**BE IT FURTHER RESOLVED**, that the Kenosha County Highway Commissioner is authorized to process the jurisdictional transfer through the Wisconsin Department of Transportation as indicated in 83.025 of the Wisconsin Statutes.

SUBMITTED BY:

Highway & Parks Committee	Finance Committee
Dennis Elverman	Anita M. Faraone
John O'Day	John O'Day
Douglas Noble	Terry Rose
	Mark Molinaro, Jr

It was moved by Supervisor Elverman to adopt Resolution 91. Seconded by Vice-Chair Faraone. Motion carried.

## **RESOLUTION 92**

92. From Human Services, Administration and Finance Committees a Resolution to amend Resolution No. 150 which created the Kenosha County Health Department, the Kenosha County Board of Health and the Kenosha County Health Officer Pursuant to Wis. State. S. 251 and certain agreements between the City of Kenosha and the County of Kenosha.

**WHEREAS**, Kenosha County has provided public health services to the City and the County of Kenosha by agreement of the two municipal corporations since 1992, the date of Resolution No. 150, and

**WHEREAS**, the County seeks to amend the original resolution pursuant to the Wisconsin Statutes, Chapter 251, enacted 1993 and replacing s. 140.09, and

**WHEREAS**, the County Board of Health shall consist of not less than six nor more than nine members, appointed by the County Executive subject to confirmation by the County Board and which members may only be removed by the County Executive only for cause, and

**WHEREAS**, the County Board of Health shall, in accordance with the provisions of Wis. Stats., 251.03(1) be comprised of one member of the Kenosha County Board of Supervisors, two members shall be physicians practicing in the county, and shall be selected from a list of five physicians submitted by the County medical society, one member shall be a dentist, practicing in the County and shall be selected from a list of three dentists submitted by the County dental society, one member shall be a registered nurse with experience in community health practice, one member shall be a representative of the City of Kenosha who is nominated by the Mayor and whose nomination may be forwarded to the County Board by the County Executive, with the remaining members to be residents of the County who are known to have broad social viewpoint and a serious interest in the health protection of their community, and

**WHEREAS**, the terms for the Board members shall be for a period of five years,

**NOW THEREFORE BE IT RESOLVED THAT** the Resolution No. 150 creating the Kenosha County Board of Health pursuant to Wis. Stats. 140.9 is hereby amended in accordance with Chapter 251, and

**FURTHER** that the County Executive submit to the County Board the name of the ninth member of the Board of Health for purposes of Board confirmation.

SUBMITTED BY:

Human Services Committee	Administrative Committee	Finance Committee
Edward Kubicki	James Moore	Anita M. Faraone
Richard A. Kessler	Mark Modory	John O'Day
Jeff Gentz	Fred Ekornaas	Terry Rose
	Shavonda Marks	Mark Molinaro, Jr.

It was moved by Supervisor Kubicki to adopt Resolution 92. Seconded by Vice-Chair Faraone. Motion carried.

## **RESOLUTION 93**

93. From Judiciary & Law and Finance Committees regarding Budget Modification to Appropriate Funds from the General Fund for District Attorney's Trial Related Expenditures.

**WHEREAS**, by Wisconsin State Statute, Kenosha County is responsible for incurring all expenses related to trials including but not limited to transcripts, paper service, witness fees, and prosecution expenditures, and

**WHEREAS**, high profile cases have generated higher than anticipated expenditure levels, and

**WHEREAS**, certain other expenditures have been incurred at a higher than anticipated level due to general increased caseload expenses and overall price increases, and

**NOW THEREFORE BE IT RESOLVED**, that \$47,200 be appropriated from the General Fund and the District Attorney's Office budget modified as per budget modification which is attached and incorporated herein by reference.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	Anita M. Faraone
James Huff	John O'Day
Bob Haas	Terry Rose
Roger Johnson	Mark Molinaro, Jr.
Ronald Johnson	

It was moved by Supervisor Michel to adopt Resolution 93. Seconded by Vice-Chair Faraone. Roll call vote passed unanimously.

## **RESOLUTION 94**

94. From Judiciary & Law and Finance Committees regarding Recognizing Unanticipated Revenue Surplus to Fund Overtime.

**WHEREAS**, the County of Kenosha did establish in the 2008 Sheriff's Department Budget a revenue line item for housing federal inmates of \$5,998,230 anticipating housing 218 per day, and

**WHEREAS**, based upon the realized daily average of 240 federal inmates, at a reimbursement rate of \$70.00 per day plus transportation costs, the Sheriff's Department will have unanticipated revenue and the outlook is favorable through year end, and

**WHEREAS**, the Sheriff wishes to recognize a portion of the anticipated surplus to support Overtime budgets in various business units within the Sheriff's operations, and

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors accept the attached budget modification, which is incorporated herein by reference, to recognize a portion of the anticipated surplus in Federal Inmate Housing revenue of **\$557,000** and increase Overtime budgets in other business units, totaling **\$557,000**.

SUBMITTED BY:

Judiciary & Law Committee	Finance Committee
William Michel, II	Anita M. Faraone
James Huff	John O'Day
Bob Haas	Terry Rose
Roger Johnson	Mark Molinaro, Jr.
Ronald Johnson	

It was moved by Supervisor Michel to adopt Resolution 94. Seconded by Vice-Chair Faraone. Roll call vote passed unanimously.

## **RESOLUTION 95**

95. From Judiciary & Law Committee regarding Regular Cabaret License – Nonni's Italian Bistro and Bar.

**WHEREAS**, the application of Johnette Feekes for a probationary cabaret license for Nonni's Italian Bistro and Bar, 12015 Antioch Road, Trevor, Wisconsin, in the Town of Salem, was made during the month of May, was turned over to this office on May 6<sup>th</sup>, 2008, and

**WHEREAS**, the establishment known as for Nonni's Italian Bistro and Bar was granted a Probationary Cabaret License per County Board Resolution on June 17<sup>th</sup>, 2008, and

**WHEREAS**, the establishment known as for Nonni's Italian Bistro and Bar was found to be in conformity with County Ordinance # 8.02 governing it's conduct for a probationary period of the last 5 ? months.

**NOW, THEREFORE BE IT RESOLVED**, that a regular cabaret license, in lieu of a probationary cabaret license, be granted to Johnette Feekes, for for Nonni's Italian Bistro and Bar.

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 95. Seconded by Supervisor Huff. Motion carried.

## **RESOLUTION 96**

96. From Judiciary & Law Committee regarding Probationary Cabaret License – Towne Square.

**WHEREAS**, the application of Richard Cordvan for a probationary cabaret license for the Towne Square, 11338 258<sup>th</sup> Court, Trevor, Wisconsin, in the Town of Salem, was made during the month of October, was turned over to this office on October 3<sup>rd</sup>, 2008, 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

**NOW, THEREFORE BE IT RESOLVED**, that because this is the initial application by the license holder, a probationary license be granted to Richard Cordvan for the Towne Square.

SUBMITTED BY:

Judiciary & Law Committee
William Michel, II
James Huff

*Continued on Page*



# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

Bob Haas  
Roger Johnson  
Ronald Johnson

It was moved by Supervisor Michel to adopt Resolution 96.  
Seconded by Supervisor Roger Johnson.  
Motion carried.

## **RESOLUTION 97**

97. From Judiciary & Law Committee regarding Probationary Cabaret License – Bristol 45 Diner.

**WHEREAS**, the application of Glen Nelson for a probationary cabaret license for the Bristol 45 Diner, 8321 200<sup>th</sup> Avenue, Bristol, Wisconsin, in the Town of Bristol, was made during the month of September, was turned over to this office on September 22<sup>nd</sup>, 2008, 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

**NOW, THEREFORE BE IT RESOLVED**, that because this is the initial application by the license holder, a probationary license be granted to Glen Nelson for the Bristol 45 Diner.

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 97.  
Seconded by Supervisor Ronald Johnson.  
Motion carried.

## **RESOLUTION 98**

98. From the Land Use Committee a Resolution to approve the Pheasant Run Landfill Western Expansion Negotiated Agreement, the Amendment to the April 17, 2000 Agreement between Kenosha County and Waste Management of Wisconsin and the Amendment to the Corporate Benefactor Agreement of April 17, 2000 between Kenosha County and Waste Management of Wisconsin.

**WHEREAS** Kenosha County adopted a Resolution dated March 18, 2003 pursuant to Wis. Stat. sec. 289.33(6) for the purpose of appointing members to committee created for the purpose of negotiating the location and impact of a landfill expansion at the Waste Management of Wisconsin, Inc., Pheasant Run facility in the Town of Paris, pursuant to the negotiating process set forth in Wis. Stat. sec 289.33 (9), and

**WHEREAS**, after several years of negotiation between the town and county members of that committee and Waste Management of Wisconsin, an agreement, which is attached as Exhibit 1, has been negotiated and has been approved by the Town of Paris and Waste Management, a copy of which is on file with the Kenosha County Clerk and which is also posted on the Kenosha County web site at <http://www.co.kenosha.wi.us/corpc/presentations.html>, and

**WHEREAS**, prior agreements of April 17, 2000 between Kenosha County and Waste Management of Wisconsin have been amended to also address the proposed expansion and its impact, which amendments are attached hereto as Exhibit 2 and 3, and which are on file with the Kenosha County Clerk and which are also posted on the Kenosha County web site at <http://www.co.kenosha.wi.us/corpc/presentations.html>, and

**WHEREAS**, these agreements allows for the expansion of the current Pheasant Run facility as set forth in the aforementioned contract and further addresses the impact of this expansion on both the Town of Paris and on Kenosha County as well as efforts to minimize or eliminate any adverse impact of the town and the county and the surrounding environment; and whereas said agreements further allow for certain compensation to both the town and county, and

**WHEREAS**, these agreements, together with the aforementioned amendments, provide for disposal of approximately 9 million cubic yards of waste, or less than one-half of the amount of disposal originally sought, environmental monitoring and protection, including groundwater monitoring and residential well testing, no acceptance of hazardous waste, a plan of operation to be approved by the Wisconsin Department of Natural Resources, designation of which roads are to be used for access to the site, litter, noise, odor and rodent and insect control, erosion, fire, disaster and hazard control, height restrictions, nuisance control, inspections and audits, a process for addressing complaints, indemnification of the town and county, procurement of pollution liability insurance, a property value protection plan for neighboring properties, and compensation to both the town and county, and , and whereas the Pheasant Run Landfill Western Expansion Negotiated Agreement will also be reviewed and approved by the Wisconsin Department of Natural Resources, and

**WHEREAS**, the Pheasant Run Landfill Western Expansion Negotiated Agreement addresses zoning and land use issues that would normally be addressed through the zoning amendment and conditional use process set forth in Chapter 12 of the Municipal Code of Kenosha County; and whereas the amendment to the April 17, 2000 agreement calls for the county to amend its zoning map to reflect the uses agreed upon in the Pheasant Run Landfill Western Expansion Negotiated

Agreement, and

**WHEREAS**, Kenosha County will continue to receive the same compensation as in the April 17, 2000 agreements except as modified to provide for the removal of stockpiled soil at the Kenosha County Center site as well a potential compounded increase in Waste Management of Wisconsin's contribution of \$250,000 per year depending upon the number of tons of waste disposed of each year at the site;

**NOW THEREFORE BE IT RESOLVED** that the Kenosha County Board of Supervisors does hereby approve the Pheasant Run Landfill Western Expansion Negotiated Agreement, the Amendment to the April 17, 2000 Agreement between Kenosha County and Waste Management of Wisconsin and the Amendment to the Corporate Benefactor Agreement of April 17, 2000 between Kenosha County and Waste Management of Wisconsin, and

**BE IT FURTHER RESOLVED THAT** the zoning map maintained by Kenosha County in accordance with Chapter 12 of the Municipal Code of Kenosha County be modified as set forth in the amendment to the April 17, 2000 agreement which is attached hereto as Exhibit 2.

SUBMITTED BY:

Land Use Committee  
Fred Ekornaas  
Gabe Nudo  
Kimberly Breunig  
Brian Morton

It was moved by Supervisor Ekornaas to adopt Resolution 98.  
Seconded by Supervisor Nudo.

The Corporation Counsel advised the Board that the amendment to the agreement between Kenosha County and Waste Management of Wisconsin will be amended at Article IX entitled "Zoning to read as follows: 'It is further agreed that the Kenosha County zoning map will be amended per the Pheasant Run Landfill Western Expansion Negotiated Agreement (deleting attached Ex C-1 & C-2)...'  
Roll call vote.

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

Nays: Supervisor Jackson.

Ayes: 27. Nays: 1

Motion carried.

## **RESOLUTION 99**

99. From Legislative Committee a Resolution in support of Federal aid to the Auto Industry.

**WHEREAS**, Kenosha County, has been home to major automotive manufacturers for more than a century and is currently home to one of Chrysler Corporation's many plants which in recent years, according to the Kenosha Area Business Alliance, has employed approximately 1000 local area residents, and

**WHEREAS**, the American Automotive Industry is currently facing an imminent financial disaster due to the downturn in the economy, poor sales and tight credit, and

**WHEREAS**, national unemployment resulting from the current economic downturn has soared to the highest level since September 11, 2001 and has now reached 516,000 which represents a 6.5% rate of unemployment, and whereas it is estimated that one in ten jobs in the entire country are impacted by the auto industry, and

**WHEREAS**, a federal financial aid and/or loan package to the auto industry will offer an opportunity to not only help reverse the current economic downturn but also an opportunity for the automotive industry to change course by manufacturing more energy efficient automobiles;

**NOW THEREFORE BE IT RESOLVED** that the Kenosha County Board of Supervisors does hereby support federal assistance in the form of loans to the American auto industry, with a specified plan of repayment and oversight, restructuring and clear and concise parameters for future production with the creation of fuel-efficient and fuel-alternative vehicles with 3-5 years, and

**BE IT FURTHER RESOLVED** that the Kenosha County Board call upon the United States Congress to give its approval, and

**BE IT FUTHER RESOLVED** that the County Clerk of Kenosha County forward copies of this Resolution to Governor Doyle, members of the Wisconsin State Legislature, the President and President – Elect of the United States and to the Congressional Delegation for the State of Wisconsin.

SUBMITTED BY:

Legislative Committee  
James Huff  
Mark Modory  
Dayvin Hallman

It was moved by Supervisor Huff to adopt Resolution 99. Seconded by Supervisor Rose.

It was moved by Breunig to amend Resolution 99 by replacing the 5<sup>th</sup> paragraph with, "NOW THEREFORE BE IT RESOLVED that the Kenosha County Board of Supervisors does hereby support federal assistance in the form of loans to the American auto industry, with a specified plan of repayment and oversight, restructuring and clear and concise parameters for future production with the creation of fuel-efficient and fuel-alternative vehicles within 3-5 years". Seconded by Supervisor Molinaro.

It was moved by Supervisor Hallmon to call the question on the amendment on Resolution 99. Seconded by Supervisor O'Day.

Ayes: Supervisors Grady, Zerban, Kessler, Rose, Hallmon, Marks, Gentz, Modory, Ronald Johnson, O'Day, Singer, Morton, Jackson, Clark, Noble, West, Breunig, Haas, Elverman, Ekornaas

Nays: Supervisors Huff, Kubicki, Faraone, Michel, Nudo, Moore,

*Continued on Page*

# KENOSHA COUNTY BOARD OF SUPERVISORS

COUNTY BOARD CHAMBERS  
COUNTY ADMINISTRATION BUILDING  
DECEMBER 2, 2008

*Continued from Page*

Molinaro, Roger Johnson.

Ayes: 20. Nays: 8.

Motion carried.

Roll call vote on the amendment on Resolution 99.

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

Nays: Supervisors Clark, Kubicki, Faraone, Michel, Jackson, Rose.

Ayes: 22. Nays: 6

Motion carried.

Roll call vote for Resolution 99 as amended passed unanimously.

## **RESOLUTION 100**

100. From Legislative Committee a Resolution in Support of the Pickens Plan.

It was moved by Supervisor Huff to adopt Resolution 100. Seconded by Supervisor Hallmon.

It was moved by Supervisor Noble to refer Resolution 100 back to the Legislative Committee. Seconded by Supervisor Jackson.

Roll call vote.

Ayes: Supervisors Grady, Zerban, Kessler, Huff, Hallmon, Gentz, Ronald Johnson, Michel, O'Day, Singer, Nudo, Molinaro, Morton, Jackson, Clark, Noble, West, Roger Johnson, Breunig, Haas, Elverman, Ekornaas.

Nays: Supervisors Kubicki, Modory, Moore, Faraone, Rose, Marks.

Ayes: 22. Nays: 6

Motion carried.

## **COMMUNICATIONS**

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

11. From Michael K. Higgins, City Clerk-Treasurer, temporary Zoning District Classification of Land in the Town of Somers.

Chairman Clark referred Communications 10 & 11 to Land Use.

## **CLAIMS**

George Pickey, Jr. – lost property while in custody.

Susan Gray – fell in Courthouse bathroom.

Chairman Clark referred Claims 34 & 35 to Corporation Counsel.

It was moved by Supervisor Breunig to approve the November 12 & 13 2008 minutes. Seconded by Supervisor Nudo.

Motion carried.

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

Motion carried.

Meeting adjourned at 9:50 P.M.

Prepared by: Edie LaMothe  
Deputy Clerk

Submitted by: Edna R. Highland  
County Clerk

**PUBLISH**