

**KENOSHA COUNTY BOARD OF SUPERVISORS  
COUNTY BOARD CHAMBERS COUNTY ADMINISTRATION BUILDING  
August 21, 2012**

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

Roll call was taken.

Present: Supervisors Grady, Rose, Gentz, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, O'Day, Arrington, R. Frederick, Nudo, Kohlmeier, B. Frederick, Molinaro, Esposito, Noble, Skalitzy, Underhill, Breunig, Decker.

Excused: Supervisor A. Johnson, Elverman.

Present: 21. Excused: 2.

**There were no Citizen Comments**

**ANNOUNCEMENT OF THE CHAIRMAN**

Chairman Gentz stated he attended the County Fair the past weekend and was very impressed; he felt it was a job well done.

**SUPERVISOR REPORTS**

Supervisor Hallmon reported National Night Out was held at the Boys & Girls Club. It's a collaborative effort between Gang Prevention, Boys & Girls Club, Kenosha Police Department and Community Impact Program. The Gang Prevention movie nights are doing extremely well. The Point in Time Count was held which is conducted by the Kenosha Human Development Services. The team he went with found a total of 36 people. Last month was the Town Hall Meeting on jobs and the economy. Some of the information is available upon request. The Human Service budget presentation will be October 18<sup>th</sup> at 5:30 pm. On September 9<sup>th</sup> at 2:00 pm at Local 72 there will be a WWII Veterans Memorial. He asks all veterans be invited.

**COUNTY EXECUTIVE APPOINTMENTS**

13. Edward VanTine to serve on the Kenosha County Land Information Council

14. John O'Day to serve on the Kenosha County Land Information Council

Chairman Gentz referred County Executive Appointment 13 and 14 to Planning, Development, Extension Education Committee.

**NEW BUSINESS**

Resolutions - one reading

**RESOLUTION 38**

38. From Finance/Administration Committee to Authorize Sale and Transfer of County Tax Deeded Property to the Village of Twin Lakes.

**WHEREAS**, Kenosha County has acquired tax deed and title to Parcel 86-4-119-324-3080 in the Village of Twin Lakes, County of Kenosha State of Wisconsin, and

**WHEREAS**, the Village of Twin Lakes has expressed an interest in acquiring title to this property, to be utilized as open green space, and

**WHEREAS**, Section 59.07(1) (c) and 75.69(2) of the Wisconsin Statutes permits sale of this property to a municipality,

**NOW, THEREFORE, BE IT RESOLVED** that Kenosha County execute a quit claim deed on the above parcel to the Village of Twin Lakes for One Thousand Two Hundred Thirty Five Dollars and 50/100 (\$1235.50) and other good and valuable consideration and on the condition that said Village of Twin Lakes waive any and all special assessments that are due and owing on said parcel. Village of Twin Lakes will pay a separate recording fee (\$30) to the Register of Deeds for the recording of quit claim deed. Said parcel is to be utilized only for open green space and must remain under the ownership of said village.

SUBMITTED BY:

Finance/Administration Committee

Terry Rose

Ronald Frederick

Aaron Kohlmeier

Edward Kubicki

Mark Molinaro, Jr.

It was moved by Supervisor Rose to adopt Resolution 38. Seconded by Supervisor Molinaro.

Motion carried.

**RESOLUTION 39**

39. From Brookside Trustees, Human Services and Finance/Administration Committees a Resolution to adjust Brookside Care Center 2012 Budgeted Full Time Equivalent Nursing Staff total to reflect minimum staffing level standards and ensure adequate nursing coverage.

**WHEREAS**, Brookside Care Center has a 2012 approved FTE budget for full time equivalent (FTE) nursing staff to include Registered Nurses (RN), Licensed Practical Nurses (LPN), and Certified Nursing Assistants (CNA), and

**WHEREAS**, Brookside Care Center has established nursing staff levels per shift to ensure adequate nursing coverage, and

**WHEREAS**, through detailed analysis Brookside Care Center has reconciled the budgeted FTE count to the actual scheduling of nursing staffing levels appropriate for a 24/7 operations, and

**WHEREAS**, that reconciliation revealed that our FTE level is .8 below the actual amount of nurses

scheduled, and

**WHEREAS**, Brookside Care Center's current 24/7 scheduling reflects the consistent use of pool and contracted nurse hours to meet the minimum staffing level standards, and

**WHEREAS**, Brookside Care Center requests to increase the budgeted LPN FTE's from 12.2 to 12.6 FTE and budgeted RN FTE's from 13.7 to 14.1 FTE, and

**WHEREAS**, with the additions of the budgeted FTE's will allow continuity of care with regular staff and not rely on substitute replacements to fill the 24/7 minimum staffing level, and

**WHEREAS**, no additional cost will be incurred as the current expenditures are being taken from overtime and pool nursing budget line items within Personnel appropriation, and

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Department of Human Services, Brookside Care Center Division, be authorized to adjust current and future budgets for nursing (RN, LPN, and CNA) FTE levels to meet minimum standards and personnel appropriation is available.

SUBMITTED BY:

Human Services Committee

Dayvin Hallmon

Boyd Frederick

Erin Decker

David Arrington

Angelina Montemurro

Gabe Nudo

Finance/Administration Committee

Terry Rose

Ronald Frederick

Aaron Kohlmeier

Edward Kubicki

Mark Molinaro, Jr.

It was moved by Supervisor Hallmon to adopt Resolution 39. Seconded by Supervisor Montemurro.

Motion carried.

#### **RESOLUTION 40**

40. From Human Service Committee a Resolution to add three Economic Support Specialists to the Department of Human Services, Division of Workforce Development.

It was moved by Supervisor Hallmon to adopt Resolution 40. Seconded by Supervisor B. Frederick.

It was moved by Supervisor Molinaro to refer Resolution 40 back to committee. Seconded by Supervisor Breunig.

It was moved by Supervisor Decker to close debate on the referral of Resolution 40. Seconded by Supervisor Rose.

Roll call vote to close debate.

Aye: Supervisors Grady, Rose, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, O'Day, Arrington, R. Frederick, Nudo, Kohlmeier, B. Frederick, Esposito, Noble, Skalitzky, Underhill, Breunig, Decker.

Nay: Supervisors Gentz, Molinaro.

Aye: 19. Nay: 2.

Motion carried.

Roll call vote on referral.

Aye: Supervisors Rose, O'Day, Nudo, Kohlmeier, Molinaro, Esposito, Skalitzky, Breunig, Decker.

Nay: Supervisors Grady, Gentz Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, Arrington, R. Frederick, B. Frederick, Noble, Underhill.

Aye: 9. Nay: 12.

Motion failed.

It was moved by Supervisor Rose to amend Resolution 40; first amendment; "Positions to be reconsidered at end of the year." Second amendment; "Human Services to draft resolution to the State requesting Kenosha County be released from the consortium." Seconded by Supervisor Molinaro.

Corporation Counsel determined amendment 2 not germane. Motion modified by Supervisor Rose and Supervisor Molinaro to only consider amendment 1.

Roll call vote on amendment to Resolution 40.

Aye: Grady, Rose, Montemurro, O'Day, Nudo, Kohlmeier, Molinaro, Esposito, Breunig.

Nay: Supervisors Gentz, Dodge, Kubicki, Hallmon, R. Johnson, Arrington, R. Frederick, B. Frederick, Noble, Skalitzky, Underhill, Decker.

Aye: 9. Nay: 12.

Motion failed.

Roll call vote on Resolution 40 as presented.

2/3 vote required.

Aye: Supervisors Grady, Gentz, Montemurro, Dodge, Kubicki, Hallmon, R. Johnson, Arrington, R. Frederick, B. Frederick, Noble.

Nay: Supervisors Rose, O'Day, Nudo, Kohlmeier, Molinaro, Esposito, Skalitzky, Underhill, Breunig, Decker.

Aye: 11. Nay: 10.

Motion failed.

#### **RESOLUTION 41**

41. From Public Works/Facilities and Finance/Administration Committees a Resolution to approve the acceptance of grant funding for the purpose of funding the Pike River Fish Passage Dam Removal, Bridge Installation.

**WHEREAS**, Kenosha County Parks Division had submitted a grant request to the Wisconsin Department of Natural Resources Dam Abandonment Program.

**WHEREAS**, this project will remove the obsolete dam at Petrifying Springs Park and will allow fish

passage to the headwaters of the Pike River; and

**WHEREAS**, the Wisconsin Department of Natural Resources has notified the Kenosha County Parks Department it has been awarded a grant of \$42,842.50 for this project and pending approval of engineering costs may be increased to \$50,000,

**THEREFORE, BE IT RESOLVED** that Kenosha County hereby authorizes the General Manager of Parks Operation to act on its behalf and accept the grant funds in the amount of up to \$50,000.

SUBMITTED BY:

Public Works/Facilities Committee

Finance/Administration Committee

Dennis Elverman

Terry Rose

Douglas Noble

Ronald Frederick

Rick Dodge

Aaron Kohlmeier

Gabe Nudo

Edward Kubicki

Mike Skalitzky

Mark Molinaro, Jr.

It was moved by Supervisor Noble to adopt Resolution 41. Seconded by Supervisor Nudo.  
Motion carried.

#### **RESOLUTION 42**

42. From Public Works/Facilities and Finance/Administration Committees regarding naming rights proposal for the Old Settlers Dog Park.

**WHEREAS**, there is an unnamed dog park in Old Settlers Park, and

**WHEREAS**, the Kenosha County Board agreed that only non-levy money, donations, fund-raisers, sponsorships or user fees could be used to build and operate dog parks, and

**WHEREAS**, the Kenosha County Dog Parks receive donations, conduct fund-raisers, sponsorships, and user fees to cover operating expenses and build basic amenities to be at the dog parks,  
and

**WHEREAS**, the Kenosha County Executive has made known that for a donation of \$12,500, that naming rights be granted to the individual/organization making the donation, and

**WHEREAS**, Kenosha County resident, Dr. William Harris is proposing to make a donation in the amount of \$12,500 to secure naming rights of the dog park located in the "Old Settlers Park",

**NOW, THEREFORE, BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorizes the General Manager of Parks to act on their behalf and accept the donation from Dr. William Harris and name the dog park in Old Settlers Park, the "The Harris Family Dog Park", and

**BE IT FURTHER RESOLVED**, that the Kenosha County Board authorizes this dog park to be named the "The Harris Family Dog Park" as long as the dog park remains in existence.

SUBMITTED BY:

Public Works/Facilities Committee

Finance/Administration Committee

Dennis Elverman

Terry Rose

Douglas Noble

Ronald Frederick

Rick Dodge

Aaron Kohlmeier

Gabe Nudo

Edward Kubicki

Mike Skalitzky

Mark Molinaro, Jr.

It was moved by Supervisor Noble to adopt Resolution 42. Seconded by Supervisor Dodge.  
Motion carried.

**POSSIBLE CLOSED SESSION:** Pursuant Section 19.85 (1)(g) conferring with legal counsel rendering advice concerning strategy to be adopted with respect to litigation. Kenosha County versus the City of Kenosha Health Department Litigation.

It was moved by Supervisor O'Day to go into closed session. Seconded by Supervisor Grady.  
Roll call vote failed unanimously.

#### **RESOLUTION 43**

43. From Finance/Administration Committee a Resolution to settle litigation between Kenosha County and the City of Kenosha over the Health Department Contract.

**WHEREAS**, Kenosha County and the City of Kenosha entered into an Intergovernmental Agreement (Agreement) for consolidation of the County and City Health Departments into a County-wide Health Department in 1992, by terms and conditions that shared cost of operations by both the Kenosha County (County) and the City of Kenosha (City); and

**WHEREAS**, the Agreement has remained in effect since 1992, and the parties have allocated costs for such services in an amicable manor, per the Agreement, since that time until 2005, when the City withheld a portion of the payment due; From 2005 until 2010, the County demanded full payment in accord with the Agreement, but the City continued to pay only a portion of its obligation thereon and by 2010 the amount past due by the City amounted to \$551,025; and

**WHEREAS**, the County filed a civil action in Kenosha County Circuit Court against the City as Case No. 10-CV-3329 for \$551,025 and costs and for a declaratory judgment and for injunctive relief and the City answered the Complaint by denying liability, presenting numerous affirmative defenses and requesting a declaratory judgment for rescission or reformation of the Agreement; and

**WHEREAS**, each part's pleadings, motions and briefs in such litigation have relative strengths and weaknesses, and the outcome of such litigations uncertain; and

**WHEREAS**, the parties have reached a compromise settlement agreement, a copy of which is

attached hereto, subject to approval by the City's Common Council and the County Board of Supervisors, to settle the lawsuit, preserve the Agreement, and to continue to deliver high quality healthcare to the community for years to come.

**NOW THEREFORE BE IT RESOLVED**, the County Board of Supervisors hereby approves the settlement of Kenosha County Circuit Court Case No. 10-CV-3329, County of Kenosha V. City of Kenosha, as set forth in the Written Settlement Agreement attached hereto; and the County Executive and the Corporation Counsel are authorized to sign all necessary documents.

SUBMITTED BY:

Finance/Administration Committee

Terry Rose

Ronald Frederick

Aaron Kohlmeier

Edward Kubicki

Mark Molinaro, Jr.

It was moved by Supervisor Rose to adopt Resolution 43. Seconded by Supervisor R. Frederick.

Roll call vote passed unanimously.

**CLAIMS**

5. DC Schroeder - car damage
6. Charles Schroeder Jr. - car damage
7. Zachary L. Pulera - denied medication while incarcerated

Chairman Gentz referred claims 5-7 to Corporation Counsel

It was moved by Supervisor Noble approve the August 7<sup>th</sup> 2012 minutes. Seconded by Supervisor Decker.

Motion carried.

It was moved by Supervisor Decker to adjourn. Seconded by Vice-chair Kubicki.

Meeting adjourned at 9:56 p.m.

Prepared by: Edie LaMothe  
Deputy Clerk

Submitted by: Mary Schuch-Krebs  
County Clerk