

TENTH DAY'S SESSION

Port Washington, Wisconsin
October 6, 2010

The County Board reconvened at 9:00 A.M. pursuant to adjournment and was called to order by Chairperson Brooks.

The Clerk took the roll. All members were present except: Excused - Supervisors: Cronce, Marchese, and Walerstein.

Board members stood and recited the Pledge of Allegiance.

Motion made by Supervisor Schlenvogt, seconded by Supervisor Leider, that the Journal of the Ninth Day's Session and the Committee of the Whole on September 15 be approved as mailed. All members present voting aye, the motion was declared adopted.

9:03AM Supervisor Dean in attendance.

At this time, Chairperson Brooks introduced Jacob Curtis, who is being recommended for the appointment to fill the vacancy for District No. 15. A copy of his resume was sent in the meeting packet. Motion made by Supervisor Becker, seconded by Supervisor Kletti to approve the appointment. A voice vote was taken. All members present voting aye, the motion was declared adopted. Mr. Curtis was then sworn in and assumed his position as Supervisor for the 15th district.

Under communications, Supervisor Leider commented on the "Release of the Sturgeon" event that was held in Thiensville and the Jeri Boehlke Memorial Open Speed Show and Farmer's Market event that was held in Fredonia. Supervisor Szatkowski thanked the County Board for providing funds for supervisors to attend the Wisconsin Counties Association's (WCA) Annual Convention that was held in Milwaukee and extended congratulations to Supervisor Wirth on his appointment as Second Vice-Chairperson on the WCA Board of Directors.

There were no claims.

Under public comment, Dr. Steven Zils introduced himself. Dr. Zils is the Out of Hospital Medical Director at the Aurora Medical Center in Grafton which will open November 1. He looks forward to working with the Emergency Medical Systems staff throughout the County.

The County Administrator presented his monthly report, which included information on the proposed 2011 budget.

RESOLUTION NO. 10-28

INITIAL RESOLUTION AUTHORIZING NOT TO EXCEED \$1,115,000
GENERAL OBLIGATION PROMISSORY NOTES
FOR COUNTY BUILDING IMPROVEMENTS

WHEREAS, Ozaukee County, Wisconsin (the "County"), is in need of an amount not to exceed \$1,115,000 for the public purpose of financing repairs and improvements to County buildings, including new cooling mechanicals at the Administration Building, remodeling four courtrooms, roof repair at the Justice Center and roof replacement at a parks building; and

WHEREAS, it is desirable to authorize the issuance of general obligation promissory notes for such purpose pursuant to Chapter 67 of the Wisconsin Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Ozaukee County Board of Supervisors that the County borrow an amount not to exceed \$1,115,000 by issuing its general obligation promissory notes for the public purpose of financing repairs and improvements to County buildings. There be and there hereby is levied on all the taxable property in the County a direct, annual tax in such years and in such amounts as are sufficient to pay when due the principal and interest on such notes.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

<u>ADMINISTRATIVE COMMITTEE</u>				<u>SUPERVISOR</u>
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Mark A. Cronce
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav Wirth, Jr.
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Robert A. Brooks

Motion made by Supervisor Becker, seconded by Supervisor Walker, that Resolution No. 10-28 be adopted. The vote was taken as follows: Ayes – 27 (Winker, Leider, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Richard, Grosklaus, Curtis, Buntrock, Stumpf, Walker, Geracie, Wirth, Callen, Zens, Hertz, Bock, Szatkowski, Slater, Rothstein), Nays – 1 (Uselding), Absent – 3 (Marchese, Cronce, Walerstein). With three-fourths of the members elect voting aye, the motion was declared adopted.

RESOLUTION NO. 10-29

RESOLUTION PROVIDING FOR THE SALE OF NOT TO EXCEED
\$3,960,000 GENERAL OBLIGATION PROMISSORY NOTES

WHEREAS, the County Board of Supervisors of Ozaukee County, Wisconsin (the "County") has adopted an initial resolution, by a vote of at least 3/4 of the members-elect of the County Board, authorizing the issuance of general obligation promissory notes in an amount not to exceed \$1,115,000 for the public purpose of financing repairs and improvements to County buildings; and

WHEREAS, the County Board of Supervisors has also determined that it is necessary, desirable and in the best interest of the County to issue general obligation promissory notes in an amount not to exceed \$2,845,000 for the public purpose of refunding obliga-

tions of the County, including interest on them, specifically, two State Trust Fund Loans issued in 2009 and 2010;

NOW, THEREFORE, BE IT RESOLVED that:

1. The County shall issue its General Obligation Promissory Notes (the "Notes") in an amount not to exceed \$3,960,000 for the purposes above specified.

2. The County Board of Supervisors hereby authorizes and directs the officers of the County to take all actions necessary to negotiate the sale of the Notes with Robert W. Baird & Co. Incorporated. At a subsequent meeting, the County Board of Supervisors shall take further action to approve the details of the Notes and authorize the sale of the Notes.

3. The County Clerk shall cause an Official Statement concerning this issue to be prepared by Robert W. Baird & Co. Incorporated. The appropriate County officials shall determine when the Official Statement is final for purposes of Securities and Exchange Commission Rule 15c2-12 and shall certify said Statement, such certification to constitute full authorization of such Statement under this resolution.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010

<u>ADMINISTRATIVE COMMITTEE</u>				
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mark A. Cronicc
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav Wirth, Jr.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Robert A. Brooks

Motion made by Supervisor Nelson, seconded by Supervisor Geracie, that Resolution No. 10-29 be adopted. Chairperson Brooks recognized Brian Brewer from Robert W. Baird & Co. to explain the fees for the bonding. Discussion. The vote was taken as follows: Ayes - 28, Nays - 0, Absent - 3. The majority of the members present voting aye, the motion was declared adopted.

RESOLUTION NO. 10-30

TRANSFER FROM THE GENERAL FUND – 2010

RESOLVED, by the Ozaukee County Board of Supervisors, that the sum of \$ 100,000 be transferred from the General Fund as indicated below:

	<u>ACCOUNT NUMBER</u>	<u>DEPARTMENT/ACCOUNT NAME</u>		<u>AMOUNT</u>
TO:	405-2-02-62512-000	Capital Project - JC building improvements	\$	100,000
From:	405-2-02-74200-101	Capital Projects - Other sources of funds - from GF	\$	(100,000)

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

<u>ADMINISTRATIVE COMMITTEE</u>				<u>SUPERVISOR</u>
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mark A. Cronicc
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Robert A. Brooks

Motion made by Supervisor Leider, seconded by Supervisor Szatkowski, that Resolution No. 10-30 be adopted. The vote was taken as follows: Ayes - 28, Nays - 0, Absent - 3. With two-thirds of the members elect voting aye, the motion was declared adopted.

Chairperson Brooks requested to move ahead in the agenda. There were no objections.

RESOLUTION NO. 10-37

ACCEPTANCE OF GREAT LAKES RESTORATION INITIATIVE (GLRI) FUNDS FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR “MONITORING TO ADDRESS 7 OF 11 BENEFICIAL USE IMPAIRMENTS (BUI’s) – MILWAUKEE RIVER ESTUARY AREA OF CONCERN (AOC)” PROGRAM

WHEREAS, the Environment and Land Use Committee authorized the Ozaukee County Planning and Parks Department, in conjunction with local municipalities, to apply for Great Lakes Restoration Initiative (GLRI) funding under a competitive request for proposals administered by the US Environmental Protection Agency (EPA) to implement an “Monitoring to Address 7 of 11 Beneficial Use Impairments (BUI’s) – Milwaukee River Estuary Area of Concern (AOC)” program (program) for Ozaukee County at their January 20, 2010 meeting; and

WHEREAS, this program is consistent with existing National Oceanic and Atmospheric Administration (NOAA)-funded “Fish Passage for the Milwaukee River Watershed Program” goals, which include directly connecting and allowing fish passage between 119,000 acres and 158 stream miles of the Milwaukee River Watershed and the Milwaukee Estuary AOC / Lake Michigan through modifying or removing nearly 120 stream barriers to link naturally occurring high quality habitats in the Milwaukee River Watershed; and

WHEREAS, this program is an integral part of the adopted *Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035*, is identified in the *Ozaukee County Land and Water Resource Management Plan* and a resultant of the recently completed (November 2006) study conducted by Northern Environmental with funding from the Wisconsin Coastal Management Program (WCMP), entitled, “Stream Passage Impediments and Aquatic Habitat Fragmentation Inventory – Milwaukee River and Lake Michigan Tributary Streams – Ozaukee County, Wisconsin”; and

WHEREAS, this program is also consistent with the adopted the *Park and Open Space Plan for Ozaukee County*, which includes a comprehensive analysis and recom-

mendations for the Open Space Preservation Element from the *Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin* for Ozaukee County, and the Outdoor Recreation Element; whereby, the plan recommends the restoration and protection of critical species habitat and natural areas and the provision of outdoor recreation opportunities; and

WHEREAS, this program is also consistent with the recently County Board endorsed *Regional Water Quality Management Plan Update* prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and key partners as well as several other State and Federal plans; and

WHEREAS, this program's goal is to implement a comprehensive monitoring program for portions of the Milwaukee River in Ozaukee County to partially address delisting targets or required actions for 7 of 11 Milwaukee Estuary AOC BUIs and to provide additional documentation on fish populations as a result of actions under the NOAA Fish Passage Program grant. The program includes fish population surveys, sediment sampling and analysis for PCBs, and water quality monitoring for phosphorus, pathogens, and other constituents relevant to addressing the BUIs and water quality; and

WHEREAS, on September 30, 2010 the EPA announced that Ozaukee County would be awarded \$491,000 in GLRI funding to accomplish the "Monitoring to Address 7 of 11 BUI's – Milwaukee River Estuary AOC" program; and

WHEREAS, Ozaukee County was one of 270 finalists in the nation out of over 1,000 applications received; and

WHEREAS, GLRI funding awarded to Ozaukee County through USEPA does not require local matching funds; and

WHEREAS, this program will provide will provide considerable ecological, scientific and social benefits for Ozaukee County residents, visitors to Ozaukee County and the ecosystem through identifying contaminated sediments in the Milwaukee River; and

WHEREAS, the Ozaukee County Planning and Parks Department will be working directly with other County Departments and local municipalities on the implementation of the "Monitoring to Address 7 of 11 BUI's – Milwaukee River Estuary AOC" program's goals and objectives; and

WHEREAS, the program will be accomplished contractual work by construction firms, a conservation corps, volunteers, and private environmental and engineering consulting firm(s) and managed through the continuation of USEPA funded positions in the Planning and Parks Department; and

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that the Ozaukee County Planning and Parks Department and County Administrator is authorized to act on behalf of Ozaukee County to accept and implement the U.S. Environmental Protection Agency (EPA) awarded Great Lakes Restoration Initiative (GLRI) funding for the "Monitoring to Address 7 of 11 BUI's – Milwaukee River Estuary AOC" program by signing the necessary federal documents and taking the necessary actions to undertake, direct and complete the approved program within the provided funding timeline and requirements.

BE IT FURTHER RESOLVED, that Ozaukee County will comply with all the federal and state rules and regulations for the program, may perform force account work, and will maintain complete and accurate project accounting according to the GLRI and USEPA project agreement for these funds.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

<u>ENVIRONMENT & LAND USE COMMITTEE</u>					<u>ADMINISTRATIVE COMMITTEE</u>				
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	William S. Niehaus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Mark A. Cronce
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Donald G. Dohrwardt	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Timothy F. Kaul	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Joseph A. Dean	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	John J. Slater	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.
					X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Robert A. Brooks

Motion made by Supervisor Callen, seconded by Supervisor Zens, that Resolution No. 10-37 be adopted. The vote was taken as follows: Ayes – 27 (Winker, Leider, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Richart, Grosklaus, Buntrock, Stumpf, Walker, Geracie, Wirth, Uselding, Callen, Zens, Hertz, Bock, Szatkowski, Slater, Rothstein), Nays – 1 (Curtis), Absent – 3 (Marchese, Cronce, Walerstein). The majority of the members present voting aye, the motion was declared adopted.

RESOLUTION NO. 10-38

ACCEPTANCE OF GREAT LAKES RESTORATION INITIATIVE (GLRI) FUNDS FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR ENHANCING ECOLOGIC PRODUCTIVITY OF THE MILWAUKEE ESTUARY AREA OF CONCERN (AOC) WATERSHEDS PROGRAM

WHEREAS, the Environment and Land Use Committee authorized the Ozaukee County Planning and Parks Department, in conjunction with local municipalities, to apply for Great Lakes Restoration Initiative (GLRI) funding under a competitive request for proposals administered by the U.S. Environmental Protection Agency (EPA) to implement an “Enhancing Ecological Productivity of the Milwaukee Estuary Area of Concern (AOC) Watersheds” program (program) for Ozaukee County at their January 20, 2010 meeting; and

WHEREAS, this program is consistent with existing NOAA-funded “Fish Passage for the Milwaukee River Watershed Program” goals and objectives, which include directly connecting and allowing fish passage between 119,000 acres and 158 stream miles of the Milwaukee River Watershed and the Milwaukee Estuary AOC / Lake Michigan through modifying or removing nearly 120 stream barriers to link naturally occurring high quality habitats in the Milwaukee River Watershed; and

WHEREAS, this project is an integral part of the adopted *Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035*, is identified in the *Ozaukee County Land and Water Resource Management Plan* and a resultant of the recently completed (November 2006) study conducted by Northern Environmental with funding from the Wisconsin Coastal Management Program (WCMP), entitled, “Stream Passage Impediments and Aq-

uatic Habitat Fragmentation Inventory – Milwaukee River and Lake Michigan Tributary Streams – Ozaukee County, Wisconsin”; and

WHEREAS, this project is also consistent with the adopted the *Park and Open Space Plan for Ozaukee County*, which includes a comprehensive analysis and recommendations for the Open Space Preservation Element from the *Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin* for Ozaukee County, and the Outdoor Recreation Element; whereby, the plan recommends the restoration and protection of critical species habitat and natural areas and the provision of outdoor recreation opportunities; and

WHEREAS, this project is also consistent with the recently County Board endorsed *Regional Water Quality Management Plan Update* prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and key partners as well as several other State and Federal plans; and

WHEREAS, this program’s goal is to increase the abundance of high quality habitat suitable for northern pike propagation (northern pike being a surrogate for a suite of fish and wildlife species) and improve water quality in spawning areas by enhancing wetland areas and removing additional barriers to fish passage. The program benefits will help in delisting three of the eleven BUIs identified within the Milwaukee River/Estuary AOC; and

WHEREAS, the major program objectives include: 1) enhancing and using a GIS-based wildlife tool to assist local, regional and state planning and conservation initiatives with riparian/aquatic/wetland habitat evaluation and ranking; 2) conduct stream impediment and habitat inventories, 3) perform stream connectivity work, and; 4) perform habitat improvement work for fish and wildlife target species; and

WHEREAS, on September 13, 2010 the U.S. Environmental Protection Agency announced that Ozaukee County would be awarded approximately \$1,478,640 in GLRI funding to accomplish Enhancing Ecological Productivity in the Milwaukee Estuary AOC Watersheds; and

WHEREAS, Ozaukee County was one of 270 finalists in the nation out of over 1,000 applications received; and

WHEREAS, GLRI funding awarded to Ozaukee County through EPA does not require local matching funds and will assist several communities and the County in addressing several public works projects that have been deferred due to lack of funding; and

WHEREAS, this program will provide very positive results for Ozaukee County residents, visitors to Ozaukee County and the ecosystem through an improved fishery, improved habitat for several threatened and endangered species, economic gains through increased tourism and enhanced opportunities for County residents to enjoy our natural resources; and

WHEREAS, the Ozaukee County Planning and Parks Department will be working directly with other County Departments and local municipalities on the implementation of the Enhancing Ecological Productivity in the Milwaukee Estuary Area of Concern Watersheds program goals and objectives; and

WHEREAS, the program will be accomplished through local force account work by several municipalities and the County as well as contractual work by construction firms, a conservation corps and private environmental and engineering consulting firm(s) and managed through the continuation of USEPA funded positions in the Planning and Parks Department.

NOW, THEREFORE, BE IT RESOLVED, by the Ozaukee County Board of Supervisors that the Ozaukee County Planning and Parks Department and County Administrator is authorized to act on behalf of Ozaukee County to accept and implement the U.S. Environmental Protection Agency (EPA) awarded Great Lakes Restoration Initiative (GLRI) funding for the Enhancing Ecological Productivity in the Milwaukee Estuary Area of Concern Watersheds program by signing the necessary federal documents and taking the necessary actions to undertake, direct and complete the approved program within the provided funding timeline and requirements.

BE IT FURTHER RESOLVED, that Ozaukee County will comply with all the federal and state rules and regulations for the program, may perform force account work, and will maintain complete and accurate program accounting according to the GLRI and USEPA project agreement for these funds.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

<u>ENVIRONMENT & LAND USE COMMITTEE</u>					<u>ADMINISTRATIVE COMMITTEE</u>				
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	William S. Niehaus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Mark A. Cronce
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Donald G. Dohrwardt	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Timothy F. Kaul	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Joseph A. Dean	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	John J. Slater	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.
					X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Robert A. Brooks

Motion made by Supervisor Callen, seconded by Supervisor Stumpf, that Resolution No. 10-38 be adopted. Supervisor Szatkowski congratulated Planning & Parks Director Struck and his staff on receiving these grants and the initial NOAA grant, and that because of this effort Ozaukee County has become a showcase countrywide for this type of river rehabilitation. Discussion. Chairperson Brooks recognized Mr. Struck to answer questions. The vote was taken as follows: Ayes – 25 (Leider, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Richart, Buntrock, Stumpf, Walker, Geracie, Wirth, Uselding, Callen, Zens, Hertz, Bock, Szatkowski, Slater, Rothstein), Nays – 3 (Winker, Grosklaus, Curtis), Absent – 3 (Marchese, Cronce, Walers-tein). The majority of the members present voting aye, the motion was declared adopted.

Chairperson Brooks reverted back to the order of the agenda.

RESOLUTION NO. 10-31

TRANSFER OF FUNDS - 2010

RESOLVED, by the Ozaukee County Board of Supervisors, that funds be transferred as follows:

	ACCOUNT NUMBER	DEPARTMENT/ACCOUNT NAME	AMOUNT	AMOUNT
TO:	113-1-03-54501-003	Emergency Management / Purchased Service - Haz-Mat Preparedness	\$18,000	
FROM:	113-1-03-42320-003	Emergency Management / State Aid - Haz-Mat Preparedness Grant		\$18,000
TO:	407-1-01-51101-000	NOAA – Fish Passage / Wages	\$165,000	
	407-1-01-51201-000	NOAA – Fish Passage /Fringe Benefits	\$54,000	
	407-1-01-52002-000	NOAA – Fish Passage / Travel	\$10,000	
	407-1-01-54107-000	NOAA – Fish Passage / Contracted Services	\$262,000	
FROM:	407-1-01-42110-000	NOAA – Fish Passage / Grant Revenue		\$491,000
TO:	407-1-01-51101-000	NOAA – Fish Passage / Wages	\$218,400	
	407-1-01-51201-000	NOAA – Fish Passage /Fringe Benefits	\$76,440	
	407-1-01-52002-000	NOAA – Fish Passage / Travel	\$28,500	
	407-1-01-53411-000	NOAA – Fish Passage / Other Equipment	\$26,140	
	407-1-01-54107-000	NOAA – Fish Passage / Contracted Services	\$1,129,160	
FROM:	407-1-01-42110-000	NOAA – Fish Passage / Grant Revenue		\$1,478,640

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

*Vote for Emergency Management Transfer

PUBLIC SAFETY COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Richard C. Nelson
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel R. Buntrock
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gerald E. Walker
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Nancy Szatkowski
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thomas E. Winker

*Vote for Emergency Management Transfer

ADMINISTRATIVE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Mark A. Cronce
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.

*Vote for NOAA Fish Passage

ENVIRONMENT & LAND USE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	William S. Niehaus
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Donald G. Dohrwardt

*Vote for NOAA Fish Passage

ADMINISTRATIVE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Mark A. Cronce
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker

X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Timothy F. Kaul	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Joseph A. Dean	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	John J. Slater	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.
					X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Robert A. Brooks

Motion made by Supervisor Dohrwardt, seconded by Supervisor Nelson, that Resolution No. 10-31 be adopted. The vote was taken as follows: Ayes – 26 (Winker, Leider, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Rychart, Buntrock, Stumpf, Walker, Geracie, Wirth, Uselding, Callen, Zens, Hertz, Bock, Szatkowski, Slater, Rothstein), Nays – 1 (Grosklaus), Abstain – 1 (Curtis), Absent – 3 (Marchese, Cronce, Walerstein). With two-thirds of the members elect voting aye, the motion was declared adopted.

RESOLUTION NO. 10-32

**AUTHORIZATION FOR OZAUKEE COUNTY’S APPLICATION
TO THE WISCONSIN COMMUNITY DEVELOPMENT BLOCK GRANT
FOR ECONOMIC DEVELOPMENT PROGRAM**

WHEREAS, Federal monies are available under the Community Development Block Grant program, administered by the State of Wisconsin, Department of Commerce, for the purpose of economic development; and

WHEREAS, after a public meeting and due consideration the Administrative Committee has recommended that an application be submitted to the State of Wisconsin for Allen Edmonds Working Capital and Equipment purchase project; and

WHEREAS, it is necessary for the County Board to approve the preparation and filing of an application for the County to receive the funds from this program; and

WHEREAS, the County Board has reviewed the need for the proposed project and the benefit to be gained there from.

NOW, THEREFORE, BE IT RESOLVED, that the Ozaukee County Board of Supervisors does hereby approve and authorize the preparation and filing of an application for the above-named project and the County Board Chairperson is hereby authorized to sign all necessary documents on behalf of the County; and that authority is hereby granted to Ozaukee Economic Development to take the necessary steps to prepare and file the appropriate application for funds under this program in accordance with this resolution.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

<u>ADMINISTRATIVE COMMITTEE</u>				
<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Mark A. Cronce
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav Wirth, Jr.

Motion made by Supervisor Becker, seconded by Supervisor Kletti, that Resolution No. 10-32 be adopted. Chairperson Brooks recognized Economic Development Ex-

ecutive Director Schilling and Allen Edmond's President & CEO Paul Grangaard to address the board. Discussion. The vote was taken as follows: Ayes - 28, Nays - 0, Absent - 3. The majority of the members present voting aye, the motion was declared adopted.

9:57AM Supervisor Dean out of attendance.

RESOLUTION NO. 10-33

COUNTY NURSING HOMES AND THE 2011-2013 STATE BIENNIAL BUDGET

WHEREAS, county homes play a unique role in Wisconsin's continuum of care for citizens in need of long-term care services; and

WHEREAS, the majority of county homes care for residents with high acuity levels and intense behavioral needs; and

WHEREAS, Wisconsin county homes have a long history of partnering with the state to maximize federal resources available to the state; and

WHEREAS, under the Supplemental Payment Program, formerly known as the intergovernmental transfer program, federal matching funds are generated based on actual operating losses incurred by governmental nursing homes; and

WHEREAS, all revenue generated from county nursing home losses is deposited in the state of Wisconsin's Medical Assistance Trust Fund; and

WHEREAS, through the combined efforts of the state and counties, billions of dollars have been brought in over the past decade, most of which was utilized to offset deficits in the Medical Assistance Trust Fund; and

WHEREAS, under current state law, the state may not distribute to counties more than \$39,100,000 in each fiscal year; and

WHEREAS, all revenue received under the supplemental payment program is derived from certified county nursing home losses; and

WHEREAS, counties depend on revenue received from the supplemental payment program to maintain high-quality services to vulnerable residents; and

WHEREAS, counties utilize revenue from the Supplemental Payment and Certified Public Expenditure Programs to offset property tax dollars utilized to fund the operation of county homes; and

WHEREAS, the 2009-2011 state biennial budget allocates only \$38.1 million annually in payments to counties, although the Department of Health Services estimates receiving \$96.2 million in federal matching funds based on county nursing home losses; and

WHEREAS, the nursing home bed assessment (tax) was created as part of 1991 Wisconsin Act 269 as a methodology to fund the Medical Assistance nursing home rate increases that took effect in FY 92; and

WHEREAS, since that time, the bed tax has increased from \$32 per month per bed to \$170 per licensed bed; and

WHEREAS, in the 2009-2011 state biennial budget, a majority of the funds raised through the increased bed tax was utilized to offset the state's Medicaid deficit, in addition to funding the two percent rate increase in each year of the biennium; and

WHEREAS, in FY 10, 68% of the federal revenue derived from the bed tax was utilized to offset general fund expenditures; 51% of the federal revenue will be utilized for non-nursing home expenditures in FY 11; and

WHEREAS, a bed tax increase of \$14 in FY 10 and an additional increase of \$33 in FY 11 is all that was needed to fund the two percent rate increase; instead, over \$66 million of revenue derived from the bed tax was utilized over the biennium to replace GPR base funding for MA benefits; and

WHEREAS, there is no public policy argument to justify increasing taxes paid by nursing homes and their residents to benefit the general fund; and

WHEREAS, returning the revenue generated from the bed tax will fund a rate increase of approximately 3.25 percent in FY 12 without the need for additional GPR or bed tax dollars; and

WHEREAS, Institutes for Mental Disease (IMDs) with state-only licenses are required to pay the bed tax, even though they do not qualify for Medicaid payments.

NOW, THEREFORE, BE IT RESOLVED that the Ozaukee County Board of Supervisors requests that the following action be taken by the Governor and State Legislature during 2011-2013 state biennial budget deliberations:

1. Support a statutory change to Sec. 49.45 (6u)(am) Wis. Stats. such that it reads *...the department shall distribute to these facilities and to care management organizations at least \$39,100,000 in each fiscal year...*
2. Support a statutory change requiring the state to share equally the federal match dollars received as a result of county nursing home losses.
3. Nursing home bed assessment funds and the federal matching funds generated should be used for nursing home rate increases, not as supplementation to the MA Trust Fund.
4. County government-owned IMDs and state-only licensed facilities should be exempt from the provider bed assessment (bed tax).

FURTHER RESOLVED, by the Ozaukee County Board of Supervisors that the County Clerk shall forward a copy of this resolution to the Wisconsin Department of Health Services Secretary, Wisconsin Department of Administration Secretary, Ozaukee County's Legislative Representatives, and to the Wisconsin Counties Association.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

AGING & LONG TERM CARE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Kathlyn T. Geracie
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Glenn F. Stumpf
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Thomas H. Richart
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jennifer K. Rothstein
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	John A. Hazelwood

Motion made by Supervisor Geracie, seconded by Supervisor Stumpf, that Resolution No. 10-33 be adopted. The vote was taken as follows: Ayes - 27, Nays - 0, Absent - 4. The majority of the members present voting aye, the motion was declared adopted.

9:59AM Supervisor Dean in attendance.

RESOLUTION NO. 10-34

OZAUKEE COUNTY LAND RECORDS MODERNIZATION PLAN 2011-2016

WHEREAS, a Land Records Modernization Plan was created and approved in 2005 to allow participation in the Wisconsin Land Information Program; and

WHEREAS, this 2005-2010 Plan is to be updated and replaced by this Plan.

NOW THEREFORE BE IT RESOLVED, that the Ozaukee County Land Information Council recommend that the Ozaukee County Environment & Land Use Committee and the Board of Supervisors approves this updated Ozaukee County Land Records Modernization Plan.

FURTHER RESOLVED, that the Ozaukee County Environment & Land Use Committee has reviewed and approved the 2011-2016 Land Records Modernization Plan and recommends approval by the County Board.

FURTHER RESOLVED, that the Ozaukee County Board of Supervisors hereby approves the Land Records Modernization Plan 2011-2016.

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

ENVIRONMENT & LAND USE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	William S. Niehaus
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Donald G. Dohrwardt
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Timothy F. Kaul
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Joseph A. Dean
X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	John J. Slater

Motion made by Supervisor Dohrwardt, seconded by Supervisor Walker, that Resolution No. 10-34 be adopted. Discussion. The vote was taken as follows: Ayes - 28, Nays - 0, Absent - 3. The majority of the members present voting aye, the motion was declared adopted.

10:03AM Supervisor Zens out of attendance.

RESOLUTION NO. 10-35

POSITIONS AND PAY RANGE CHANGES

RESOLVED, by the Ozaukee County Board of Supervisors that Chapter 3.01, Section (30), of the Ozaukee County Policy and Procedure Manual be amended as follows:

3.01 POSITIONS AND PAY RANGES

<u>DEPARTMENT</u> <u>POSITION</u>	<u>GRADE</u>	<u>UNION</u>	<u>HOURLY SALARY</u>		<u>ANNUAL SALARY</u>			<u>No</u>
			<u>MIN</u>	<u>MAX</u>	<u>HOURS</u>	<u>MIN</u>	<u>MAX</u>	
(30) <u>Register of Deeds</u>								
Office Assistant III	<u>5</u>	OPEIU	\$13.41	\$15.68	37.50	\$26,150	\$30,576	1.00
<u>Office Assistant IV</u>	<u>6</u>		<u>\$14.56</u>	<u>\$17.15</u>		<u>\$28,392</u>	<u>\$33,443</u>	

Dated at Port Washington, Wisconsin this 6th day of October, 2010.

ADMINISTRATIVE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mark A. Cronic
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.

Motion made by Supervisor Nelson, seconded by Supervisor Szatkowski, that Resolution No. 10-35 be adopted. The vote was taken as follows: Ayes – 26 (Winker, Leider, Dohrwardt, Niehaus, Brooks, Schlenvogt, Becker, Nelson, Dean, Meyer, Kaul, Kletti, Richart, Grosklaus, Curtis, Buntrock, Stumpf, Walker, Geracie, Wirth, Callen, Hertz, Bock, Szatkowski, Slater, Rothstein), Nays – 1 (Uselding), Absent – 4 (Marchese, Cronic, Walerstein, Zens). The majority of the members present voting aye, the motion was declared adopted.

10:05AM Supervisor Zens in attendance

RESOLUTION NO. 10-36

AMENDING POLICY & PROCEDURE MANUAL – VEHICLE USE POLICY

RESOLVED, that Section 4.09(2)(b)1 of the Ozaukee County Policy and Procedure Manual as pertaining to Vehicle Use Policy be amended to read:

4.09 VEHICLE USE POLICY

(2) Personal Use of County Vehicles:

(b) County employees shall not use any County owned vehicle for personal use, except by the provisions of the Code of Federal Regulations, Internal Revenue Regulations, as such may be amended.

1. The following are the employees who are permitted to drive a county vehicle to and from work:

- (a) Sheriff,
- (b) Planning and Parks Director (or Designee),
- (c) Emergency Management Director (or Designee),
- (d) Highway Department Superintendents,
- (e) Drug Unit Investigator,
- (f) Radio Equipment Technician/Programmer,
- (g) Undersheriff,
- (h) County Administrator,
- (i) Building Superintendent
- (j) Technology Resources Communications Services Manager

Dated at Port Washington, Wisconsin, this 6th day of October, 2010.

ADMINISTRATIVE COMMITTEE

<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>	<u>SUPERVISOR</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Mark A. Cronce
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Daniel P. Becker
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jean M. Zens
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lee Schlenvogt
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Gustav W. Wirth, Jr.

Motion made by Supervisor Kletti, seconded by Supervisor Szatkowski, that Resolution No. 10-36 be adopted. Discussion. Chairperson Brooks recognized Finance Director Lamb to answer questions. Chairperson Brooks requested to move ahead in the agenda until Mr. Lamb returned with requested information. There were no objections.

The County Administrator appointed Mike Yuhas as a member of the Local Emergency Planning Committee. Motion made by Supervisor Szatkowski, seconded by Supervisor Meyer to approve the appointment. All members present voting aye, the motion was declared adopted.

10:12AM Recess

10:27AM Reconvene

Mr. Lamb addressed the board with the requested information. The vote was then taken on Resolution No. 10-36 as follows: Ayes - 28, Nays - 0, Absent - 3. The majority of the members present voting aye, the motion was declared adopted.

Supervisor Bock thanked all the supervisors that were involved in the Autumn Open. Net amount raised was approximately \$15,000. Next year's event will be held on September 11.

Motion made by Supervisor Winker, seconded by Supervisor Leider, to adjourn, subject to call by the Chairperson, or until Wednesday, October 20, 2010 at 9:00 A.M. All members present voting aye, the motion was declared adopted.

Meeting declared adjourned at 10:32AM.