

The Environment and Land Use Committee met in Room A-200 of the Administration Center.

Present: Supervisors Dohrwardt (10:14am), Hazelwood, Kaul, Stumpf, Niehaus and FSA Representative Dobberfuhl. Staff: County Administrator Meaux, Land & Water Management Director Holschbach, and County Clerk Winkelhorst.

Others Present: Supervisor Rothstein (10:05am), Economic Development Director Schilling, Donald & Rose Lusk and Bill & Sue Hass.

Note: * FSA Representative vote included.

Call to Order/Proper Notice/Adoption of Agenda*: Meeting called to order by Vice-Chairperson Hazelwood at 10:03AM. Assurance that the meeting was properly noticed, so noted by Ms. Winkelhorst. Motion made by Supervisor Niehaus, seconded by Supervisor Stumpf to adopt the agenda as presented. All members present voting aye. Motion carried. (5-0)

Public Comments/Correspondence and Communications: There were none.

Approve Minutes from the January 8 and 20 Meetings*: Motion made by Supervisor Niehaus, seconded by FSA Representative Dobberfuhl to approve the January 8 and 20 meeting minutes as submitted. All members present voting aye. Motion carried. (5-0).

Land & Water Management Department:

Action Items:

Public Hearing & Action –Request by Donald & Rose Marie Lusk, Owner, to Petition the Committee for a Zoning Classification change from Floodplain District to Non-Floodplain District within the Lake Michigan Shoreline. Affecting the Following Described Real Estate: Town of Belgium, T12N-R23E in part of the SW ¼ of NW ¼ of Section 18. Tax Key #02-018-08-000.00. Site Address: 6352 Sauk Trail Road, Belgium, WI: The Public Hearing was declared open at 10:04AM. Mr. Holschbach explained the petition for a zoning classification from floodplain to non-floodplain district. A Conditional Use Permit was authorized by the Board of Adjustment in 1999 allowing filling, grading and excavating within the Lake Michigan floodplain for construction of a new home. It was done in a fashion to meet the floodplain development standards. Discussion.

10:05AM Supervisor Rothstein joined the meeting.

Motion made by Supervisor Stumpf, seconded by Supervisor Kaul to approve the zoning classification change from floodplain district to non-floodplain district within the Lake Michigan shoreline affecting the described real estate in the Town of Belgium, T12N-R23E in part of the SW 1/4 of NW 1/4 of section 18 – site address: 6352 Sauk Trail Road, Belgium, WI. All members present voting aye. Motion carried. (5-0)

The next step will be for the Federal Emergency Management Agency (FEMA) to approve the rezoning and then proceed with an ordinance change to the County Board. The ordinance change will be brought forth at the next meeting for the final approval by the committee.

The Public Hearing was closed at 10:10AM.

10:11AM Planning & Parks Director Struck joined the meeting.

Budget Amendment/Carryover of 2009 Funds*: Mr. Holschbach explained that these are unspent grant fund balances designated to complete projects that were not completed in 2009. These are landowner reimbursement funds of \$22,313.40 of State Soil & Water Resource Management Grant Program and \$25,400 of Wisconsin Department of Natural Resources (WDNR) Office of the Great Lakes Grant. Also \$2,830 of the Wisconsin Coastal Management Program Grant to be used for plant materials in newly established rain gardens. This is a total carryover of \$50,543.

Motion made by Supervisor Niehaus, seconded by Supervisor Stumpf to approve the total carryovers in the amount of \$50,543. All members present voting aye. Motion carried. (5-0)

10:14AM Supervisor Dohrwardt now in attendance. Craig Ficene and Luke Saunders – T&C RC&D joined the meeting.

Chairperson Dohrwardt assumed the chair.

Presentation by Craig Ficene, Coordinator, Town & Country Resource Conservation & Development, Inc. (T&C RC&D): Mr. Ficene stated that through the U.S. Forest Service Grant funding, T&C RC&D is contracting with a consulting forester to provide direct assistance to woodlot owners within about a 2 mile radius of Newburg with the focus of harvesting ash trees that are infested with the Emerald Ash Borer. This project fits nicely with the general purpose of the T&C RC&D which is resource conservation involving economic development, by exploring new markets in the area for ash wood products.

Mr. Saunders provided an update on the work that has been done with the Emerald Ash Borer infestation. Discussion and questions followed.

T&C RC&D encompasses 13 counties and the hope is that all of those counties become a member and actively engage with T&C by providing a representative, preferably the Land and Water Conservationist from their county. The annual membership fee for counties to join is \$100. Mr. Ficene provided background information on projects that the T&C RC&D is involved with such as managed grazing and exploring ideas of bio mass crop development. There are seven RC&D districts throughout the State and is part of the Natural Resources Conservation Service (NRCS). Grants and baseline federal funding is the main source of income. The focus is on local issues established by local leadership.

Ms. Schilling commented with regards to economic development that her office has a fairly limited role with agriculture usually through Milk Volume Production (MVP) loans. All of the loans through economic development are employment based so depending on what type of agriculture that is being done will determine if her office is involved.

Mr. Ficene reiterated that the most important part of the membership is the input from the County.

The consensus of the committee is to join the T&C RC&D and the Land & Water Management Director will be the County representative.

Management/Financial/Informational Reports: Included in the packet. There were no further questions.

Planning and Parks Department:

Action Items:

Approve Revised Professional Services Agreement for the Design, Engineering, Permitting and Bidding for the Bridge Street Dam Natural Fishway in the Village of Grafton for Implementation of the American Recovery & Reinvestment Act/National Oceanic and Atmospheric Administration (ARRA/NOAA) Funded Program, Entitled "Fish Passage for the Milwaukee River Watershed": Mr. Struck explained that at the last meeting this committee approved the proposal from AECOM for an amount not-to-exceed \$138,690 with revisions as necessary to arrive at a

contract. After the meeting, staff needed clarification of items that were documented in the proposal and support document to do a direct comparison between the proposal from AECOM and the one from Bonestroo/Northern Environmental and to arrive at a full contract for work. A conversation with AECOM requested clarification on their proposal and the structural analysis, which did not include a lot of detail on the following items: a condition report on the dam and to what degree they were providing for a structural analysis; the geotechnical proposal; the needs for the hydraulic design; clarification on what documents would be provided for permitting; and their support in public informational meetings. A revised proposal was then received from AECOM to address the staff clarifications for an amount of \$153,800 including the 15% contingency.

Given the cost increase in the revised proposal from AECOM and the exceedance of the authorized not-to-exceed value including contingency, Bonestroo/Northern Environmental was asked to also submit a revised proposal, so both could be presented to the ELU Committee. Bonestroo/Northern Environmental's revised proposal was submitted at the original amount of \$133,400 including the 15% contingency. Mr. Struck had identified with Bonestroo/Northern Environmental the need for assurance on their experience in fishway construction. Bonestroo/Northern Environmental has partnered in this proposal with Inter-fluve. This company is a premier consulting firm with expertise in fishway construction. Their main office is located out West, but they do have offices in the area and are partnering with Bonestroo/Northern Environmental.

11:15AM Register of Deeds Voigt joined the meeting.

Staff has reviewed the revised proposals and in an effort to maintain the engineering and design budget with the best possible team is recommending Bonestroo/Northern Environmental/Inter-fluve. Staff is also recommending that the not-to-exceed amount remain the same at \$138,690 for Bonestroo. Mr. Struck wants to be certain that this keystone piece of the program allows for them to be fully involved for items that are time and materials or for attendance at meetings, etc. The contingency would not be used unless needed.

Chairperson Dohrwardt stated that the cost is at \$133,400 with a 15% contingency included, so there is no reason to use the amount that was based on AECOM's first proposal.

Motion made by Supervisor Hazelwood, seconded by Supervisor Niehaus to approve the revised Professional Services Contractual Agreement – Amendment #10 with Bonestroo/Northern Environmental/Inter-fluve for a not-to-exceed amount of \$133,400 which includes a 15% contingency to conduct and complete, as outlined in the proposal for the Bridge Street Dam the following: 1) Site Evaluation, 2) Hydraulic Evaluation, 3) Structural Stability Analysis and 4) Fishway Design and Construction Documents for the Implementation of the ARRA/NOAA funded project, entitled "Fish Passage for the Milwaukee River Watershed." All members present voting aye. Motion carried. (5-0).

Supervisor Kaul questioned as to when the design would be completed in relationship to the upcoming referendum question regarding removal of the Grafton Bridge Street Dam versus fishway construction. Mr. Struck stated that it is expected to be completed in mid-April in order to bid in the time frame appropriate for construction.

Mr. Hass clarified that the binding referendum if it fails does not mean that the dam will be removed. The Grafton Village Board will need to vote on that.

Clerk's Note: To clarify, the binding referendum question to the voters is as follows:

It is hereby resolved by the Village Board of the Village of Grafton that the Bridge Street Dam be preserved until at least 2019 (the year by which any potential modifications necessary to bring the dam into compliance with the requirements of Wis. Ad. Code NR333 would have to be completed), unless ordered to take action earlier under state law, in order to allow a comprehensive,

independent analysis thoroughly evaluating all reasonable, cost-effective alternatives to comply with state law pertaining to dams, given:

- (i) The irreversible nature of the dam's removal prior to such an analysis;
- (ii). The dam's aesthetic importance as a Grafton landmark;
- (iii). The many recreational opportunities the dam affords;
- (iv) The uncertainties regarding the economic impact dam removal may have upon public and private property adjacent to the Milwaukee River and the community at large; and
- (v) The historical significance of the dam.

This Resolution does not prohibit the construction of a fish ladder.

_____ Yes I agree. _____ No I disagree.

11:25AM UW Extension Director O'Neil and Community Resource Development Educator Siodoff joined the meeting.

Approve Professional Services Contract for Soil and Geotechnical Investigation for the Phase II Construction of the Mequon-Thiensville Dam Natural Fishway in the Village of Thiensville for the Implementation of the ARRA/NOAA Funded Project, Entitled "Fish Passage for the Milwaukee River Watershed": Bonestroo/Northern Environmental has prepared the soil and geotechnical scope necessary for their engineering and design work and the County will award the professional service contract for this investigation directly rather than a subcontract to Bonestroo in order to get a better rate. This is the geotechnical soil boring work that needs to be done in and around the south abutment, and in and around the fishway where a pedestrian bridge will be constructed.

Three proposals were received: Midwest Engineering Services, Inc. - \$4,715; Wisconsin Testing Laboratories - \$7,013 and Wagner Komurka Geotechnical Group - \$12,888.55. After discussions with Bonestroo/Northern Environmental and with Planning and Parks Department staff, the recommendation is to go with the low bid from Midwest Engineering Services, Inc.

Motion made by Supervisor Hazelwood, seconded by Supervisor Stumpf to approve and accept the Professional Services Contractual Agreement with Midwest Engineering Services, Inc. for a not-to-exceed sum of \$4,715 to conduct and complete, as outlined in the proposal, soil and geotechnical investigation for the Phase II Construction of the Mequon-Thiensville Dam Natural Fishway in the Village of Thiensville for the implementation of the ARRA/NOAA funded project, entitled "Fish Passage for the Milwaukee River Watershed". All members present voting aye. Motion carried. (5-0)

Management/Information Reports: Included in the packet. There were no further questions.

Register of Deeds/Land Information:

Discussion Items:

Update of Conversion to AVID & Transcendent Systems: Mr. Voigt explained that the office has been going through a conversion of almost all of their applications for the last nine months. A history of AVID & Transcendent Systems was provided. This will replace an application that currently resides on the AS400 which is being retired in 2012. Implementation for the Transcendent System started January 1 but the Register of Deeds section wasn't implemented until February 1 which was also the "go live" date for AVID Systems. Voigt explained that coding was needed for the two applications to work together and was not in place at the "go live" date.

Mr. Voigt reviewed Plan B which was implemented. AVID not only updates the process of managing the documents but it is done more efficiently. With the updating of the Geographical Information System (GIS), AVID and Transcendent, all three vendors work together to make the

search of parcel information seamless to the users. This is still in the process and a demonstration will be given at a future time.

11:37AM Land Information Officer Pearson joined the meeting.

Action Item: 2010 Orthophotography Flight – Draft Agreement Review: Ms. Pearson reviewed the draft agreement with the Southeastern Wisconsin Regional Planning Commission (SEWRPC). This is done every five years. This will be a 12-inch pixel resolution color orthophotography. The flight will be done in Spring 2010 with the digital files delivered to the County no later than December 15, 2010. There are 37 counties participating. The major funding for this is provided by a grant obtained by SEWRPC and by Federal transportation planning funds. Ozaukee County's portion is \$5,255.

Motion made by Supervisor Niehaus, seconded by Supervisor Hazelwood to approve the terms of the draft contract. All members present voting aye. Motion carried. (5-0)

Update on Land Information Office Activities:

Parcel Data: Ms. Pearson reported that staff is still working on parcel data for the Towns of Grafton and Cedarburg, Village of Thiensville and the City of Mequon.

GIS Website: Ms. Pearson explained the diagram illustrating the GIS website and the interaction between the two other software programs in the County. The vision is to be able to go to whatever program to pull the information from rather than copying that information into the GIS website. That is a duplication of effort. The object is to feed from one software to another. There will be a lot of planning in the integration process.

There will also be additional applications running on the GIS website such as the Land & Management NR151. She further explained how geographic data will be able to be edited by staff through the GIS website without the expensive Enterprise Redaction Systems Inc. (ERSI) software. The municipalities are already using the parcel data from the County for their sewer and sanitary etc. so instead of them having their own GIS website they could design their own web application to ride on top of the County's site to allow them to update their data. This cost would be shared and allow the municipalities to save money. Currently the City of Cedarburg has one application riding on top of the County's. Discussion.

Computer Aided Dispatch Project – Pro-Phoenix: Ms. Pearson stated that the Sheriff's Department has selected their computer aided dispatch program and Land Information has been told that with the requirements of the data they will need to construct to make the mapping components work in the 911 system. Some of the data we have but some will take conversion.

Ms. Pearson stated that with all the major projects going on she will be looking to this committee to assist in determining priorities.

Product Request Increase: Product requests have been increasing and this may prove to be a potential revenue source.

Management/Financial/Informational Reports: Included in the packet. There were no further questions.

University Extension Office:

Discussion Item: Approval of Community Resources Development Educator Annual Plan of Work: Ms. Sidoff reviewed the programs that she will be involved in for 2010. The largest projects to be done will be with Planning and Parks Department Programs regarding the Ozaukee County Park and Open Space Plan updates which needs to be completed by year end and Farmland Preservation Plan updates. She will also provide education and outreach support for the Fish Passage Program and staff the Land Preservation and Comprehensive Planning Boards. There is

continuous work with the Ozaukee County Multi-Jurisdictional Comprehensive Plan Outreach and supporting the Ozaukee Interurban Trail Advisory Council.

On the Economic Development area Ms. Sidoff will be documenting and promoting the economic impacts of the Ozaukee Interurban Trail. There will be continued strengthening the economic development efforts of the Saukville Chamber of Commerce, and providing small business resources and training opportunities. Discussion.

Management/Financial/Informational Reports: Included in the packet. There were no further questions.

Next Meeting Date: Friday, March 5, 2010 – 8:30 AM

Adjournment*: Motion made by Supervisor Stumpf, seconded by Supervisor Niehaus to adjourn. All members present voting aye. Motion carried. (6-0)

Meeting adjourned at 12:33PM.

Julianne B. Winkelhorst, County Clerk