

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

Present: Supervisors Dohrwardt, Hazelwood, Kaul, Stumpf, Niehaus and FSA Representative Dobberfuhr (8:40am). Staff: County Administrator Meaux, Land & Water Management Director Holschbach, Planning & Parks Director Struck, Program Manager Aho, and Deputy Clerk Henning.

Others Present: Bill Hass and Pete Sheperd

Note: * FSA Representative vote included.

Call to Order/Proper Notice/Adoption of Agenda*: Meeting called to order by Chairperson Dohrwardt at 8:38AM. Assurance that the meeting was properly noticed, so noted by Ms. Henning. Motion made by Supervisor Hazelwood, seconded by Supervisor Kaul to adopt the agenda as presented. All members present voting aye. Motion carried. (5-0)

Public Comments/Correspondence and Communications: None

Approve Minutes from the December 4 Meeting*: Motion made by Supervisor Niehaus, seconded by Supervisor Hazelwood to approve the December 4 minutes as submitted. All members present voting aye. Motion carried. (5-0).

8:40AM FSA Representative Dobberfuhr in attendance.

Land & Water Management Department:

Action Item:

Resolution – Attorney General of Wisconsin to Initiate Legal Action to Close the Navigational Locks on the Chicago Sanitary and Ship Canal*: Mr. Holschbach provided a history of the Chicago and Calumet waterway area and then presented a map of the way the area looks today. Supervisor Kaul assisted Mr. Holschbach with the resolution and at the time of drafting the Attorney General had not taken any action. Supervisor Kaul would like to propose the following amendment:

In the title – “~~Requesting~~ Supporting the Attorney General of Wisconsin to ~~Initiate~~ Initiating Legal Action to Close.....”

Motion made by Supervisor Niehaus, seconded by FSA Representative Dobberfuhr to approve the resolution with amendments to the title.

Discussion on the effects on the fish passage program.

Motion made by Supervisor Kaul, seconded by Supervisor Hazelwood to further amend the resolution to include the following paragraph before the last “whereas” paragraph: “*Whereas, Ozaukee County has been awarded a \$4.7 million grant funded through Federal stimulus dollars entitled, “Fish Passage for the Milwaukee River Watershed”, and is very concerned Asian Carp will capitalize on the county’s efforts to provide passage for native fish species.*” and to amend the “Now Therefore be it further resolved” paragraph to read “that the Ozaukee County Board of Supervisors officially ~~requests~~ supports Wisconsin Attorney General J.B. Van Hollen’s efforts to take immediate legal action.....”

The last paragraph to be amended to include the Governor, Legislative Representatives, and the Wisconsin Counties Association.

The vote was then taken on the motion to amend the resolution. All members present voting aye. Motion carried. (6-0)

The vote was then taken on the resolution as amended. All members present voting aye. Motion carried. (6-0)

Management/Financial/Informational Reports: Mr. Holschbach reported that NR 115, the Wisconsin Shoreland program, was adopted by the Department of Natural Resources (WDNR) Board. The County will have to incorporate the revisions in the County Shoreland Ordinance over the next two years. More information will be forthcoming.

An update was given on the counties that have purchased or expressed interest in the Private On-site Wastewater Treatment System (POWTS) Maintenance Program. Some of the counties have expressed an interest in a permit tracking program for land use, conditional use etc. in addition to the POWTS Maintenance Program. Staff will be working on developing a permit tracking program.

Mr. Holschbach stated that the Town & Country Resource Conservation and Development, Inc. (T&C RCD) Coordinator would like to attend the next meeting to provide more information on T&C RCD. Discussion. Mr. Meaux suggested inviting the Economic Development Director as there may be ways that the County could partner with the T&C RCD. The consensus is to have the Coordinator attend the next meeting and to invite the Economic Development Director as well.

The Staff has been working, over the years, with two City of Mequon residents regarding manure run-off from one's property to another. A complaint has been filed by one of the residents with the WDNR. Informational only.

Supervisor Hazelwood questioned the difference in revenue reported. Mr. Holschbach explained that some cost centers had projected revenues with no related expenditures, thus the decrease in revenue.

Planning and Parks Department:

Action Items:

Approve Professional Services Agreement for the Design, Engineering & Permitting Assistance for the Other Tributaries Public Works Projects including Culverts & Low Head Dams 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 the concept plans for all the public works projects have been prepared under a separate professional services agreement. This proposal will take the conceptual plans to final design, engineering and permitting. The conceptual plans were used to assist in refining the permitting process with the Army Corps of Engineers (ACOE) and the WDNR.

Mr. Struck reviewed the differences in the proposals from Bonestroo/Northern Environmental for \$280,313 and AECOM for \$297,850. The Planning and Parks Department staff included a 15% contingency for design and engineering on both proposals.

All work needs to be completed by October. They cannot be working between March and mid-May due to fish spawning. The intent is to start mid-May and finish all 50 culverts by October. The proposal has been reviewed by the Public Works Department which will likely do the majority of the work.

Discussion on the various sizes of culverts and the estimated cost of engineering. Mr. Struck stated that currently total engineering costs are under budget.

Motion made by Supervisor Stumpf, seconded by Supervisor Hazelwood to approve the Professional Service Contractual Agreement-Amendment #11 with Bonestroo/Northern Environmental for a not-to-exceed sum of \$280,313 which includes a 15% contingency to conduct and complete, as outlined in the proposal, additional survey data and engineering support to prepare final permitting and construction of public works barriers 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)

Approve Professional Services Agreement for the Design, Engineering, Permitting & Bidding for the Bridge Street Dam Natural Fishway in the Village of Grafton for Implementation of the ARRA/NOAA Funded Program, Entitled "Fish Passage for the Milwaukee River Watershed": Mr. Struck explained that concept plans and a Feasibility Study for Bridge Street Dam Natural Fishway have been prepared under separate professional services agreements. The plans and study were used to assist in refining the permitting process with the ACOE and the WDNR as well as provide additional information to the Village of Grafton regarding dam removal vs. fishway construction at the Bridge Street Dam.

9:30AM UW Extension Director O'Neil and 4-H Youth Educator Kraus joined the meeting.

Discussion on the upcoming referendum question regarding removal of the Grafton Bridge Street Dam versus fishway construction and the impact to the engineering services.

Mr. Struck reviewed the staff comparison analysis on the proposals from Bonestroo/Northern Environmental and AECOM. The total price with the 15% contingency was Bonestroo/Northern Environmental - \$133,400 and AECOM - \$138,690.

Bonestroo and AECOM both have specific strengths when comparing their resumes. AECOM seems to have additional experience in fishway construction and Bonestroo/Northern Environmental has additional expertise in aquatic invasive species design and engineering. In an effort to balance the two resumes staff recommended Bonestroo/Northern Environmental based on the dollar value comparison and although AECOM has a higher degree of experience, much of their design team is not located locally. However, staff would be comfortable moving forward with either company.

Discussion on the experience, location and cost comparisons. The consensus of the committee is that the price is close enough that the additional experience is an important value to consider.

Motion made by Supervisor Kaul, seconded by Supervisor Hazelwood to approve the Professional Services Contractual Agreement – Amendment #10 with AECOM for a not-to-exceed \$138,690 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)

Approve Professional Services Agreement for Construction Management Oversight for the Three Dam Projects (Mequon-Thiensville (MT) Dam, Lime Kiln Dam & Bridge Street Dam) for Implementation of the ARRA/NOAA Funded Program, Entitled "Fish Passage for the Milwaukee River Watershed": Mr. Struck reviewed the proposal comparisons from Bonestroo/Northern Environmental - \$160,022.50 and AECOM - \$194,350 with 15% contingency for design and engineering. Staff recommendation is to proceed with Bonestroo/Northern Environmental based on the difference in price.

Motion made by Supervisor Hazelwood, seconded by Supervisor Stumpf to approve the Professional Services Contractual Agreement – Amendment #9 with Bonestroo/Northern Environmental for a not-to-exceed sum of \$160,023 which includes a 15% contingency to conduct and complete,

as outlined in the proposal, construction management observation services for the three dam projects (MT Dam, Lime Kiln Dam and Bridge Street Dam) 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)

10:10AM Family Living Educator Bralich joined the meeting.

Discussion Item:

Landowner Right-of-Entry Contacts, Information & Permissions for Implementation of the ARRA/NOAA Funded Program, Entitled "Fish Passage for the Milwaukee River Watershed": Mr. Aho reviewed the two brochures. One is for the general public which will be distributed, starting this weekend, through municipal partners and non-profit organizations. The second one is for landowners who have property adjacent or overlap the barrier sites for the core projects as well as the public works projects. In conjunction with, landowners will receive a letter just as information to let them know that work is planning on occurring in their area adjacent to their properties. If necessary that their permission is need to access their property to get to the barriers, staff will follow up accordingly with further documents.

A draft of the site access agreement between the landowner and the county was included in the packet. This is being reviewed by Corporation Counsel. The agreement will give legal authorization to enter the project across the land. This will also satisfy permit requirements for the WDNR and the ACOE. There has been very positive feedback from the initial letters. If access is denied by the landowner, staff will be able to proceed with the work on the navigable waterway.

Review & Discuss Planning & Parks Department Grant Pre-Proposals for the Great Lake Restoration Initiative U.S. Environmental Protection Agency (EPA) Request for Proposals (RFP) Grant Funding: Mr. Struck stated that the grant applications for the pre-proposals do not require a match but it is recommended. Mr. Struck is suggesting in-kind contributions to be provided to help the proposal. Two proposals are included in the packet as they have strong ties to the work currently being done with the ARRA/NOAA project. #1) an effective and acceptable Aquatic Invasive Species (AIS) Barrier for the Milwaukee Estuary Area of Concern (AOC). This would develop further AIS controls potentially at MT Dam and possibly at Bridge Street Dam. #2) enhancing ecologic productivity of Milwaukee Estuary AOC watersheds. This would be restoring habitats and working with landowners to conduct a series of in stream and wetland restoration.

Staff is in the process of preparing full proposals for both projects. A third one for biological and sediment monitoring for the Milwaukee AOC. Additional information will be provided at the January 20 meeting.

Management/Information Reports: A public hearing has been requested by the WDNR for the issuing of the abandonment permit for the Lime Kiln Dam. This will be held on January 12 at 2:00pm at the Grafton Village Hall.

There were no further questions on the reports.

Register of Deeds/Land Information:

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

University Extension Office:

Action Item:

Signing of Employment Contracts: Mr. O'Neil explained that these are the annual employment agreements between the state and the county regarding all the UW Extension Agents.

Management/Financial/Informational Reports: Ms. Kraus provided information on the 4-H Robot Project.

Ms. Bralich updated the committee on the Criminal Justice Collaborating Counsel (CJCC) and the financial programs offered through the UW Extension Department.

10:32AM Supervisor Hazelwood excused.

Next Meeting Date: Special Meeting - Wednesday, January 20, 2010 – 8:30AM
Regular Meeting - Friday, February 5, 2010 – 10:00 AM (Change in meeting time due to First Friday Forum)

Adjournment*: Motion made by Supervisor Niehaus, seconded by Supervisor Kaul to adjourn. All members present voting aye. Motion carried. (5-0)

Meeting adjourned at 10:40AM

Lisa M. Henning, Deputy County Clerk