

Port Washington, Wisconsin  
October 8, 2010

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

Present: Supervisors Niehaus, Dohrwardt, Kaul, Slater, and Dean. Staff: County Administrator Meaux, Planning & Parks Director Struck, Land & Water Management Director Holschbach, Emergency Management Director Owen, EM Deputy Coordinator Fitzgerald, and County Clerk Winkelhorst.

Others Present: Sue Hass

Absent: FSA Representative Dobberfuhl

Call to Order/Proper Notice/Adoption of Agenda: Meeting called to order by Chairperson Niehaus at 8:32AM. Assurance that the meeting was properly noticed, so noted by Ms. Winkelhorst. Motion made by Supervisor Dean, seconded by Supervisor Dohrwardt to adopt the agenda as presented. All members present voting aye. Motion carried. (5-0)

Public Comments/Correspondence and Communications: Supervisor Dean thanked Mr. Struck for the good work that he is doing on the fish passage program, and complimented him on his professionalism in responding to questions at the recent County Board meeting.

Supervisor Kaul regrettably will be resigning as representative for the county for the SE Land and Water Conservation Association. Mr. Holschbach provided a brief history of the association.

Approve Minutes from the September 1 Meeting: Motion made by Supervisor Dean, seconded by Supervisor Slater to approve the September 1 meeting minutes as submitted. All members present voting aye. Motion carried. (5-0).

Land & Water Management Department:

Action Items:

Public Hearing – Ordinance Amending Section 7.0200 and 7.0600 of the Ozaukee County Shoreland and Floodplain Zoning Ordinance to Adopt and Incorporate by Reference, the Digital Shoreland and Floodplain Zoning Maps as Prepared by the Southeastern Wisconsin Regional Planning Commission and the 2005 Wisconsin Wetland Inventory Maps for All Unincorporated Portions of Ozaukee County: Chairperson Niehaus opened the public hearing at 8:36AM. Mr. Holschbach explained that the digital Shoreland & Floodplain Zoning maps includes floodplains approved by the Federal Emergency Management Agency (FEMA), shoreland areas established by the Wisconsin Department of Natural Resources (WDNR), wetlands from the 2005 Wisconsin Wetland Inventory Maps and field delineations, enhanced and restored wetlands in the 2002 Ozaukee County Wetland Restoration Inventory and elevational references. This regulation is in the unincorporated areas that the county is responsible for. This is all on one map and is digital. There was no public comment. The hearing was closed at 8:38AM.

Review/Approve – Ordinance Amending Section 7.0200 and 7.0600 of the Ozaukee County Shoreland and Floodplain Zoning Ordinance to Adopt and Incorporate by Reference, the Digital Shoreland and Floodplain Zoning Maps as Prepared by the Southeastern Wisconsin Regional Planning Commission and the 2005 Wisconsin Wetland Inventory Maps for All Unincorporated Portions of Ozaukee County: The digital Shoreland & Floodplain Zoning Maps replace draft hard copy zoning maps from April 2000. These digital maps, prepared by Southeastern Wisconsin Regional Planning Commission (SEWRPC) and the Ozaukee County Planning and Parks Department, contain more detailed information and will be made readily available to internal users and the public electronically. The maps will be updated every 6 months or yearly by the Planning

and Parks Department. The Planning and Parks Department is currently working with the Land Information Office to make the mapping available on the County interactive website.

Motion made by Supervisor Slater, seconded by Supervisor Kaul to approve amending Section 7.0200 and 7.0600 of the Ozaukee County Code of Ordinances as it relates to Shoreland & Floodplain Zoning and to adopt and incorporate by reference the Digital Shoreland & Floodplain Zoning Maps and 2005 Wisconsin Wetland Inventory Maps. All members present voting aye. Motion carried. (5-0) This ordinance amendment will be forwarded to the County Board for their approval.

Management/Financial/Informational Reports: Mr. Holschbach commented that the first meeting of the Sucker Brook Partnership was held. There were 16 key landowners that attended and it was very well received.

An informational call came into the office regarding an overflowing holding tank at a business in the Town of Grafton. The issue was resolved with the assistance of the Town of Grafton. The owner will be billed on their property taxes.

The Southeast Land & Water Conservation Association Conference will be held in December with registration due November 5.

The Wisconsin River Alliance is working with the department in putting on a Purchase of Agricultural Easements (PACE) Program on November 17.

Planning & Parks Department:

Action Items:

Review/Approve Amendment #1 to Contractual Agreement with the Milwaukee Community Service Corps., Inc. (MCSC) to Assist in the "Conservation Corps" Other Barrier Removals for the Implementation of the American Recovery & Reinvestment Act (ARRA)/National Oceanic and Atmospheric Administration (NOAA) Funded Project, Entitled "Fish Passage for the Milwaukee River Watershed": Mr. Struck stated that with NOAA's consent, the Fish Passage Program has removed approximately 4 large-scale public works other barriers from the original project scope due to anticipated cost constraints and landowner access issues. However, to ensure that stream mile and other grant project goals are met the Program proposed to complete additional other barrier removal work on Pigeon Creek in the City of Mequon.

The MCSC has successfully completed the removal of 80 other barriers on time and on budget. This contract is for an additional 29 conservation corps fish passage barriers primarily on Pigeon Creek, a log jam on the Milwaukee River at Waubedonia Park, and to provide as-needed time and material monitoring services to supplant staff constraints throughout 2010 and 2011.

The amendment and change in scope will allow for significantly more stream miles to be opened to fish passage than originally proposed and NOAA is in support of this change, especially given the high quality of habitat along Pigeon Creek. All expenses under this maintenance contract are covered under the NOAA grant; there are no County monies to be used.

Motion made by Supervisor Dohrwardt, seconded by Supervisor Slater to accept and approve Amendment #1 to Base Contractual Agreement with the MCSC for a not-to-exceed sum of \$50,000 to conduct and complete small barrier removals in 2010 and an additional time and materials invoicing for monitoring activities on an as-needed basis throughout 2010-2011 as outlined in the proposal to assist in the implementation of the ARRA/NOAA Funded Program, entitled Fish Passage for the Milwaukee River Watershed. All members present voting aye. Motion carried. (5-0)

Mr. Struck mentioned that the Department works with the Milwaukee RiverKeepers, a nonprofit organization, who have been doing long time monitoring of water quality in the area. On some of the streams/creeks that fish passage work has been done on to remove barriers, they are reporting that there are improvements being seen in the water quality data and reports.

Review/Approve Submittal of a Grant Application to the Wisconsin Coastal Management Program (WCMP) for Assisting in Generating a GIS-Based Decision Support Model to Identify High Quality Fish and Wildlife Habitat Within Ozaukee County to Assist With the USEPA Funded Grant Enhancing Ecological Productivity of Milwaukee Estuary Area of Concern (AOC) Watersheds and the Overall Fish Passage Program for the Milwaukee River Watershed: Ozaukee County, in conjunction with several partners including the University of Wisconsin Milwaukee Field Station, WDNR, Ozaukee-Washington Land Trust (OWLT), and other partners, is proposing to submit this grant application. This project will map existing and potential wetland and wildlife habitat in the county, and use results for prioritizing landowner outreach, and habitat protection and restoration, and coordination with on-the-ground work funded under the USEPA Ecological Productivity grant. In addition, USEPA grant funds and in-kind staff time are set aside for working on the GIS-based model.

Some of the WCMP grant funds would be used to offset some of the hours of the Intern which is currently budgeted at approximately \$6,500. There will be in-kind time that is already committed under the USEPA grant that would be for managing this grant. The overall in-kind is 50-50 match with some of that support coming from the project partners.

This application must be submitted by November 1. If the grant is awarded to the County in February, this will come back to the committee for acceptance.

Supervisor Dean inquired as to the levy impact. Mr. Struck stated that there will be approximately \$5,000-\$10,000 of in-kind match depending upon the final match provided by all the partners. Some of this in-kind match is directly related to the Great Lakes Restoration Initiative (GLRI) grants. There is no cash just in-kind staff time that is already committed. Mr. Struck does have email commitments that he is working on finalizing from the OWLT and WDNR.

Chairperson Niehaus inquired as to the funding source on the support document as being checked as county levy. Mr. Meaux stated that it is an offset to county levy and the funding source should not be checked as county levy. Mr. Struck noted this was only referenced because of the in-kind staff time match.

Supervisor Dohrwardt questioned as to whether this would prioritize restorations that are limited somewhat to restorations where human activity has made the disturbance. Mr. Struck stated it will look at habitat species use and is on a voluntary basis by the landowner. Discussion on property rights and values.

Motion made by Supervisor Kaul, seconded by Chairperson Niehaus to approve the submittal of a grant application by the Planning & Parks Department, in conjunction with partners, to the WCMP for assisting in generating a GIS-based decision model/tool to identify high quality fish and wildlife habitat within Ozaukee County to assist with the USEPA funded grant Enhancing Ecological Productivity and the overall Fish Passage Program for the Milwaukee River Watershed and noting the correction on the support documentation to remove county levy as a funding source. The majority of members present voting aye. Motion carried. (4-1) Dohrwardt opposed.

Management/Informational Reports: Supervisor Kaul inquired as to the request for payment on maintenance work on a private road near Lion's Den Gorge Nature Preserve. Mr. Struck explained that he has been working with Corporation Counsel as this is an extraneous parcel that was accepted at the County level when the property was sold. Discussion.

Register of Deeds/Land Information:

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

9:17AM Recess

9:26AM Reconvene and UW Extension Director O'Neil joined the meeting.

University Extension Office:

Action Item:

Review/Approve Resolution Supporting Farming in Ozaukee County: Mr. O'Neil stated that this resolution was requested by Supervisor Winker to be brought forth to the committee. Supervisor Dean supports the farmers, but is uncertain as to the reason of the resolution. Mr. O'Neil commented that he thinks that Mr. Winker was prompted by letters to the editor regarding a local farm and felt that a statement should be made in support for agricultural operations in Ozaukee County. Supervisor Dohrwardt stated that what is being done with the Farmland Preservation Board is actively doing what is stated in the resolution. Discussion.

Supervisor Kaul stated that although farmland preservation is being done Mr. Winker appears to be concerned that it is prudent of the County Board to let them know that we are in support of these things while they are being researched, as the timeline for farmland preservation plan won't be completed until the end of 2011.

Supervisor Dean doesn't want to set a precedent for using staff time for resolutions that are not necessary and would prefer it was tabled and that Mr. Winker bring it before the County Board. Discussion.

Motion made by Supervisor Niehaus, seconded by Supervisor Kaul to submit this to the County Board. Mr. O'Neil stated that the numbers are not current, but are from the County Comprehensive Plan from 2000. Supervisor Dohrwardt commented on waiting until numbers are current. Discussion.

Motion made by Supervisor Dean, seconded by Supervisor Dohrwardt to amend the previous motion to state support of the resolution in concept and to table the resolution at this committee until the numbers can be updated and at that point submit to the County Board. The vote was then taken on the amendment. All members present voting aye. Motion carried. (5-0) It was noted that Supervisor Winker may still submit this to the County Board on its own merit.

Management/Financial/Informational Reports: Ozaukee County Money Smart Week events are going on this week.

Mr. O'Neil is facilitating and teaching part of a Farm Rescue Training Program for local Emergency Medical Systems personnel.

Next Meeting Date: Friday, November 5, 2010 – **10:00 AM** (starting time changed due to First Friday Forum)

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

Meeting adjourned at 9:43AM.

*Julianne B. Winkelhorst, County Clerk*