

The Natural Resources Committee met in Room A-200 of the Administration Center.

Present: Supervisors Marchese, Leider, Stumpf, Rothstein, Kaul, and FSA Representative Dobberfuhl. Staff: County Administrator Meaux, UW Extension Director O'Neil, Land & Water Management Director Holschbach, Planning & Parks Director Struck, 4-H Youth Development Agent Kraus, Community Resource Development Educator Sidoff, Family Living Educator Bralich, and County Clerk Winkelhorst.

Others Present: Arlene Kaul, Shawn Graff-Ozaukee Washington Land Trust, and Brian Depies-Yaggy Colby & Associates

Absent: Supervisor Dean

Note: * FSA Representative vote included.

Call to Order/Proper Notice/Adoption of Agenda*: Meeting called to order by Chairperson Marchese at 8:30 AM. Assurance that the meeting was properly noticed, so noted by Ms. Winkelhorst. Chairperson Marchese requested to move the agenda items regarding the Kaul property and Shady Lane property to the beginning to accommodate two supervisor's requests. Motion made by Supervisor Stumpf, seconded by FSA Representative Dobberfuhl to adopt the agenda in the order requested. All members present voting aye. Motion carried. (6-0)

Public Comments/Correspondence/Communications: There were none.

Approve Minutes from December 6 & 19 Meetings*: Supervisor Leider would like the December 19 minutes to reflect that Town of Fredonia Chairperson Richard Mueller attended the tour. Motion made by Supervisor Leider, seconded by Supervisor Rothstein to approve the minutes from the December 6 & 19 meetings as amended. All members present voting aye. Motion carried. (6-0)

Planning & Parks Department

Action Item:

Review/Approve Resolution Regarding Acceptance by the Ozaukee County Planning and Parks Department of a Donated Conservation Easement on the Kaul Properties in the Town of Grafton Adjacent to Lion's Den Gorge Nature Preserve per the Adopted Park and Open Space Plan: Mr. Struck explained that the Kaul properties are adjacent to Lion's Den Gorge Nature Preserve in the Town of Grafton and are identified as a project area in the *Park and Open Space Plan for Ozaukee County: 2035*. The Kaul family is generously considering a donation of a couple of conservation easements, part of which would be with the Ozaukee Washington Land Trust (OWLT). The easements with the OWLT would primarily protect the natural areas and the conservation easement with the County is primarily for protecting the working farmlands.

Supervisor Kaul respectfully noted that he will abstain from the vote, but would like to speak to explain and answer questions. There were no objections.

Mr. Holschbach noted that the Ulao Creek Partnership was formed many years ago due in part to Supervisor Kaul's concern to improve the water quality in Ulao Creek and the resources within the entire watershed. Supervisor Kaul's actions today certainly enhance the effort of the Ulao Creek Partnership and Mr. Holschbach complemented Mr. Kaul for this genuine consideration.

Supervisor Kaul said that this was a unanimous decision by his three sisters, mother and himself. This was their way to protect the land from development and they feel good about doing that.

Mr. Graff commented that on behalf of the OWLT they are excited about the potential partnership that is being developed here. The commitment by the OWLT is to help in any way in forming these easements, backup holders to the easements, and monitoring efforts for the easements.

9:48AM Town of Fredonia Chairperson Richard Mueller and Joanne Mueller joined the meeting.

Supervisor Leider inquired about OWLT property being taken off of the tax rolls. Mr. Graff explained the difference between ownership and easement of a property. Mr. Struck noted that under this conservation easement, the Kauls' retain land ownership and the property remains as taxable lands; however, the property could not be developed for "urban" uses.

At this time, Chairperson Marchese passed the gavel to Vice-Chairperson Rothstein in order to speak on the resolution. Mr. Marchese commented that he has spent his lifetime addressing water quality issues and that when he sees a family generously come together to aggregate property in a way to support the environment that he is proud to know Mr. Kaul and his family. He extended his heartfelt thanks to the entire Kaul family for their generous donation and that this is important to the long term historical culture of Ozaukee County.

Supervisor Marchese resumed the Chair.

Supervisor Stumpf inquired as to why the OWLT, who currently has an easement on some of the adjacent property and would potentially be preparing the reports, would not hold the easement. Mr. Struck explained that the OWLT will be holding a portion of the easement and that it is the intent for the County to hold the easement on the working farmland portion. He further explained that this was the Kauls' desire and the County would be preparing and filing the necessary reporting. Mr. Graff clarified that it is the County's report, but the OWLT is offering to lend their expertise and assistance to the County.

Motion made by Supervisor Rothstein, seconded by Supervisor Stumpf to approve the resolution acceptance of a donated conservation easement as a non-public access conservation easement for working farmland and natural areas on the Kaul properties in the Town of Grafton as part of the Ozaukee County Park System. All members present voting aye. Motion carried. (4-0-1) Kaul abstained. This will move forward to the County Board for final approval.

Supervisor Rothstein commented that this is the pinnacle of what Supervisor Kaul has been working on for a long period of time, to establish working lands for the Land Preservation Board. This is the first piece of farmland in Ozaukee County to be preserved through the Land Preservation Board and she sincerely thanks the entire Kaul family for their donation.

8:55AM Supervisor Kaul excused.

Discussion Item:

Shady Lane Property – Status of Tours, Preparation for County Board, etc.: Chairperson Marchese stated that the intent is to present all the information and options on the Shady Lane property to the County Board on February 15 with a meeting of this committee on February 22 to formalize the recommendation to the County Board on March 7.

Chairperson Marchese reviewed the directives that were given to staff.

1. Obtain a legal opinion - which is critical to understand the risk to the County if the property is disposed of in a way where the county would receive cash
2. Appraisal of the entire property - done by an outside appraiser
3. Development of alternatives - to include all reasonable and practical alternatives. It is critical that the alternatives are defined and fairly evaluated
4. Have a presentation together for February 15 - to give as much information with all of the options and risks as understood

Chairperson Marchese reiterated that it is important that staff addresses all of these issues. He further noted to Supervisor Leider that this would be the time for her to discuss with staff all the alternatives that she would like looked at so that for the record, they will all be evaluated by staff.

Supervisor Leider recognized Mr. Mueller to offer any comments. Mr. Mueller commented that he has asked the Town Assessor to assess the property, so that the town knows what the tax base is for the property. He is expecting to have this information provided to the County prior to the meeting on February 15.

Chairperson Marchese stated that an alternative that he heard mentioned on the tour and one that staff should look at is taking the buildable land out to sell to be on the tax roll. Supervisor Leider would like the alternative looked at of selling a small portion of the land with the buildings and keep the rest of the land. Chairperson Marchese heard another alternative which would be to subdivide into two five acre parcels including the house with the remainder of the land to be sold with a conservation easement.

Supervisor Rothstein suggested an alternative, which is to look at the *Park and Open Space Plan for Ozaukee County: 2035* which indicates that natural area that should be held by a public entity, so that it is available to future citizens of Ozaukee County or another alternative is to keep it all as parkland.

Chairperson Marchese further commented that staff should frame out an alternative that would be “no action at this time”, which might be that now may not be a good time to sell or the legal opinion may define risks that the County may have.

Supervisor Leider inquired as to whether legal opinion will be obtained from someone that deals with these types of situations. Mr. Meaux stated that he has spoken with Corporation Counsel and that option is available if necessary.

Chairperson Marchese reviewed what should be included in the presentation – background, how long the County has had the property, features, assessment & appraisal, alternatives, and analysis of alternatives.

Chairperson Marchese reverted back to the order of the agenda.

Register of Deeds/Land Information:

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

University Extension Office

Action Item:

Review/Approve 2012 Employment Contracts: Mr. O’Neil explained that the annual contracts are prepared by the State in December and brought to this committee for approval in January. Chairperson Marchese inquired as to whether this should have been discussed in closed session. Mr. O’Neil stated that the contracts are a matter of public record on the UW Extension website. This is an agreement between the State, County and employee. A new hire would be done in closed session but not an ongoing contract. Clerk Winkelhorst commented that approval of the contracts has always been done in open session.

Supervisor Rothstein inquired as to whether the salaries were set or is there room for merit increases. If so, Supervisor Rothstein would like to request consideration for a merit increase for Ms. Sidoff based on job performance. Mr. O’Neil explained that the State salaries are set as part of the Board of Regents for the entire UW system totally independent of the County. On the County side, when a increase was given to the non-representative employees the UW Extension agents were included in that increase for the County portion. The uniqueness of this is that most of the benefits are paid for by the State, but UWEX employees operate under county guidelines for sick leave, vacation etc. The former union employees at the county received their step increases but the agents receive their pay increase from the State at a time of a change in faculty range.

Chairperson Marchese commented that this is a contract and the figures that are in the contract are what are in the budget for 2012. He did not think that the supervisors were involved in the performance assessment. Mr. Meaux further explained that the department heads are involved in the performance evaluation. The County is looking at a performance bonus alternative, but that is not ready at this time. Typically, the committee is not involved in evaluating an employee's performance. There is a need to transition through all of the changes that have occurred at the State level and then implement a performance based model that is fair for all employees to be judged by performance.

Supervisor Rothstein would like it noted that she would like Ms. Sidoff considered for a merit increase based on job performance in the next budget.

Motion made by Supervisor Leider, seconded by Supervisor Rothstein to approve the four agent contracts for 2012. All members present voting aye. Motion carried. (4-0)

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

Land & Water Management Department:

Action Item:

Review/Approve Authorization to Provide Office Space for a New Sand County Foundation Staff Member Supported by Great Lakes Restoration Initiative Funds Administered through the USDA Natural Resources Conservation Service*: Mr. Holschbach explained that the Sand County Foundation has received funds from the USDA Natural Resources Conservation Service to hire a staff person (Field Technician) to provide assistance promoting conservation to improve water quality in the Milwaukee River Watershed. The Sand County Foundation is seeking office space in the Ozaukee County Land & Water Management Department for the new employee.

The Sand County Foundation Field Technician will provide assistance to several county land and water conservation departments (including Ozaukee County Land and Water Management), USDA Natural Resources Conservation Service, Wisconsin Department of Natural Resources, landowners, and other conservation partners in the Milwaukee River Watershed to improve water quality. The staff person will also support ongoing water quality monitoring by the Sand County Foundation in the West Branch of the Milwaukee River.

The office space available for this position is the vacant space provided to the Natural Resources Conservation Service (NRCS) over the past several years. The office furniture belongs to NRCS. Expenses such as phone, computer and county annual computer network fee will be paid through the USDA Natural Resources Conservation Service. The current office copy machine utilized by the Land & Water Management and Planning and Parks Departments is owned and maintained by NRCS.

Mr. Holschbach further commented that Ozaukee County will be well served by providing the available space to the Sand County Foundation. More support will be available and stronger partnerships molded, which in turn strengthen our efforts to improve water quality, and result in a more prosperous and healthy environment.

Motion made by FSA Representative Dobberfuhr, seconded by Supervisor Rothstein to authorize office space in the Land & Water Management Department for a Sand County Foundation staff member. All members present voting aye. Motion carried. (5-0)

Management/Financial/Informational Reports: Mr. Holschbach said that the Wisconsin Joint Finance Committee is still working through the process with regard to the lapsing of Wisconsin Department of Agriculture & Consumer Trade Protection funds. Joint Finance Committee has not acted on it yet. If anyone is interested in contacting the members of the Joint Finance Committee; Senator Darling, Senator Grothman, and Representative LeMahieu, it would be appreciated.

Mr. Holschbach reported that all the resolutions that the committee acted on last month were approved at the Wisconsin Land & Water Conservation Association annual meeting.

Discussion on the current projects and reports.

Planning & Parks Department cont.:

Action Items:

Review/Approve Negotiation of a Professional Services Contract for Design, Engineering, Permitting, Bid Support, and Construction Related Services at 27 Milwaukee River Tributary Fish Passage Impediment Sites in Ozaukee County for Implementation of the NOAA/ARRA Funded Program Entitled “Fish Passage for the Milwaukee River Watershed”, and the USEPA/GLRI Funded Program Entitled “Enhancing Ecologic Productivity of Milwaukee AOC Watersheds”: Mr. Struck explained that this is part of the re-scoping of the NOAA grant and those intended under the USEPA/GLRI funds. The Planning and Parks Department received five qualification-based professional service proposals, which were reviewed for completeness, technical merit, relevant consultant experience, staff qualifications, cost, and additional details necessary to meet critical project goals and schedules. The total amount includes requisite services and optional services are as follows:

Kapur & Associates -	\$152,911
Stantech -	\$1,224,500
Short, Elliot, Hendrickson -	\$880,359
Chequamegon Bay Engineering -	\$554,686
Yaggy Colby & Associates -	\$579,524

This professional service agreement is for the design and engineering for the “public works” projects and the intent is for most if not all to be constructed through local force account work. Staff is recommending Kapur & Associates as they clearly demonstrated their experience and expertise in impediment removal design and engineering throughout their proposal, and provided specific details regarding key personnel and expert qualifications, as well as several directly comparable past projects. Due diligence was completed including follow-up discussions by Mr. Struck, the Public Works Director and the Fish Passage staff to make sure that in fact what Kapur & Associates was proposing was all inclusive.

Chairperson Marchese is concerned about the big difference in costs between this proposal and the other four. He feels that this is very risky and wonders how the scope could be misinterpreted. Mr. Struck stressed that the staff review committee went through with a quality based review checking off all the items that were included in the Request for Proposals. As mentioned before, staff, including Mr. Struck did follow-up and clarifications with Kapur & Associates in writing. Kapur & Associates clearly understood what was being asked of them and the scope. The only thing that did not have a specific cost identified, but this was the case for several proposals, was if a right-of-way platting was required. This would be handled on a case-by-case basis, which is why there is a 15% contingency. Kapur & Associates fee on that was to be determined on a case by case basis, but it is anticipated that not many will be required. It should be noted that many of the firms took this approach in the proposals. Kapur & Associates attended the required pre-bid meeting and got a full presentation on the scope of the project. Surveying time was clearly discussed as to what the County needed. Kapur & Associates clearly understood the discussions with Mr. Struck and the Public Works Director.

Mr. Struck further stated that even with dramatic scope changes and potential amendments, the Kapur proposal would still be under the other proposal costs. Kapur & Associates have said that they stand behind their proposal. Chairperson Marchese asked Mr. Struck if he has had discussions with this firm and do they understand that amendments to this contract will come before this committee because this committee will not be approving additional scope and additional budget. Mr. Struck stated that he is confident and that they are standing behind their not-to-exceed cost for the requested scope.

Motion made by Supervisor Rothstein, seconded by Supervisor Leider to approve the negotiation and signing of a professional services contract by the Planning and Parks Department with Kapur & Associates for a not-to-exceed sum (including a 15% contingency) of \$175,848 for the design, engineering, bid support, and construction related services for 27 fish passage impediment removals. This contract is contingent upon formal NOAA approval of the project scope change and negotiation of professional services contract terms satisfactory to the Planning and Parks Department. The majority of members present voting aye. Motion carried. (3-1) Marchese opposed.

Review/Approve Submittal of a United States Fish and Wildlife Service (USFWS) Partners for Fish and Wildlife Program Grant Application to Assist in Continuing Fish and Aquatic Life Connectivity, Passage and Restoration Activities within Ozaukee County, in Particular at Ehlers and Crystal Springs Creeks, in Conjunction with the NOAA-Funded Grant “Fish Passage for the Milwaukee River Watershed,” the USEPA-Funded Grant “Enhancing Ecological Productivity,” and the overall Milwaukee River Watershed Fish Passage Program: Mr. Struck explained that this grant will help fund County activities to remediate two “large-scale” impediments to fish passage (typically road/stream crossings or low-head dams) along Crystal Springs Creek (Town and Village of Fredonia) and Ehlers Creek (Town of Saukville) in Ozaukee County. The existing NOAA/ARRA and USEPA/GLRI grants will provide the matching funds for all proposed activities. The County has received funds through the USFWS Partners funding before and was encouraged to apply. In addition, this will help resolve infrastructure problems in the parks under grant funds.

Motion made by Supervisor Stumpf, seconded by Supervisor Leider to approve the submittal of a grant application by the Planning and Parks Department to the US Fish and Wildlife Service Partners for Fish and Wildlife Program to continue fish and aquatic life connectivity, passage and restoration activities within Ozaukee County. All members present voting aye. Motion carried. (4-0)

Review/Approve Resolution to Submit and Accept a Wisconsin Department of Natural Resources (WDNR) “Aquatic Invasive Species Control Grant Program” Education, Prevention, and Planning Grant to Fund and Support Monitoring for Viral Hemorrhagic Septicemia Virus (VHSV) and Aquatic Invasive Species (AIS) in the Milwaukee River Watershed, in Support of Monitoring Activities Implemented under the NOAA-Funded Grant “Fish Passage for the Milwaukee River Watershed” and USEPA – Funded Grant “Enhancing Ecologic Productivity of the Milwaukee Estuary Area of Concern (AOC) Watersheds”: Mr. Struck explained that Ozaukee County was encouraged by the WDNR to pursue submitting an application to the WDNR “Aquatic Invasive Species Control Grant Program” to fund an Education, Prevention, and Planning grant for the implementation of VHSV assessment and monitoring in the Milwaukee River Watershed. The WDNR/Sea Grant is suggesting a partnership with Ozaukee County to quantify the barrier at the Bridge Street Dam in regards to VHSV.

Mr. Struck stated that this sampling is not new as the County currently has a contract regarding VHSV marker development under the current NOAA scope. The County is doing development sampling under the NOAA scope and this would allow the County to conduct additional sampling in the watershed. It also emphasizes what currently is being done with regard to fisheries monitoring and would continue to screen for other invasive species besides VHSV. The WDNR is encouraging staff as they would like more information in the upper Milwaukee River Watershed, which they acknowledge they do not have at this time.

The Request for Proposal requires a 25% match, which would be provided by the County through in-kind staff time which is supported by 100% federal funds. Chairperson Marchese commented that if he understands this correctly the WDNR wants to give the County money to leverage the federal dollars to prove that they were right when they stopped the County project at Bridge Street that would have been a crown jewel in Ozaukee County. Mr. Marchese inquired as to how this helps Ozaukee County. Mr. Struck said that it helps Ozaukee County because we can determine whether a dam on the mainstem of the Milwaukee River can in fact serve reliably as a Lake Michigan AIS and VHSV

complete barrier. Mr. Struck believes that it is important because of the fish passage investment we have made in the rest of the County.

Mr. Struck reiterated that the \$25,000 of matching federal funds is for staff the existing monitoring protocol, which leverages the \$75,000 of State money to add on additional VHSV testing. He noted that the Program is currently conducting the development of the VHSV marker under the NOAA grant and approved professional service contract. He noted that this may provide the WDNR additional information for statewide decisions, but this is relevant to Ozaukee County projects given the investment the County has made to date.

Supervisor Rothstein commented that Ozaukee County is a national model and her hope would be that if in fact the data shows that VHSV is above the Lake Michigan “boundary dam” that the data will be disseminated nationwide and internationally. This is an opportunity for Ozaukee County to get important local information about the watershed, but serves a bigger purpose that if VHSV is found above the Lake Michigan “boundary dam”; we will know that a dam does not in fact create a barrier for a virus. Supervisor Stumpf commented that he is in agreement with Supervisor Rothstein.

Mr. Struck commented that he has been asked by the National Fish and Wildlife Foundation to do a national webinar presentation on the aquatic invasive species issues in the Milwaukee River Watershed with regard to the Bridge Street Dam Fishway as an aquatic connectivity project and implications beyond our watershed.

Motion made by Supervisor Stumpf, seconded by Supervisor Rothstein to approve the resolution authorizing the Planning & Parks Department to submit and accept \$75,000 in grant funding from the Wisconsin Department of Natural Resources “Aquatic Invasive Species Control Grant Program”. The vote was taken and resulted in a tie. Therefore, the majority of the members present not voting aye, the motion was declared lost. (2-2) Marchese and Leider opposed.

Management/Financial/Informational Reports: Mr. Struck provided clarification on the golf fees that were approved at the last meeting. It should be noted that there was a typographic error. The junior rate was raised slightly, but then they did not change the discount card. The discount card was at \$25 and was reduced to \$10.

Mr. Struck anticipates, based on the current financial statement, that the golf courses may be positive up to \$200,000 once all expenses are in and accounts closed.

Next Meeting Date: Thursday, February 2 – 8:30AM

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

Meeting adjourned at 10:10AM.

Julianne B. Winkelhorst, County Clerk