

***AMENDED Agenda**
Sauk County Board of Supervisors - Regular Meeting

Tuesday, December 20, 2011

6:00 p.m., West Square Building, 505 Broadway, Room #326, Baraboo, Wisconsin

Special Meetings:

5:30 p.m., **Land Conservation and Planning, Zoning and Land Records Committee**
in room 213, West Square Bldg, 505 Broadway, Baraboo, to consider:

1. Discussion and possible approval of Badger Coulee American Transmission Company's (ATC) Line Resolution 121-2011.
2. *Discussion and consideration of possible postponement of Ordinance 128-2011(Petition 7-2011) Amending Chapter 7, Zoning Ordinance, Of The Sauk County Code Of Ordinances, To Amend Parts Of Chapter 7 Pertaining To Signs, Including Repealing 7.13(1)(J).

5:45 p.m., **Finance Committee**, in Gallery of County Board Room #326A to consider:

1. Approval of County vouchers
2. Consider amendment to financial policy 5-94 Fund Balance/Retained Earnings and Contingent Funds Policy to be compliant with GASB 54.

Regular Sauk County Board of Supervisors Meeting

1. Call to order regular meeting.
2. Roll call.
3. Certify compliance with Open Meeting Law.
4. Invocation and pledge of allegiance.
5. Adoption of agenda.
6. Approval of minutes of previous meeting.
7. Scheduled appearances.
8. Public comment – 3 minute limit: Registration form located on the table in gallery of County Board Room 326 – turn in to the County Board Chair.
9. Communications:
 - a. Letter from Frances Huntley-Cooper, Chair Madison College District Board, thank you to Sauk County for support of Madison College; and information regarding the Madison College tax levy. (page 4a)
 - b. State of Wisconsin Department of Corrections, 2011 Annual Jail Inspection. (pages 4b-4c)
10. Bills & referrals.
11. Claims.

12.Appointments:

Board Of Adjustment, Citizen member replacement:

Nicholas Ladas, S500 Warbler Court, La Valle, (Township of La Valle), to fill unexpired term of Bob Roloff, whose 3 year term expires 06/30/2012.

Health Care Center Board Of Trustees:

Supervisor Joan C. Smoke, 3 year term expires 01/01/2015

Citizen William Higgins, (Baraboo), 3 year term expires 01/01/2015

Veterans Service Commission: Harry Schutz, Plain, 3 year term expires 12/31/2014

Workforce Development Board Of South Central Wisconsin:

Sauk County Human Services member, 3 year term expires 12/31/2014:

William Orth, Director

13.Unfinished Business: None.

14.Reports - informational, no action required:

- Rezoning petitions filed with the office of the Sauk County Clerk as a requirement of Wisconsin State Statutes 59.69(5)(e): *None.
- *pages 4a-4d, Conservation, Planning and Zoning report on Ordinance 126-2011 regarding the Dam Failure Analysis of the Lake Redstone Dam, (given with consideration of Ordinance #126-2011).
- *postpone to 01/17/2012 Board meeting: 2011 Wisconsin Counties Association (WCA) Annual Report via video.
- Supervisor Fordham, Vice-Chair, Executive & Legislative Committee.
- Marty Krueger, County Board Chair
- Kathryn Schauf, Administrative Coordinator

15.Consent Agenda: None.

16.Resolutions & Ordinances:

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COMMITTEE:

5-6

AGING AND DISABILITY RESOURCE CENTER:

Resolution 117-2011 Authorizing The Aging & Disability Resource Center To Contract For The Provision Of Lunches For The 2012 Nutrition Program.

7-20

COMMUNICATIONS INFRASTRUCTURE:

Resolution 118-2011 Approving Amended Tower Lease Agreement With Wisconsin Power And Light Company.

21-21a

EXECUTIVE & LEGISLATIVE:

Resolution 119-2011 Authorizing Countywide Referendum Question To Be Placed On The April Ballot.

- FINANCE:**
- 22-23 Resolution 120-2011 Approving Commitment and Assignment of Fund Balances.
- LAND CONSERVATION and PLANNING, ZONING AND LAND RECORDS:**
- 24-25 Resolution 121-2011 Regarding American Transmission Company's Application 137CE160 Including A 345 kV Transmission Line Option.
- LAW ENFORCEMENT & JUDICIARY:**
- *4e *Resolution 121a-2011 Authorizing Contracting With Criterion Associates To Conduct An Organizational Analysis And Assessment Of The Sauk County Sheriff's Department.
- 26-27 Ordinance 122-2011 Approving Fee Schedule For Non-4D (NIVD) Cases By The Sauk County Child Support Agency.
- PERSONNEL:**
- 28-31 Ordinance 123-2011 Amending Chapter 13, Sauk County Personnel Ordinance To Implement Wisconsin Act 10 Changes.
- PLANNING, ZONING AND LAND RECORDS:**
- 32-37 Resolution 124-2011 Approving Program And Agreement With The State Of Wisconsin Department Of Transportation To Utilize Funds For Various Identified And Approved Conservation Programs Outside The Baraboo Range National Landmark (BRNNL) In Connection With U.S. Highway 12 Improvements.
- 38-40 Resolution 125-2011 Approving An Amendment To The Town Of Merrimac Zoning Ordinance And Zoning District Map For A Rezone From An Agricultural To A Single Family Residential District As Filed By The Town Of Merrimac.
- 41-51 Ordinance 126-2011 (Petition 3-2011) Amending Chapter 9, Floodplain Zoning Ordinance, Of The Sauk County Code Of Ordinances To Reflect The Dam Failure Analysis Of The Lake Redstone Dam And To Adopt The Floodway Map, Flood Profile And Floodway Data Table Associated With This Analysis.
- 52-54 Ordinance 127-2011 (Petition 6-2011) Approving The Rezoning Of Lands In The Town Of Baraboo From A Resource Conservancy 35 To A Commercial Zoning District Filed Upon Garry Zellmer, Applicant And Property Owner.
- 55-57 Ordinance 128-2011 (Petition 7-2011) Amending Chapter 7, Zoning Ordinance, Of The Sauk County Code Of Ordinances, To Amend Parts Of Chapter 7 Pertaining To Signs, Including Repealing 7.13(1)(J).


UW EXTENSION, ARTS & CULTURE:

58-60

Resolution 129-2011 Honoring Wormfarm Institute For Innovative And Successful Fermentation Festival And Farm /Art Dtour, October, 2011.

17. Adjournment to a date certain.

Respectfully,



Martin F. Krueger
County Board Chair

County Board members, County staff & the public - provide the County Clerk a copy of:

- informational handouts distributed to Board members
- original letters and communications presented to the Board

County Board members:

- Stop by the Office of the County Clerk prior to each Board meeting to sign original resolutions and ordinances.

Any person who has a qualifying disability that requires the meeting or materials at the meeting to be in an accessible location or format should contact Sauk County at 608.355.3269, or TTY at 608.355.3490, between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, exclusive of legal holidays, at least 48 hours in advance of the meeting so that reasonable arrangements can be made to accommodate each request.

www.co.sauk.wi.us

Agenda mail date via United States Postal Service: Wednesday, December 14, 2011
*AMENDED Monday, 12/19/2011 @ 1:00 p.m.

Agenda preparation: Marty Krueger, County Board Chair, with the assistance of Kathryn Schauf, Administrative Coordinator, and Rebecca A. DeMars, County Clerk

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County Board Report

Petition #3-2011 Proposed Floodplain Zoning Ordinance Amendment.

Historical Analysis

In 2008 a Dam Safety Report was submitted by the WDNR to the Land Conservation office indicating that Wisconsin Administrative Code NR333 places the Redstone Dam as a High Hazard classification. This requires that a dam failure analysis be undertaken.

The Natural Resources Conservation Service (NRCS) completed the dam failure analysis in 2009, and this analysis was submitted to the Sauk County Land Conservation Department engineer and the WDNR. Following that, the WDNR issued a letter to Sauk County Planning and Zoning Department on April 13, 2011 with a six month adoption requirement. This placed the Final adoption by October 13, 2011 per NR 116.05. This adoption deadline was granted an extension until January 1, 2012, per a WDNR e-mail dated September 7, 2011.

A public hearing was held on July 26, 2011 and a second information meeting was held in the Town of LaValle on August 30, 2011. This included representatives from the NRCS, WDNR, and County Staff. The Planning, Zoning, and Land Records Committee postponed a decision until the September 27, 2011 and forwarded to County Board for approval in December 2011.

The adoption of the Dam Failure Analysis will prevent additional homes from being built in the hydraulic shadow if the dam were to fail, and will therefore minimize the danger to life, health, and property.

Past policy of the Board has been to approve these analyses. Other Dam failure analysis approvals from 2003-2007 include the Sauk County Ordinance 9.03(2)(b) as amended below:

1. Honey Creek Structures (December 2003, Passed 30-0 with 1 absent)
 - a. White Mound,
 - b. Shanahan, and
 - c. County Road N.
2. Dutch Hollow Lake Dam. (December 2007, Passed 29-0 with 2 absent)

Significance of the situation

Hazard ratings reflect downstream development that could be affected by a failure of the dam and also recognize a potential threat to human life. If the County chooses not to amend the ordinance it may impose significant costs upon the County.

The State has the statutory authority to adopt the ordinance for the county and charge the county for its costs under Wis. Stat. 87.30 (1)(c). According to a WDNR representative, the State has exercised this authority before in the 1980s at a cost of over

\$50,000 to that county. This figure could be presumed to be significantly higher in today's dollars.

Wis. Stat. 87.30 (1)(c) is a significant expression of a strong legislative intent that ordinances of these kind need to be adopted, and gives the WDNR the authority to overrule the failure of local authorities to regulate these issues and charge the State's efforts to the counties.

If the dam failure analysis is not passed the grant received for the dam maintenance and the completion of the Emergency Action Plan **may** need to be repaid according to Wis. Stats. 87.30 (1)(c). The County received a Municipal Dam Grant for \$52,785.19 in 2010 which included eligible engineering and construction costs necessary to complete the rehabilitation of the dam.

The impact of adopting the ordinance would eliminate the construction of additional homes in the Dam Breach Analysis Floodway, and additions to homes and structures would be limited to 50% of the equalized assessed value.

The Dam Breach Analysis changes two boundary lines: the Floodway District line and the Floodplain District line. As a result the following occurs to existing homes:

1. There are eight existing homes within the Dam Breach Area, of which five of these homes are currently located within the FEMA floodplain and are under the Sauk County Floodplain Zoning Ordinance. This study adds the remaining three homes to the restrictions of the floodplain ordinance.
2. Of these same eight homes only one is located in the FEMA Floodway and are under the Sauk County Floodplain Zoning Ordinance. This is the most restricted zone. The Dam Failure Analysis will add five additional homes to the Floodway District.

Stakeholders

1. Property owners within the affected areas of the study.
2. All local municipalities within the Dam Failure Analysis area.
3. Sauk County Citizens.

Financial Analysis

The County may have to repay past grant monies that went towards the repairs of Redstone and the eligible engineering.

If the WDNR chooses to regulate this under their statutory authority to do so, the WDNR has no choice, and **shall** assess against the County the expenses for ordinance promulgation and enforcement under Wis. Stat. 87.30 (1)(c).

There are Hazard Mitigation Grant Program monies available for 2012, at a 12.5% local match (county match.) Eligible projects may include:

1. Acquisition/demolition of structures.
2. Elevation of structures.
3. Retrofit structures.
4. Relocate structures.

Legal Authority of the WDNR

Authority is given to the State under Chapter 31, Chapter 87, NR 333, and NR116.

Options for the Board

A. Adoption of ordinance as presented.

1. This would place property owners under the restriction of the Sauk County Floodplain Ordinance.
2. The construction of additional homes in the Dam Breach Analysis Floodway would be eliminated and additions to homes and structures would be limited to 50% of the equalized assessed value.

B. Deny the Ordinance as presented.

1. This option would require the WDNR to begin procedures to pass the ordinance for the county. There is no time limit for which the WDNR may be able to do this.
2. This option does not fit the past proceedings of the county, which has approved these analyses in all cases over the last 10 years
3. This option may require the repayment of other funds received by the state to complete repairs and studies on the Lake Redstone dam. The cost and likelihood of repayment may not be determined until assessed by the State if this option is chosen.
4. There appears to be strong public support in denying the ordinance amendment in the areas affected by the study. However, although there is not a consensus because of each property owner's unique situation. There is no evidence of public opinion for or against the amendment that has been determined outside of the affected area.
5. This option may be wider reaching as the study is likely to work its way through WDNR procedures and be approved by the state with additional cost to the County and therefore the citizens of the county.
6. Additional issues: The Dam Failure analysis was performed and if it is not included in the ordinance, the Conservation, Planning, and Zoning office may have to approve homes in the Dam Breach Floodway, thereby placing home owners at risk for loss of property and potential loss of life.
7. This study creates a level of awareness and knowledge that exists regardless of the ordinance status. Failure to adopt an ordinance would put the County in the difficult position of not having an ordinance that would support the denial of future development that could present a threat to human life, health and safety.

VII. Policy Recommendations

The high hazard dam rating was given to the Lake Redstone Dam, the Dam Failure analysis was created, and the county maintains a Floodplain Ordinance. Not approving this study would place the county in a difficult enforcement and finance situation. Therefore it has been recommended by your Planning, Zoning, and Land Records committee to approve the zoning ordinance amendment. Approval of the Lake Redstone Dam Failure Analysis into the Sauk County Floodplain Zoning Ordinance would reduce any future liability and its enforcement would not allow any additional homes and citizens to be placed in harm's way. These studies have been approved throughout the county over the last 10 years, which shows that the county understands its importance.

121A
RESOLUTION NO. ___ - 11

**AUTHORIZING CONTRACTING WITH CRITERION ASSOCIATES TO CONDUCT
AN ORGANIZATIONAL ANALYSIS AND ASSESSMENT OF THE SAUK COUNTY
SHERIFF'S DEPARTMENT**

WHEREAS, your Law Enforcement and Judiciary Committee and Sheriff concur with the Board of Supervisors that periodically evaluating service provision is prudent, and that an analysis of the current operational processes and organizational structure of the County's Sheriff's Department would be of benefit to the County; and,

WHEREAS, \$60,000 was provided as part of the 2011 adopted budget for organizational analyses of various county operations; and,

WHEREAS, a request for proposal was prepared and issued for information gathering, analysis and evaluation of possible recommendations for guidance on an organizational structure for the successful continuation of high quality and economically efficient law enforcement services; and,

WHEREAS, seven proposals were received from

Vendor:	MGT of America	FLT Consulting	Baker Tilly	Criterion Associates	RW Management	Resource Management	Public Administration
Cost of Proposal	83,666	68,420	49,042	46,500	39,550	24,650	22,570

WHEREAS, after study of proposals, reviewing related references, and interviews of top three firms, your Committee recommends it being in the best interest of Sauk County to accept the proposal presented by Criterion Associates in the amount of \$46,500.

NOW, THEREFORE, BE IT RESOLVED, by the Sauk County Board of Supervisors, met in regular session, that a contract with Criterion Associates is approved for conducting the analysis and assessment of Sauk County Sheriff's Department.

For consideration by the Sauk County Board of Supervisors on December 20, 2011.

Respectfully submitted,

LAW ENFORCEMENT AND JUDICIARY COMMITTEE

DON STEVENS, Chairperson

PETER TOLLAKSEN

FRED HALFEN

GEORGE JOHNSON

ROBERT SINKLAIR

Fiscal Note: Costs necessary for performance of the study are included in the 2011 budget.
MIS Note: No impact