

2004-05 COUNTY BOARD PROCEEDINGS**SEPTEMBER 23, 2004, 7:30 P.M. SESSION**

The Dane County Board of Supervisors met pursuant to statute. Chair Kesterson called the meeting to order. County Clerk Parisi called the roll:

PRESENT: Blaska, Brown, Bruskewitz, De Felice, DeSmidt, Eggert, Fyrst, Gau, Graf, Gross, Hanson, Hendrick, Hitzemann, Jensen, Kostelic, Martz, Matano, McDonell, O'Loughlin, Olsen, Opitz, Pertzborn, Richmond, Ripp, Rusk, Salov, Vedder, Vogel, Wendt, Wheeler, Wiganowsky, Willett, Worzala, and Kesterson. Supervisors Hulsey and Schoer arrived after roll call.

EXCUSED: Erickson.

Supervisor Graf led the Pledge of Allegiance.

SPECIAL MATTERS AND ANNOUNCEMENTS

RES. 138, 04-05

HONORING OLYMPIC GOLD MEDALIST CARLY PIPER

WHEREAS the Olympic Games provide a world-wide arena for athletic competition in the spirit of sportsmanship and mutual respect among athletes; and

WHEREAS athletes from around the United States competed to represent our country as members of the United States Olympic Team at the 2004 Olympic Summer Games in Athens, Greece; and

WHEREAS swimmer Carly Piper, a senior zoology major at the University of Wisconsin-Madison, helped lead the women's 800-meter freestyle relay team to a world-record time of 7 minutes, 53.42 seconds and a gold medal; and

WHEREAS Carly demonstrated dedication, effort, and skill, and brought honor to Dane County by representing Wisconsin and the United States in the Athens Olympics; and serves as a role model as a student athlete.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby commends Carly Piper for winning a gold medal and extends its appreciation to her for conducting herself with honor and sportsmanship in Olympic competition; and

BE IT FINALLY RESOLVED that a copy of this resolution be presented to Carly Piper as a token of the esteem in which she is held by this Board.

Moved by Supervisor Fyrst, seconded by Supervisor Gross, to adopt Res. 138. Motion carried unanimously.

Supervisor Fyrst presented the congratulatory resolution to Carly Piper.

APPROVAL OF BILLS AND ACCOUNTS**Claims Recommended for Approval**

We, the Personnel & Finance Committee, have examined the following bills which have been incurred in the operation of our County Departments. Inasmuch as the claims which cover the items purchased have been found reasonable and proper, we recommend that they be allowed by the Dane County Board.

ASAP Software Express-Software Licenses-Information Management	\$33,941.93
Dane County Highway-July Gasoline Purchases-Sheriff.....	\$26,210.24
Lakeside Oil Company-Diesel Fuel Purchases-Public Works/Solid Waste	\$12,131.25
Madison City of-July 2004 Recycling Rebate-Public Works/Solid Waste	\$28,795.33
Madison City Treasurer-1 st & 2 nd Qtr. 2004 Communication Services-Sheriff	\$29,586.38
Mainline Exhibitors Carpet-Carpet Purchases-Alliant Energy Center.....	\$54,001.55
Mike Schlobohm Trucking-August Trucking Services-Public Works/Solid Waste	\$23,970.96
UW Extension-Extension Agent Support for 7/1/04 – 12/31/04-Extension	\$24,159.00
Wis. Dept of Administration-July Fleet Usage-Parks	\$21,876.01

Wis. Dept of Transportation-SA-68 Terminal Bldg. Project-Airport.....	\$1,269,000.00
Wisconsin Women's Business-2004 CDBG Contract Payment-CDBG	<u>\$15,338.92</u>
Subtotal	\$1,539,011.57
Bohling & Sons Inc.-Trane Make-up Air Units-Sheriff/Huber Center	\$19,900.00
Baltimore Paint & Chemical-Drum Paint & Related Material-Highway	\$12,078.55
Edgewater Powerboats-Powerboat, Motor & Trailer-Sheriff	\$95,616.00
Elsing Oil Co.-Unleaded Gasoline Purchases-Highway	\$14,239.26
Jefferson Co. Sheriff-August Inmate Housing & Medical-Sheriff/Jail.....	\$21,204.15
Lakeside Oil Co.-Unleaded Gasoline & Diesel Fuel Purchases-Highway	\$24,762.69
Lakeside Oil Co.-Unleaded Gasoline Purchase-Airport.....	\$12,320.80
Litho Productions-Printing of 2005 Desktop Calendars-Executive	\$21,900.00
Payne & Dolan Inc.-#2 Stone Purchases-Highway	\$12,315.61
Reserve Account-Postage Meter Refill-Administration/Printing & Services.....	\$50,000.00
Wis. Dept of Administration-2 nd Qtr Dist. Atty. Salary & Fringe Benefits-Dist. Attorney	<u>\$56,847.24</u>
Total	\$1,880,195.87

Moved by Supervisor Brown, seconded by Supervisor Vogel, to adopt the above amended bills and accounts. Motion carried.

Claims Recommended for Denial

1. Greg Anderson against Parks - \$125 – claims lost personal property due to locks operation
2. Robert Baron against Highway - \$4,656.15 – claims debris from paving damaged car
3. Christine Carlson against Highway - \$340.23 – claims windshield damage
4. Michael Droster against Jail - \$12.00 – claims jail lost account money/resolved
5. Joanne Huston against Zoning - \$10,106.54 – claims incurred costs to file petition twice
6. Michelle Ihm against Highway - \$100.00 – claims debris from truck broke windshield
7. Judith Kinnaird against Highway - \$613.36 – claims road construction damaged car

Moved by Supervisor Brown, seconded by Supervisor Vogel, to deny the above claims. Motion carried.

CONSENT CALENDAR

All items on the consent calendar were approved on a voice vote. (The text and committee recommendations for each of the items follow.)

RES. 77, 04-05

AUTHORIZING INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF VERONA FOR EXTENSION OF MUNICIPAL WATER SERVICE AND TRANSFER OF LAND

Water for the Badger Prairie Health Care Center (BPHCC) is currently supplied by a well located on the BPHCC. It has been determined that a new water source is necessary and that connection to the City of Verona municipal water service is the best alternative.

The City of Verona desires to build a new public library. The best location for the new library is on land owned by Dane County, which is currently part of Badger Prairie County Park.

An Agreement has been reached between Dane County and the City of Verona for transfer of 4.3 acres of land on the west side of Badger Prairie County Park to the City of Verona in exchange for extension of city water service to BPHCC and reduced payments for water service for a period of five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the intergovernmental Agreement for Transfer of Land and Extension of Municipal Water Service between Dane County and the City of Verona is approved.

BE IT FURTHER RESOLVED that the Dane County Executive and Dane County Clerk are authorized to execute said Agreement.

Public Works & Transportation, Health & Human Needs, and Personnel & Finance Committees recommend adoption of Res. 77. Motion carried.

RES. 79, 04-05

AWARDING 2004 PURCHASE OF PROFESSIONAL SERVICE CONTRACTS -
DEPARTMENT OF HUMAN SERVICES

The purpose of this resolution is to award a purchase of service contract with the following professional service provider for 2004: UW Hospitals and Clinics

The contracts with UW Hospitals provide both inpatient care to persons with mental illness and comprehensive alcohol/drug abuse screening, assessment, intervention and referral services to Dane County youth 18 years old and under.

NOW, THEREFORE, BE IT RESOLVED that the professional service contracts listed below be awarded for the period January 1, 2004, through December 31, 2004.

<u>Adult Community Services Division:</u>	<u>Contract Amount</u>
UW Hospitals and Clinics	\$ 191,400
<u>Children, Youth, and Families Division:</u>	<u>Contract Amount</u>
UW Hospitals and Clinics	\$333,100

Health & Human Needs and Personnel & Finance Committees recommend adoption of Res. 79. Motion carried.

RES. 89, 04-05

RETAINING DESIGNATION AS A TUBERCULOSIS DISPENSARY - PUBLIC HEALTH DIVISION

The Wisconsin Division of Public Health and the Dane County Division of Public Health originally negotiated an agreement in 2001 to create a Public Health Dispensary under the meaning of that term in Chapter 252.10 of the Wisconsin Statutes. Under this agreement, the Dane County Division of Public Health was designated to be the dispensary for all Dane County, including the City of Madison. The Madison Public Health Department was also engaged in these negotiations and agreed to this arrangement. Under the terms of the Statutes, a Public Health Dispensary is a mechanism to secure payment for certain clinical services related to screening, diagnosis, treatment, and follow-up of TB for those without health insurance or other means to pay for these services. The creation of a Dispensary in Dane County helped to reduce barriers to identifying and following cases of TB in our community, thus protecting the health of all. All payments come from the state and are passed on to providers, including the Madison Public Health Department and private sector health care providers.

This arrangement has worked well for our community for the past three years. It is now time to execute a new agreement in order to maintain the Public Health Dispensary, and to continue to bring these resources into our community. Current budgeted amounts for both revenue (line 436-510-6120-3866) and expenses (line 436-510-6120-2564) remain sufficient.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Executive be authorized to sign a Memorandum of Understanding for Tuberculosis Clinical Services with the Wisconsin Division of Public Health.

BE IT FURTHER RESOLVED that revenue received for the purposes described herein shall be carried forward to be used to pay outstanding claims from providers until fully expended and fully realized.

BE IT FURTHER RESOLVED that existing Participation Agreements with providers be authorized for continuation.

BE IT FINALLY RESOLVED that the Dane County Executive be authorized to sign new Participation Agreements with additional qualified providers that wish to offer tuberculosis clinical services according to the terms of those agreements, should any come forward.

Health & Human Needs and Personnel & Finance Committees recommend adoption of Res. 89. Motion carried.

RES. 91, 04-05

AMENDING A PROFESSIONAL SERVICES CONTRACT FOR THE DEVELOPMENT OF
A MENTAL HEALTH MODULE - DEPARTMENT OF HUMAN SERVICES

This resolution amends a professional services contract with Stratagem, Inc., for the continued development of the Mental Health Module.

The scope of the project is to provide for the real-time collection, tracking, and reporting of information on DCDHS funded consumers with a mental illness, the services they receive, the outcomes and benefits of those services, and associated costs while meeting the demands for internal and external reporting. The Mental Health Module includes the development of three

components: converting the Common Front End of the DCDHS Information System to a web-enabled application, development of a managed care component to include the State Encounter Data File Reporting, and to provide web-based POS Provider Data Reporting and State Mental Health Module Reporting for fee-for-service and contracted services.

NOW, THEREFORE BE IT RESOLVED that the professional service contract with Stratagem, Inc., be extended to December 31, 2004, and the contract listed below be amended as follows:

<u>Vendor</u>	<u>Amendment Amount</u>
Stratagem, Inc.	\$75,000

BE IT FINALLY RESOLVED that unspent revenue and funds from 2004 be carried forward for expenditure in 2005.

Health & Human Needs and Personnel & Finance Committees recommend adoption of Res. 91. Motion carried.

RES. 92, 04-05

AWARD OF CONTRACT FOR LANDFILL SITE #2 GAS SYSTEM IMPROVEMENTS

The Department of Public Works, Highway & Transportation reports the receipt of bids for the Gas System Improvements at the Dane County Sanitary Landfill Site #2, 7102 U. S. Highway 12 & 18, Madison, Wisconsin, BID NO. 7586.

A complete tabulation is on file at the Department of Public Works, Highway & Transportation. The low bidder is: LFG Specialties, L.L.C.

16406 US Route 224 East
Findlay, OH 45840

Total Contract Amount: \$223,735.00

The Public Works staff finds the amount to be reasonable and recommends the bid be accepted and the Contract be awarded to LFG Specialties, L.L.C.

There are sufficient funds in the Budget for this project.

NOW, THEREFORE, BE IT RESOLVED that a Contract be awarded to LFG Specialties, L.L.C., in the amount of \$223,735.00 for the Gas System Improvements at Landfill Site #2; and

BE IT FURTHER RESOLVED that the County Executive and the County Clerk be authorized and directed to sign the Contract; and

BE IT FURTHER RESOLVED that the Department of Public Works, Highway & Transportation be directed to ensure complete performance of the Contract; and

BE IT FURTHER RESOLVED that the Public Works & Transportation Committee shall approve all change orders to the Contract, subject to submission of change orders to the County Board for approval where the sum involves \$10,000 or more than 10% of the original approved Contract amount, whichever is smaller.

Public Works & Transportation and Personnel & Finance Committees and Solid Waste & Recycling Commission recommend adoption of Res. 92. Motion carried.

RES. 99, 04-05

APPROVING CEMETERY PLAT OF WILBUR RENK SECOND ADDITION TO SACRED HEARTS CEMETERY

Wisconsin Statutes require all plats of cemeteries to be approved by the respective County Boards. The cemetery plat of WILBUR RENK SECOND ADDITION TO SACRED HEARTS CEMETERY is located in the SW1/4 of Section 33, T9N, R11E, Town of Bristol, Dane County, and is desirous of expanding a portion of its property for gravesites.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to Section 157.07 of the Wisconsin Statutes, the Dane County Board of Supervisors does hereby approve the cemetery plat of WILBUR RENK SECOND ADDITION TO SACRED HEARTS CEMETERY, located in the SW1/4 of Section 33, T9N, R11E, Town of Bristol, Dane County, Wisconsin. Said plat, dated February 27, 2004, was prepared by Daniel V. Birrenkott, Registered Land Surveyor No. S-1531.

Zoning & Land Regulation Committee recommends adoption of Res. 99. Motion carried.

RES. 101, 04-05

AUTHORIZATION TO PURCHASE LANDS FOR THE ICE AGE JUNCTION AREA

Dane County has negotiated the purchase of a key parcel in the Ice Age Junction Area, which, if purchased, will create the longest continuous segment of the Ice Age National Scenic Trail in Dane County. The property, owned by LUIHNC, LLC, sits in between other County owned lands and is often referred to as the "missing link" within the Ice Age Junction Area.

Acquisition of this 11-acre property is supported by the Dane County Park & Open Space Plan, and funds for the purchase are available in the 2004 Dane County Conservation Fund. The County requests authorization to work with the Ice Age Park & Trail Foundation, State of Wisconsin, and the National Park Service in order to maximize any grant cost-sharing potential in completing this transaction, which may include temporarily assigning the County's interest to one of the project partners. State and Federal grants may offset the majority of acquisition costs for this purchase.

Purchase price of the property is \$575,000, which is based on full narrative appraisals prepared by certified appraisal companies. The first appraisal, dated April 28, 2004, valued the property at \$550,000. The second appraisal, dated July 24, 2004, valued the property at \$728,000. The property contains one single-family residence and two garages, and the County will have the option of renting the buildings for income and/or using them for storage purposes, selling them to recoup a portion of the purchase price, or demolishing them so that the public recreational benefits can be fully utilized on the property.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors and the Dane County Executive hereby authorize the purchase approximately 11-acres for the Ice Age Junction Area for approximately \$575,000, less any state or federal grant funds received, per the terms identified above, and according to Wisc. Stats. Chapter 27.05(3) and that the land rights be managed under the jurisdiction of the Dane County Park Commission.

BE IT FURTHER RESOLVED that the Dane County Clerk and Dane County Executive are authorized to execute documents necessary to effectuate the purchase of the property rights by Dane County and to structure the transaction to maximize cost-sharing from non-County sources.

BE IT FINALLY RESOLVED that the Dane County Real Estate Officer is authorized to administer the closings and the transfer of the above-mentioned rights to Dane County and the Controller is authorized to issue checks necessary to effectuate the transactions.

Gary Werner, Madison, representing Dane County Chapter Ice Age Park & Trail Foundation, registered in support.

Public Works & Transportation, Environment, Agriculture & Natural Resources, and Personnel & Finance Committees and Parks Commission recommend adoption of Res. 101. Motion carried.

RES. 109, 04-05

AUTHORIZING AN EXTENSION OF LTE PROGRAMMER IN THE DIVISION OF INFORMATION MANAGEMENT

The Division of Information Management in the Department of Administration has employed an LTE Programmer for assistance on Internet and Intranet development projects. This programmer is currently involved in a variety of projects including modifying the Intranet (DCINet) infrastructure, web enabling the municipality mill rate worksheet, and developing multiple applications to automate updates to the Parks website that will increase the department's ability to disseminate information. The employee is also involved with Human Services web applications for program budget and compliance reports, Clerk of Courts form postings, and daily maintenance of internet and intranet web pages.

Dane County's Civil Service Ordinance, section 18.12(1)(a), limits limited term employees to 1,200 hours per year. The employee in this position is approaching the limit for LTE's, and the Department is requesting an extension of hours to complete current projects and to retain this programming capacity. The 2004 Budget contains sufficient funds to support this position for the remainder of this year.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors grants an exception to Ordinance 18.21(1)(a) to allow the LTE Programmer in the Division of Information Management to exceed 1,200 hours in the 2004 payroll year.

Personnel & Finance Committee recommends adoption of Res. 109. Motion carried.

RES. 119, 04-05

AUTHORIZING RENTAL LEASE BETWEEN THE ALLIANT ENERGY CENTER OF DANE COUNTY AND WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION

The Wisconsin Department of Public Instruction has negotiated a two-year lease with the Alliant Energy Center of Dane County for their WI FFA Convention to be held June 12-15, 2006, and June 11-14, 2007. This lease extends a long term relationship with the client.

The lease with the Wisconsin Department of Public Instruction includes rental and services in the amount of \$21,000 for 2006 and \$21,630 for 2007.

In addition to the rental fee listed above, all approved parking charges will be assessed for the Wisconsin Department of Public Instruction's WI FFA Convention, and additional revenues will be paid by the show for personnel, equipment, and services provided to the show in addition to those specifically listed in the contract.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Executive and Dane County Clerk are hereby authorized to execute the contracts on behalf of Dane County.

Public Works & Transportation and Personnel & Finance Committees recommend adoption of Res. 119. Motion carried.

RES. 120, 04-05

AUTHORIZING RENTAL LEASE BETWEEN THE ALLIANT ENERGY CENTER OF DANE COUNTY AND MARKET SQUARE

Market Square has negotiated a two-year lease with the Alliant Energy Center of Dane County for their Cash and Carry Show to be held September 22-24, 2006, and September 21-23, 2007.

The lease with Market Square includes rental and services in the amount of \$15,200 for 2006 and \$15,600 for 2007.

In addition to the rental fee listed above, all approved parking charges will be assessed for the Market Square Cash and Carry event, and additional revenues will be paid by the show for personnel, equipment, and services provided to the show in addition to those specifically listed in the contract.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Executive and Dane County Clerk are hereby authorized to execute the contracts on behalf of Dane County.

Public Works & Transportation and Personnel & Finance Committees recommend adoption of Res. 120. Motion carried.

RES. 127, 04-05

AUTHORIZATION TO PURCHASE A TRAIL & CONSERVATION EASEMENT FOR BRIGHAM COUNTY PARK

Dane County Parks has negotiated the purchase of a conservation easement and trail right-of-way on 29 acres near Brigham County Park. The purpose of the project is to create a bicycle and pedestrian trail that will connect Brigham County Park to the Military Ridge State Trail. Additionally, the conservation easement will protect habitat and provide an aesthetically pleasing trail route.

The conservation easement and trail right-of-way will be on lands that surround the Cave of the Mounds, a Natural National Landmark, which is owned by the family of Ebenezer Brigham. Ebenezer Brigham was the first permanent white settler in Dane County, and his family donated the lands in 1952 that are now Brigham County Park.

This project will provide about 1/3 of the trail needed to complete the connection between Brigham County Park and the Military Ridge State Trail. The new trail connection, when completed, fulfills a major emphasis of the *Dane County Parks & Open Space Plan* to create linkages between existing recreational and open space resources. Dane County Parks is actively working with the remaining landowners for completion of the trail.

The purchase price has been established at \$320,000, which equals the appraised value. The property is zoned RH-4 and could be developed for residential purposes. The Natural Heritage Land Trust may be a co-holder of the conservation easement and trail right-of-way in order to keep the project eligible for State Stewardship dollars, which offsets the purchase price, and for purposes of providing secondary enforcement of the easement provisions.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors and the Dane County Executive hereby authorize the purchase of the approximately 29-acre conservation easement and trail right-of-way for approximately

\$320,000 per the terms identified above and according to Wis. Stats. Chapter 27.05(3) and that the land rights be managed under the jurisdiction of the Dane County Park Commission.

BE IT FURTHER RESOLVED that the Dane County Clerk and Dane County Executive are authorized to execute documents necessary to effectuate the purchase of the property rights by Dane County and to structure the transaction to maximize cost-sharing from non-County sources.

BE IT FINALLY RESOLVED that the Dane County Real Estate Officer is authorized to administer the closings and the transfer of the above-mentioned rights to Dane County and the Controller is authorized to issue checks necessary to effectuate the transactions.

Gary Werner, Madison, representing Dane County Chapter Ice Age Park & Trail Foundation, registered in support.

Public Works & Transportation, Personnel & Finance, and Environment, Agriculture & Natural Resources Committees and Parks Commission recommend adoption of Res. 127. Motion carried.

REPORTS ON ZONING PETITIONS

PETITION 8959 - ZONING CHANGE IN THE TOWN OF MIDDLETON - ZONING ORD. AMDT. 8959

Petition 8959 by Gary and Cheryl Karls to change the zoning from the R-3A Residential district to the A-1 Agricultural district on property located south of 7746 Mineral Point Road in part of the SW1/4 SE1/4 – Section 19, Town of Middleton.

The Zoning & Land Regulations Committee recommends that Petition 8959 be granted and Zoning Ord. Amdt. 8959 be adopted. Motion carried.

PETITION 8961 - ZONING CHANGE IN THE TOWN OF ALBION - ZONING ORD. AMDT. 8961

Petition 8961 by Melvin Wichter to change the zoning from the R-1A Residential and RH-1 Rural Homes districts to the RH-1 Rural Homes and R-1A Residential districts on property located at 271 and 283 Craig Road in part of the NE1/4 NE1/4 – Section 14, Town of Albion.

The Zoning & Land Regulations Committee recommends that Petition 8961 be granted and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 8961 be adopted. Motion carried.

PETITION 8966 - ZONING CHANGE IN THE TOWN OF VERONA - ZONING ORD. AMDT. 8966

Petition 8966 by Kenneth and Blanche Blake to change the zoning from the A-1 EX Exclusive Agricultural district to the C-2 Commercial district on property located east of 7499 Midtown Road in part of the N1/2 NE1/4 – Section 5, Town of Verona.

The Zoning & Land Regulations Committee recommends that Petition 8966 be denied. Motion carried.

PETITION 9001 - ZONING CHANGE IN THE TOWN OF PLEASANT SPRINGS - ZONING ORD. AMDT. 9001

Petition 9001 by Steven Weynand to change the zoning from the A-1 EX Exclusive Agricultural district to the R-3 Residential district on property located at 2079 Skyline Drive in part of the NW1/4 – Section 29, Town of Pleasant Springs.

The Zoning & Land Regulations Committee recommends that Petition 9001 be granted and Zoning Ord. Amdt. 9001 be adopted. Motion carried.

PETITION 9011 - ZONING CHANGE IN THE TOWN OF PLEASANT SPRINGS - ZONING ORD. AMDT. 9011

Petition 9011 by Duane Swalheim to change the zoning from the A-1 EX Exclusive Agricultural district to the RH-1 Rural Homes district on property located south of 3187 North Star Road in part of the NE1/4 NE1/4 – Section 4, Town of Pleasant Springs.

The Zoning & Land Regulations Committee recommends that Petition 9011 be granted as modified and includes the condition that a certified survey map and the Deed Restriction below be recorded within 90 days, and Zoning Ord. Amdt. 9011 be adopted. Motion carried.

Deed Restriction:

1. *Deed restrict Parcels 046/0611-041-8502 and 046/0611-041-8000-0 prohibiting further residential development.*

PETITION 9021 - ZONING CHANGE IN THE TOWN OF PLEASANT SPRINGS - ZONING ORD. AMDT. 9021

Petition 9021 by Curtis Reif, et al, to change the zoning from the A-1 EX Exclusive Agricultural district to the RH-2 Rural Homes and RH-3 Rural Homes districts on property located at 1745 Tower Drive in part of the SE1/4 NE1/4 – Section 35, Town of Pleasant Springs.

The Zoning & Land Regulations Committee recommends that Petition 9021 be granted as modified, subject to the Conditions below, and includes the condition that a certified survey map and the Deed Restriction below be recorded within 90 days, and Zoning Ord. Amdt. 9021 be adopted. Motion carried.

Deed Restriction:

- 1) *Deed restrict the RH-2 lot prohibiting further residential development.*

Condition:

- 1) *Condition that the RH-2 lot will be 7.33 net acres and the RH-3 lot will be 8.23 net acres. Both lots are to be created by Certified Survey Map within 90 days of the date of approval by Dane County as indicated below (sic).*

PETITION 9024 - ZONING CHANGE IN THE TOWN OF CROSS PLAINS - ZONING ORD. AMDT. 9024

Petition 9024 by Robert Brunner, et al, to change the zoning from the RH-2 Rural Homes and A-1 EX Exclusive Agricultural districts to the RH-3 Rural Homes district on property located at and south of 3725 Red Hawk Lane in part of the W1/2 NE1/4 – Section 29, Town of Cross Plains.

The Zoning & Land Regulations Committee recommends that Petition 9024 be granted and Zoning Ord. Amdt. 9024 be adopted. Motion carried.

PETITION 9035 - ZONING CHANGE IN THE TOWN OF BLOOMING GROVE - ZONING ORD. AMDT. 9035

Petition 9035 by Kerry Dunn and Victoria Eherenmann-Dunn to change the zoning from the A-1 EX Exclusive Agricultural district to the R-3 Residential district on property located at 4212 Sprecher Road in part of the NE1/4 NE1/4 – Section 14, Town of Blooming Grove.

The Zoning & Land Regulations Committee recommends that Petition 9035 be granted and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 9035 be adopted. Motion carried.

PETITION 9038 - ZONING CHANGE IN THE TOWN OF BURKE - ZONING ORD. AMDT. 9038

Petition 9038, CUP #1904, by Cherokee Park, Inc., to change the zoning from the A-1 Agricultural district to the RE-1 Recreational district on property located northeast of 5001 North Sherman Road in part of the NE1/4 NW1/4 – Section 19, Town of Burke.

The Zoning & Land Regulations Committee recommends that Petition 9038 be granted and Zoning Ord. Amdt. 9038 be adopted. Motion carried.

PETITION 9046 - ZONING CHANGE IN THE TOWN OF SPRINGFIELD - ZONING ORD. AMDT. 9046

Petition 9046 by Laura Acker, et al, to change the zoning from the A-1 EX Exclusive Agricultural district to the R-1A Residential district on property located north of 5011 High Road in part of the NE1/4 NE1/4 – Section 35, Town of Springfield.

The Zoning & Land Regulations Committee recommends that Petition 9046 be granted and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 9046 be adopted. Motion carried.

PETITION 9048 - ZONING CHANGE IN THE TOWN OF VERONA - ZONING ORD. AMDT. 9048

Petition 9048 by Marc and Linda Lindquist to change the zoning from the RH-1 Rural Homes district to the R-1 Residential district on property located at 6792 Horseshoe Bend in part of the E1/2 NW1/4 – Section 35, Town of Verona.

The Zoning & Land Regulations Committee recommends that Petition 9048 be granted and Zoning Ord. Amdt. 9048 be adopted. Motion carried.

PETITION 9057 - ZONING CHANGE IN THE TOWN OF ROXBURY - ZONING ORD. AMDT. 9057

Petition 9057 by Bruce and Grace Frudden to change the zoning from the A-1 EX Exclusive Agricultural and RH-1 Rural Homes districts to the R-1 Residential, RH-1 Rural Homes, and A-1 EX Exclusive Agricultural districts on property located at and west of 9340 Dunlap Hollow Road in part of the NW1/4 SE1/4 and SW1/4 SE1/4 – Section 31, Town of Roxbury.

The Zoning & Land Regulations Committee recommends that Petition 9057 be granted as modified and includes the condition that a certified survey map and the Deed Restrictions below be recorded within 90 days, and Zoning Ord. Amdt. 9057 be adopted. Motion carried.

Deed Restrictions:

- 1) *Deed restrict the two R-1 lots described above and the RH-1 lot described above that is located between the two R-1 lots (identified above as Lots 2, 3, and 4) requiring them to share the same driveway;*
- 2) *Deed restrict both R-1 lots described above and both RH-1 lots described above and the remaining A-1 EX property owned by the applicant in Section 31, Town of Roxbury prohibiting further residential development.*

PETITION 9058 - ZONING CHANGE IN THE TOWN OF PERRY - ZONING ORD. AMDT. 9058

Petition 9058 by Gary and Jean Baumgartner to change the zoning from the A-1 EX Exclusive Agricultural district to the RH-3 Rural Homes district on property located west of 9802 CTH A in part of the SW1/4 NE1/4 – Section 23, Town of Perry.

The Zoning & Land Regulations Committee recommends that Petition 9058 be granted as modified and includes the condition that a certified survey map be recorded within 90 days, and Zoning Ord. Amdt. 9058 be adopted. Motion carried.

PETITION 9061 - ZONING CHANGE IN THE TOWN OF MONTROSE - ZONING ORD. AMDT. 9061

Petition 9061 by Calvin and Grace Hageman to change the zoning from the A-1 EX Exclusive Agricultural district to the RH-1 Rural Homes district on property located north of 1157 Observatory Hill Road in part of the NW1/4 SW1/4 – Section 9, Town of Montrose.

The Zoning & Land Regulations Committee recommends that Petition 9061 be granted and Zoning Ord. Amdt. 9061 be adopted. Motion carried.

PETITION 9062 - ZONING CHANGE IN THE TOWN OF SUN PRAIRIE - ZONING ORD. AMDT. 9062

Petition 9062, CUP #1908, by Ben Averill, et al, to change the zoning from the A-1 EX Exclusive Agricultural district to the R-1 Residential district on property located at 5251 CTH TT in part of the NE1/4 NE1/4 – Section 26, Town of Sun Prairie.

The Zoning & Land Regulations Committee recommends that Petition 9062 be granted and includes the condition that a certified survey map and the Deed Restriction below be recorded within 90 days, and Zoning Ord. Amdt. 9062 be adopted. Motion carried.

Deed Restriction:

- 1) *Deed restrict the property prohibiting access to County Highway TT.*

ORDINANCES

ORD. AMDT. 9, 04-05

AMENDING CHAPTER 12 OF THE DANE COUNTY CODE OF ORDINANCES. INCREASING ZONING FEES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsections (1), (2), (3) and (5) of s. 12.03 are amended to read as follows:

12.03 ZONING PERMIT FEES FOR NEW CONSTRUCTION, ADDITIONS AND ALTERATIONS. (1) For construction of new single family, duplex and mobile home residences, the fee shall be \$30 plus \$0.075 for each square foot of floor area, including basements and attached garages. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(2) For additions to or alterations of existing single family, duplex and mobile home residences, and for buildings accessory to single family, duplex and mobile home residences, the fee shall be \$30.00 plus \$0.075 for each square foot of added floor area including basements and attached garages. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(3) For construction of commercial structures and multi-family residences, including additions, alterations and accessory buildings, the fee shall be \$200.00 plus \$2.00 for each \$1,000 of construction costs or fraction thereof. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(5) The fee for all new construction, alterations and additions to existing buildings and buildings used for agricultural purposes where a permit is required because of locational requirements of the board of adjustment shall be \$80.00, except as otherwise provided above. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

ARTICLE 3. Subsections (1), (2), (3), (4), (8), (10), (11) and (14) of s. 12.05 are amended to read as follows:

12.05 OTHER PERMIT AND REVIEW FEES. (1) The fee for a zoning permit to place fill, grade or excavate in a flood plain area shall be \$100.00. Late Filing Fee: Where work has begun before a permit has been obtained the fee shall be doubled.

(2) The fee for a petition to amend the zoning ordinance shall be \$200.00. Late Filing Fee: Where work has begun before a permit has been obtained, or where a change in the use of the property has occurred which requires a change in zoning district, or where necessary approvals have not been obtained prior to commencing a change in use, the fee shall be doubled.

(a) The zoning administrator shall collect an additional fee of \$12 when the petition, if granted, will result in a change to the zoning map.

(b) The zoning administrator shall collect an additional fee of \$100 for a density study when the petition includes a request to rezone from the A-1 Exclusive Agriculture zoning district.

(3)(a) Except as provided in subsection (b) herein the fee for an application for a conditional use permit shall be \$250.00. Late Filing Fee: Where work has begun before a permit has been obtained, or where appropriate approvals have not been obtained prior to commencing a change in use which requires a conditional use permit, the fee shall be doubled.

(b) The fee for an application for a conditional use permit for the construction, placement or modification of a communication tower under section 10.194 of this code of ordinances shall be \$1,500.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(c) In addition to the fees set forth in paragraphs (a) and (b), there is imposed a digital mapping maintenance fee of \$12.

(4) The fee for an application for a variance shall be \$200.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(8) The fee for a petition to amend the zoning ordinance and for a conditional use permit filed jointly for the same parcel of land shall be \$400.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(10) The fee for an application for a special exception permit shall be \$200.00. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(11) The fee for an administrative review of a farm plan in conjunction with an application for a zoning permit to construct a residence in the A-1 Agriculture District (Exclusive) shall be \$165.00, in addition to the fee for a zoning permit if one is issued. Late Filing Fee: Where work has begun before a permit has been obtained or appropriate approvals obtained the fee shall be doubled.

(14) The fee for a preliminary density study shall be \$100.00. A preliminary density study is a study conducted by the department to determine the number of splits remaining for a particular parcel or to analyze other components of a town plan, performed where the person requesting the study does not have a zoning petition pending.

Environment, Agriculture & Natural Resources, Personnel & Finance, Public Protection & Judiciary, and Zoning & Land Regulation Committees recommend adoption of Ord. Amdt. 9. Motion carried.

AWARD OF CONTRACTS

RES. 87, 04-05

AUTHORIZING A CONTRACT BETWEEN DANE COUNTY AND INMATE CALLING SOLUTIONS, LLC, FOR DANE COUNTY JAIL INMATE TELEPHONE SERVICES

Public Protection & Judiciary and Personnel & Finance Committees recommend adoption of Sub. 1 to Res. 87.

SUB. 1 TO RES. 87, 04-05

AUTHORIZING A CONTRACT BETWEEN DANE COUNTY AND INMATE CALLING SOLUTIONS, LLC, FOR DANE COUNTY JAIL INMATE TELEPHONE SERVICES

WHEREAS, Dane County and its Sheriff are responsible for the keeping of the Dane County Jail and caring for the inmates therein, including the provision of access to telephone services, and

WHEREAS, the existing contract for jail inmate telephone services expires on October 31, 2004, and

WHEREAS, Dane County engaged in a competitive bidding process for a vendor to provide jail telephone services to inmates in the Dane County Jail, to begin on November 1, 2004, and

WHEREAS, Inmate Calling Solutions, LLC, d.b.a. ICSolutions of San Jose, CA was the successful bidder in the aforementioned competitive bid process.

NOW, THEREFORE, BE IT RESOLVED that a contract be awarded to ICSolutions of San Jose, CA for jail telephone services commencing on September 20, 2004 and continuing for three (3) years with extensions for and additional two (2) years.

NOW, BE IT FINALLY RESOLVED that the Dane County Executive and the Dane County Clerk are authorized to execute the necessary documents for the contract.

The question before the Board was adoption of Sub. 1 to Res. 87.

The following registrations were received:

Mary Kay Baum, Madison, representing Madison-area Urban Ministry, spoke in opposition.
 John Rowe, Waunakee, spoke in opposition.
 Barbara Rowe, Waunakee, representing Task Force on Money Education & Prisons, spoke in opposition.
 Adrian Lomax, Stoughton, spoke in opposition.
 Dan O'Brien, Madison, spoke in opposition.
 Scott Herrick, Madison, spoke in opposition.
 Benjamin Atkinson, Middleton, spoke in opposition.
 Connie Kilmark, Madison, spoke in opposition.
 Krista Ralston, Madison, spoke in opposition.
 Bill Whitford, Madison, spoke in opposition.
 Marilyn Feil, Madison, registered in opposition.
 Harry Richardson, Madison, registered in opposition.
 Ann Miller Holman, Middleton, registered in opposition.
 Virginia Bormann, Sun Prairie, registered in opposition.
 Mary Anglim, Madison, registered in opposition.
 Thomas Kozlovsky, Madison, registered in opposition.
 Cris Barman, Madison, registered in opposition.
 Meghan Blake-Horst, Madison, registered in opposition.
 Todd Holman, Middleton, registered in opposition.
 Shelley Hansen, Madison, registered in opposition.
 Barbara Vedder, Madison, registered in opposition.
 Luciano, Madison, registered in opposition.
 Frances McKenzie, Madison, registered in opposition.
 Thomas E. Moran, Madison, registered in opposition.
 Cynthia Travis, Madison, registered in opposition.
 Ethan Carrier, Madison, registered in opposition.
 Alfonso Zepeda-Capistran, Cottage Grove, spoke in opposition.
 Megin Hicks, Madison, registered in opposition.
 Lisa Subock, Madison, spoke in opposition.

Moved by Supervisor Olsen, seconded by Supervisor Fyrst, to amend Sub. 1 to Res. 87 by adding the following resolved clause:

BE IT FURTHER RESOLVED that each contract year up to \$25,000 worth of debit telephone cards shall be distributed to inmates pursuant to an understanding reached between the Dane County Sheriff, the Dane County Executive, the Chair of the Public Protection and Judiciary Committee, and the State Public Defender's Office.

Moved by Supervisor Richmond, seconded by Supervisor Salov, to re-refer Res. 87 to the Public Protection & Judiciary Committee. Roll call requested:

AYES: 12 – De Felice, Gau, Graf, Gross, Hendrick, Matano, Richmond, Salov, Vedder, Wheeler, Worzala, and Kesterson.

NOES: 24 – Blaska, Brown, Bruskewitz, DeSmidt, Eggert, Fyrst, Hanson, Hitzemann, Hulsey, Jensen, Kostelic, Martz, McDonell, O'Loughlin, Olsen, Opitz, Pertzborn, Ripp, Rusk, Schoer, Vogel, Wendt, Wiganowsky, and Willett.

ABSENT: 1 – Erickson.

Motion failed.

The question then before the Board was Supervisor Olsen's amendment to Sub. 1. Roll call requested:

AYES: 15 – Eggert, Fyrst, Gau, Graf, Hendrick, Hulsey, Matano, McDonell, Olsen, Opitz, Pertzborn, Rusk, Schoer, Worzala, and Kesterson.

NOES: 21 – Blaska, Brown, Bruskewitz, de Felice, DeSmidt, Gross, Hanson, Hitzemann, Hansen, Kostelic, Martz, O'Loughlin, Richmond, Ripp, Salov, Vedder, Vogel, Wendt, Wheeler, Wiganowsky, and Willett.

ABSENT: 1 – Erickson.

Motion failed.

Moved by Supervisor O'Loughlin, seconded by Supervisor Martz, to amend Sub. 1 by changing "September 20" to "October 4" in the first resolved clause and changing "extensions for and additional..." to "extensions for an additional..." in the same paragraph. Motion carried.

The question then before the Board was adoption of Sub. 1 to Res. 87 as amended. Roll call requested:

AYES: 22 – Blaska, Brown, Bruskewitz, Eggert, Fyrst, Hanson, Hitzemann, Hulsey, Jensen, Kostelic, Martz, McDonell, O'Loughlin, Olsen, Pertzborn, Ripp, Rusk, Schoer, Vogel, Wendt, Wiganowsky, and Willett.

NOES: 14 – De Felice, DeSmidt, Gau, Graf, Gross, Hendrick, Matano, Opitz, Richmond, Salov, Vedder, Wheeler, Worzala, and Kesterson.

ABSENT: 1 – Erickson.

Motion prevailed.

RES. 106, 04-05

AUTHORIZING EXECUTION OF PURCHASE OF SERVICES AGREEMENT WITH RMT, INC.,
FOR ENGINEERING SERVICES AT THE TRUAX LANDFILL - DANE COUNTY REGIONAL AIRPORT

Since 1995, RMT, Inc., has been providing Dane County with engineering services related to the now closed and capped Truax Landfill, located near the Dane County Regional Airport. The engineering firm has established a unique familiarity with the Truax Landfill, its aging methane gas extraction system, and the extensive and ongoing gas migration monitoring requirements established by the Wisconsin Department of Natural Resources. The Airport and RMT, Inc., are presently engaged in ongoing negotiations with the DNR regarding the regulatory agency's approval of various required improvements and updates to the gas extraction system that RMT, Inc., has developed to prevent off-site migration of methane gas.

The proposed Purchase of Services Agreement is effective upon execution by the parties and expires on July 31, 2005. The Agreement allows for needed continuity as RMT, Inc., provides engineering services and continued oversight for the installation of methane gas extraction system improvements and repairs. As part of the \$145,800 contract, RMT, Inc., will also provide engineering services related to the installation of methane gas powered micro-turbines for the generation of electricity, gas extraction system rehabilitation, liquids management services, extensive monitoring and reporting to assure regulatory compliance, ground water quality testing, and repair and maintenance design assistance. Funding for these engineering services is included in the Airport Budget.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Executive and the Dane County Clerk are authorized to execute a Purchase of Services Agreement with RMT, Inc., to provide engineering services at the Truax Landfill site as set forth above. The contract shall be in the amount of \$145,800 and shall expire on July 31, 2005.

Mike Kirchner, 541 Sunrise Dr., representing Dane County Regional Airport, registered as available for information.

Public Works & Transportation and Personnel & Finance Committees and Airport Commission recommend adoption of Res. 106. Motion carried.

RES. 107, 04-05

TEMPORARY MERGER OF THE REGIONAL PLANNING COMMISSION STAFF AND
ARRANGEMENT FOR URBAN SERVICE AREA WORK

The Dane County Regional Planning Commission (RPC) is currently the water quality planning agency for Dane County. The work of RPC staff includes technical analysis of sewer extensions and urban service area (USA) expansions, while the Commission itself votes on USA expansions. The RPC is scheduled to dissolve on October 1, 2004, and, unless another agency is designated, the Wisconsin Department of Natural Resources will need to provide for water quality planning services for Dane County. Although the county, working with the cities, villages, and towns, has attempted to develop a Council of Governments to act as the water quality planning agency, this will not be in place when the RPC dissolves on October 1st.

The RPC water quality planning staff is supported by funding from the DNR, and since those staff would be temporarily combined with the Dane County Department of Planning and Development (DPD) in the absence of another solution, it is logical that the DNR should fund those same staff through Dane County DPD so that they will be available to support water quality planning.

The RPC staff has been promised severance pay if the RPC dissolves and merger of staff with the Department of Planning and Development staff does not take place. The county would ultimately be responsible to fund the severance pay. The RPC staff will only defer their severance pay during the temporary merger. The RPC executive director would also be merged for the remaining 4 months of his contract to supervise the water quality planning staff.

The merger is explicitly temporary, until the Council of Governments or other longer term replacement is in place.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors authorizes the County Executive to request funding from the Wisconsin Department of Natural Resources to cover the cost of the staff to complete the technical analysis of sewer extensions and urban service area expansions.

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors authorizes the County Executive and the County Clerk to execute an agreement with the Dane County Regional Planning Commission to temporarily combine all RPC staff with Dane County Department of Planning and Development staff effective October 1, 2004.

BE IT FURTHER RESOLVED that the agreement to temporarily merge the RPC staff should include merger of the RPC director for the 4-month balance of his contract so he can supervise the water quality planning activities.

BE IT FURTHER RESOLVED that, with this temporary merger, the Dane County Board of Supervisors recognizes that RPC staff will only defer their severance pay during the temporary merger.

BE IT FURTHER RESOLVED that the arrangement of merged staff is explicitly temporary until the "Council of Governments" or other longer term replacement is in place.

BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Secretary of the Department of Natural Resources and the Chair and the director of the RPC.

Mark Hazelbaker, Madison, representing Dane County Towns Association, registered in support of Res. 107.

Jerry Derr, Town of Bristol, representing the Dane County Towns Association, spoke in support of Res. 107.

Moved by Supervisor Hulsey, seconded by Supervisor Gross, to adopt Res. 107 as amended by the Personnel & Finance Committee, i.e.:

1. In the third paragraph, delete the following sentence: "The RPC executive director would also be merged for the remaining four months of his contract to supervise the water quality planning staff."
2. Delete the seventh paragraph.
3. At the end of the first "further resolved" clause, change the date to September 30, 2004, and add the following clause: "BE IT FURTHER RESOLVED that the staff from the RPC shall act in an objective manner in the technical analysis of sewer extensions and urban service area expansions, in conformance with criteria and methodology currently in use by the staff at the RPC."
4. At the end of the last "further resolved" clause, add the following: "but no longer than December 31, 2005."

Moved by Supervisor Hendrick, seconded by Supervisor Gau, to substitute Sub. 1 to Res. 107 for Res. 107.

Supervisor Olsen moved to strike the ninth paragraph of Sub. 1. The motion died for lack of a second.

Supervisor Hendrick's motion to substitute carried. The question then before the Board was adoption of Sub. 1 to Res. 107.

SUB. 1 TO RES. 107, 04-05

TEMPORARY MERGER OF THE REGIONAL PLANNING COMMISSION STAFF AND ARRANGEMENT FOR URBAN SERVICE AREA WORK

The Dane County Regional Planning Commission (RPC) is currently the water quality planning agency for Dane County. The work of RPC staff includes technical analysis of sewer extensions and urban service area (USA) expansions, while the Commission itself votes on USA expansions. The RPC is scheduled to dissolve on October 1, 2004, and, unless another agency is designated, the Wisconsin Department of Natural Resources will need to provide for water quality planning services for Dane County. Although the county, working with the cities, villages, and towns, has attempted to develop a Council of Governments to act as the water quality planning agency, this will not be in place when the RPC dissolves on October 1st.

The RPC water quality planning staff is supported by funding from the DNR, and since those staff would be temporarily combined with the Dane County Department of Planning and Development (DPD) in the absence of another solution, it is logical that the DNR should fund those same staff through Dane County DPD so that they will be available to support water quality planning.

The RPC staff has been promised severance pay if the RPC dissolves and merger of staff with the Department of Planning and Development staff does not take place. The county would ultimately be responsible to fund the severance pay. The RPC staff will only defer their severance pay during the temporary merger.

The merger is explicitly temporary, until the Council of Governments or other longer term replacement is in place.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors authorizes the County Executive to request funding from the Wisconsin Department of Natural Resources to cover the cost of the staff to complete the technical analysis of sewer extensions and urban service area expansions.

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors authorizes the County Executive and the County Clerk to execute an agreement with the Dane County Regional Planning Commission to temporarily attach all RPC staff with Dane County Department of Planning and Development staff effective September 30, 2004.

BE IT FURTHER RESOLVED that the staff from the RPC shall act in an objective manner in the technical analysis of sewer extensions and urban service area expansions, in conformance with criteria and methodology currently in use by the staff at the RPC.

BE IT FURTHER RESOLVED that the former RPC staff temporarily attached to the Dane County Department of Planning and Development shall report the results of their analyses directly to the Department of Natural Resources.

BE IT FURTHER RESOLVED that the former RPC staff shall perform the technical analysis of sewer extensions and urban service area expansions under the professional supervision of the former RPC Executive Director, and that neither the County Board nor the County Executive shall exercise supervisory power over the professional analyses of the former RPC staff;

BE IT FURTHER RESOLVED that, with this temporary merger, the Dane County Board of Supervisors recognizes that RPC staff will only defer their severance pay during the temporary merger.

BE IT FURTHER RESOLVED that the arrangement of merged staff is explicitly temporary until the "Council of Governments" or other longer term replacement is in place but no longer than December 31, 2005.

BE IT FINALLY RESOLVED that a copy of this resolution be sent to the Secretary of the Department of Natural Resources and the Chair and the director of the RPC.

The motion to adopt Sub. 1 to Res. 107 carried.

RES. 111, 04-05

AUTHORIZING RENTAL LEASE BETWEEN THE ALLIANT ENERGY CENTER OF DANE COUNTY AND WISCONSIN
HOLSTEIN ASSOCIATION

The Wisconsin Holstein Association has negotiated a three-year lease with the Alliant Energy Center of Dane County for their Midwest Spring Show to be held April 26-29, 2006, April 25-28, 2007, and April 23-26, 2008.

The lease with the Wisconsin Holstein Association includes rental and services in the amount of \$7,550.00 for 2006, \$7,750.00 for 2007, and \$7,950.00 for 2008.

In addition to the rental fee listed above, all approved parking charges will be assessed for the Wisconsin Holstein Association Midwest Spring Show event and additional revenues will be paid by the show for personnel, equipment, and services provided to the show in addition to those specifically listed in the contract.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Executive and Dane County Clerk are hereby authorized to execute the contracts on behalf of Dane County.

Public Works & Transportation Committee recommends adoption of Res. 111 with the following amendment: In paragraph two, change "200" to "2007." Motion carried.

RES. 128, 04-05

AUTHORIZATION TO PURCHASE LANDS IN THE BLACK EARTH CREEK RESOURCE AREA

Dane County Parks has negotiated an Offer to Purchase 73 acres along the Black Earth Creek along with an Option to Purchase an additional 221 acres of contiguous land for a total of 294 acres. The entire property is located within the Black Earth Creek Resource Area in a critical portion of the watershed that is under extreme development pressure.

Lands within the Resource Area boundary include wetlands, riparian stream corridors, prime farmland, natural areas, wooded steep slopes that provide important groundwater recharge and water quality functions, as well as natural ridgelines that define the area and provide a dramatic scenic backdrop. This unique property exhibits all of these features while providing the opportunity for recreational activities that are easily accessed by a large percentage of Dane County residents. The property runs along Highway 14, creating aesthetic viewsheds from the highway corridor while also separating the City of Middleton from the rural countryside further west.

The property is zoned C-2, Commercial and A-1, Agriculture and could be developed for residential and commercial purposes. Lands immediately surrounding the Black Earth Creek, a Dane County priority stream and a Class I trout stream, are under the C-1, Commercial zoning.

Two appraisals were completed on the property. The first appraisal, dated March of 2004, valued the 63 acres of C-2 zoned property at \$25,000/acre and the 231 acres of A-1 zoned property at \$13,500/acre. The second appraisal, dated August of 2004, valued the 63 acres of C-2 zoned property at \$35,000/acre and the 231 acres of A-1 zoned property at \$32,000/acre.

Dane County has negotiated a purchase price of \$25,000/acre for the 63 acres of C-2 zoned property along with 10 acres of A-1 zoned property for \$19,000/acre for a total purchase price of \$1,765,000. Additionally, this purchase would grant Dane County, for zero consideration, an Option to Purchase the remainder of the property (221 acres) for a maximum price of \$3,535,000 (\$15,995/acre). This Option to Purchase must be exercised by July 31, 2005, which would require County Board approval.

Important partners in this project include the Town of Middleton, the Natural Heritage Land Trust, and the Department of Natural Resources. These entities are working in partnership with Dane County to raise funds for the entire purchase, and the County will work with the Town on the development and management of the site. This partnership may require property interests in the 73 acres to temporarily vest in the Natural Heritage Land Trust in order to maximize state and federal funding opportunities. Property interests and cost-share participation between the County, Town, and Land Trust for the remaining 221 acres will be determined prior to the County exercising the Option to Purchase.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors and the Dane County Executive hereby authorize the purchase of approximately 73 acres for the Black Earth Creek Resource Area from Sunnyside Seed Farms, Inc., for approximately \$1,765,000, which includes an Option to Purchase 221 acres that would require future County Board action, and according to Wis. Stats. Chapter 27.05(3) and that the land rights be managed under the jurisdiction of the Dane County Park Commission.

BE IT FURTHER RESOLVED that the Dane County Clerk and Dane County Executive are authorized to execute documents necessary to effectuate the purchase of the property rights by Dane County and to structure the transaction to maximize cost-sharing from non-County sources.

BE IT FINALLY RESOLVED that the Dane County Real Estate Officer is authorized to administer the closings and the transfer of the above-mentioned rights to Dane County and the Controller is authorized to issue checks necessary to effectuate the transactions.

The following registrations were received:

Richard J. Oberle, Middleton, spoke in support.

David Shaw, Middleton, representing Town of Middleton Board, spoke in support.

Joseph Kuhn, Madison, registered in support.

Jim Welsh, Madison, representing Natural Heritage Land Trust, registered in support.

Gary Werner, Madison, representing the Dane County Chapter Ice Age Park and Trail Foundation, registered in support.

Public Works & Transportation, Personnel & Finance, and Environment, Agriculture & Natural Resources Committees and Park Commission recommend adoption of Res. 128. Roll call requested:

AYES: 32 – Blaska, Brown, Bruskewitz, de Felice, DeSmidt, Eggert, Fyrst, Graf, Gross, Hanson, Hendrick, Hulsey, Jensen, Kostelic, Martz, Matano, McDonell, O'Loughlin, Olsen, Opitz, Pertzborn, Richmond, Ripp, Rusk, Salov, Schoer, Vedder, Vogel, Wheeler, Willett, Worzala, and Kesterson.

NOES: 4 – Gau, Hitzemann, Wendt, and Wiganowsky.

ABSENT: 1 – Erickson

Motion prevailed.

RESOLUTIONS

RES. 301, 03-04

IDENTIFYING AREAS FOR SITING BUSINESSES TO CREATE GOOD JOBS THROUGH THE COMPREHENSIVE PLANNING PROCESS

Dane County, like the state of Wisconsin as a whole, has suffered significant job losses in the economic downturn of recent years. For instance, Dean Morningstar Dairy announced last month that they would close and eliminate 100 jobs; Kraft let go of 75 workers last month; CUNA eliminated 100 jobs last year; and Rayovac moved 250 jobs to Illinois. At the same time, state and local governments have also been downsizing their workforces. Retail malls have likewise suffered losses of tenants, with vacant storefronts in many of the county's major retail malls. It is important to provide assistance to grow the economy, not only to replace the jobs that have been lost in both the public and private sectors, but also to provide new opportunity for the County's growing population.

Last month, county and local officials held a conference on the challenges of "big box" development; that is, the siting of large retail centers. One of the recommendations from this conference was to identify and redevelop existing abandoned or underutilized retail malls or other commercial properties.

Currently, there is not a countywide composite map with an inventory of parcels available for potential infill development. Using Geographic Information System (GIS) technology, it is possible to identify abandoned and underutilized parcels, including parcels with lower average improvement value than that of surrounding properties. The City of San Francisco has developed this information as an approach to assist businesses to locate and create jobs while making use of existing infrastructure.

Obviously, the majority of sites appropriate for infill development are located within municipal boundaries. While the county does not have authority for land use decision-making in these areas, the development of an inventory could be part of a countywide effort to plan for economic development.

Dane County is currently developing a comprehensive plan as required by Section 66.1001, Wis. Stats. The Housing and Economic Development work group is addressing issues regarding job creation and economic growth, while the Comprehensive Planning Steering Committee is responsible for addressing intergovernmental cooperation. An effort to develop a composite map and inventory of abandoned or underutilized sites would involve both these groups. The comprehensive plan provides an opportunity for Dane County to play an active role in improving the economic vitality of individual communities and the county as a whole.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors requests the Dane County Comprehensive Planning Steering Committee and the Housing and Economic Development work group to develop a composite map and inventory of abandoned and underutilized commercial and manufacturing parcels throughout the county as part of the Dane County Comprehensive Plan.

BE IT FINALLY RESOLVED that the Dane County Board of Supervisors requests the Dane County Comprehensive Planning Steering Committee to work with the cities and villages of Dane County, in addition to local chambers of commerce, not only to develop the map and inventory, but also to implement the approach to encourage infill development and provide good jobs to the residents of the county.

Moved by Supervisor Eggert, seconded by Supervisor Bruskewitz, to adopt Res. 301 with the following amendment:

1. Delete the first and second resolved clauses.
2. Insert: "NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors requests the Dane County Comprehensive Planning Steering Committee and the Housing and Economic Development work group to work with the towns, cities and villages of Dane County, in addition to local chambers of Commerce, to develop a composite map and inventory of abandoned and underutilized commercial and manufacturing parcels throughout the county to encourage infill development."

Motion carried.

RES. 65, 04-05

DANE COUNTY PRIVACY POLICY CONCERNING ACCESS TO COUNTY SERVICES

WHEREAS, it is the policy of Dane County to promote the utilization of its services by all of its residents who are entitled to and in need of them; and

WHEREAS, individuals should know that they may seek and obtain the assistance of county agencies regardless of personal or private attributes, without negative consequences to their personal lives; and

WHEREAS, the obtaining of pertinent information, which is essential to the performance of a wide variety of governmental functions, may in some cases be difficult or impossible if some expectation of confidentiality is not preserved, and preserving confidentiality in turn requires that governments regulate the use of such information by their employees; and

WHEREAS, in furtherance of this policy, confidential information in the possession of county agencies relating to immigration status or other personal or private attributes should be disclosed only as provided herein;

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby approves the following privacy policy regarding individuals seeking access to county services:

Section 1. As used herein, "confidential information" means any information obtained and maintained by a county department or agency relating to an individual's sexual orientation, status as a victim of domestic violence, status as a victim of sexual assault, status as a crime witness, receipt of public assistance, or immigration status, and shall include all information contained in any individual's income tax records.

Section 2. No county officer or employee shall disclose confidential information, unless

- (a) such disclosure has been authorized in writing by the individual to whom such information pertains, or if such individual is a minor or is otherwise not legally competent, by such individual's parent or legal guardian; or
- (b) such disclosure is required by law; or
- (c) such disclosure is to another county officer or employee and is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (d) in the case of confidential information other than information relating to immigration status, such disclosure is necessary to fulfill the purpose or achieve the mission of any county department or agency; or
- (e) in the case of information relating to immigration status, (i) the individual to whom such information pertains is suspected by such officer or employee or such officer's or employee's agency of engaging in criminal activity other than mere status as an undocumented alien or (ii) the dissemination of such information is necessary to apprehend a person suspected of engaging in criminal activity, other than mere status as an undocumented alien or (iii) such disclosure is necessary in furtherance of an investigation of potential terrorist activity.

County departments and agencies shall promulgate such rules as may be appropriate to detail circumstances in which confidential information may or may not be disclosed pursuant to this policy. Any county officer or employee with a question relating to the disclosure of confidential information under this section shall consult with the Corporation Counsel.

Section 3. Information regarding immigration status.

- (a) A county officer or employee, other than law enforcement officers, shall not inquire about a person's immigration status unless:
 - (1) Such person's immigration status is necessary for determination of program, service or benefit eligibility or the provision of county services; or
 - (2) Such officer or employee is required by law to inquire about such person's immigration status.
- (b) Law Enforcement Officers.
 - (1) For purposes of this subsection, "criminal activity" means unlawful activity other than status as an undocumented alien.
 - (2) Law enforcement officers shall not inquire about a person's immigration status unless investigating criminal activity other than mere status as an undocumented alien.
 - (3) Law enforcement officers shall continue to cooperate with federal authorities in investigating and apprehending aliens suspected of criminal activity.
 - (4) Law enforcement officers and other employees shall not inquire about the immigration status of crime victims, witnesses, or others who call or approach the police seeking assistance.

The following registrations were received:

Lisa Subeck, Madison, spoke in support.
 Sharyl Kato, Monona, registered in opposition.
 Thomas Kozlowsky, Madison, registered in support.
 Kristin Hoffschmidt, Madison, registered in support.
 Beth Harpel, Madison, registered in support.

Bill Keys, Madison, registered in support.
 Linda Keys, Madison, registered in support.
 Michael Jacob, Madison, registered in support.
 Luciano, Madison, registered in support.
 Brenda K. Konkel, Madison, registered in support.
 Megin Hicks, Madison, registered in support.
 Thomas E. Moran, Madison, (no position stated)
 Alfonso Zepeda-Capistran, Cottage Grove, representing LUCHA, spoke in support.
 Salvador Carranza, Madison, spoke in support.
 Caroline Werner, Oregon, spoke in support.
 Cynthia Travis, Madison, registered in support.

Moved by Supervisor McDonell, seconded by Supervisor Olsen, to amend Res. 65 as follows:

1. At the end of Section 2, add "other than law enforcement officers" after "Any county officer or employee."
2. In the first paragraph, delete "of its residents."

Motion carried.

The question before the Board was adoption of Res. 65 as amended. Motion carried.

Res. 67, 04-05

ADOPTING ZLR POLICIES TO NOTIFY INTERESTED PARTIES OF C. U. P.s

One of the limited duties specifically delegated by the County Board to the Zoning and Land Regulation Committee (ZLR) is to hold hearings on and decide conditional use permits (CUPs), such as quarries.

On June 8, 2004, the ZLR adopted a motion attempting to repeal all previous zoning policies:

pursuant to the statutory authority of the county zoning agency, as stipulated in 59.69(2)(bm), all zoning policies previously adopted by the county zoning agency or used by the zoning administrator without such adoption be hereby rescinded as of June 8, 2004, and that the zoning administrator is henceforth to use no policy not formally adopted by the county zoning agency

The ZLR does not have the authority to rescind zoning administrator interpretations; these can only be appealed to the Board of Adjustment. At most, the ZLR has the power to adopt policies for the zoning committee itself, which are subject to amendment by the county board.

Two of the rescinded policies provide for notification of interested parties about ZLR proceedings on CUPs, such as quarries. Section 10.255(2)(g) of the Dane County Ordinances provides that "Notice to parties of interest shall be according to policies established by the committee."

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board adopts the following policies for the Zoning and Land Regulation Committee :

- 1) "Parties of Interest" shall include the Town Board in which the proposed conditional use is located and all surrounding property owners within 300 feet of the proposed conditional use.
- 2) "The Department" shall mean the department of planning and development.
- 3) The Department shall send a courtesy copy of a Notice of Public Hearing to all parties of interest at least one week prior to the date of the Public Hearing.
- 4) The Department shall have the responsibility of contacting all parties of interest when the chair of the zoning committee schedules a site visit.

BE IT FURTHER resolved that the Zoning and Land Regulation Committee shall not repeal these policies without County Board approval.

Bob Bowman, Cross Plains, registered in support.

Moved by Supervisor Wendt, seconded by Supervisor Blaska, to amend by deleting the second, third, and fourth paragraphs and the last resolved clause. Motion carried. The question then before the Board was adoption of Res. 67 as amended. Motion carried.

Supervisor Olsen moved reconsideration of Res. 67.

Moved by Supervisor Eggert, seconded by Supervisor Hendrick, for a five-minute recess. Motion carried.

Following the recess, Supervisor Olsen withdrew his motion for reconsideration.

RES. 68, 04-05

URGING LEGISLATIVE ACTION REGARDING COUNTY AUTHORITY FOR PUBLIC IMPROVEMENT REQUIREMENTS

A recent Court of Appeals decision in the *Rogers Development, Inc. vs. Rock County Planning* case has stated that counties cannot put public improvement requirements on subdivision plats. One reason counties have placed conditions on plats, such as the 1,000-foot maximum length for cul-de-sac streets, is to insure adequate access for emergency vehicles.

One approach to overturn the *Rogers* decision is to seek a change in the Wisconsin State Statutes, which currently specify that, as a condition of subdivision approval, the governing body of the town or municipality within which the subdivision lies may require that the subdivider make public improvements or provide security to ensure that he or she will make those improvements within a reasonable time. This section of the statutes could be amended to allow counties to require public improvements.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors supports legislation to amend Section 236.13(2)(a), Wis. Stats, to specify that counties, like towns and municipalities, have the authority to require public improvements as part of subdivision plats, so the statute would read:

(2)(a) As a further condition of approval, the governing body of the town, municipality or county within which the subdivision lies may require that the subdivider make and install any public improvements reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that he or she will make those improvements within a reasonable time.

BE IT FINALLY RESOLVED that a copy of this resolution be sent to Governor James Doyle, members of the Dane County Legislative delegation, and to the Wisconsin Counties Association.

Moved by Supervisor Vogel, seconded by Supervisor Gau, to re-refer Res. 68 to the Environment, Agriculture & Natural Resources Committee and the Zoning & Land Regulation Committee. Motion carried.

RES. 70, 04-05

RECONSTITUTION OF DANE COUNTY'S COMPREHENSIVE PLANNING PROCESS

Dane County is blessed with vibrant communities, beautiful and productive lands, and a rich watershed. It is also one of the fastest growing counties in Wisconsin. As the human population grows – and more housing, roads, and infrastructure are created to serve that population – it is important that Dane County plan properly in order to protect for future generations its great physical, cultural, and economic gifts.

The Comprehensive Planning process begun by Dane County in 2002 is an extremely important tool in instituting such protection for the County's residents and resources. However, the administration of that process was left unfortunately ambiguous and consequently now is threatened by time-consuming gridlock and arbitrary direction. It is imperative that the Comprehensive Plan process, soon to provide a blueprint for Dane County's future, be carried out in a timely, inclusive, objective manner that serves *all* County residents.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby officially designates its Environment, Agriculture & Natural Resources Committee as a county agency responsible for planning, as stipulated in Chapter 7 of County ordinance and provided for in Wisconsin statute 59.69(6); and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby establishes its Environment, Agriculture & Natural Resources Committee as the standing committee of the County Board charged with oversight of the Comprehensive Planning process, including appointment, formation, and administration of supervisory committees, subcommittees, and work groups; and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby directs that the Chair of the Environment, Agriculture & Natural Resources Committee shall make appointments to supervisory committees, subcommittees, and work groups in consultation with the County Board Chair and First Vice Chair, or their (2) designees from the Zoning & Land Regulation Committee and Public Works & Transportation Committee; and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby dissolves the Comprehensive Planning Steering Committee previously formed during the 2002-2004 session by joint-motion of two defunct committees of the Board; and

BE IT FINALLY RESOLVED that the Dane County Board of Supervisors hereby requests that the County Board Chair, First Vice Chair (or their fore-mentioned two designees) and Chair of the Environment, Agriculture & Natural Resources Committee act promptly to fully constitute all Comprehensive Planning supervisory committees, subcommittees, and work groups so that process may proceed.

The following registrations were received:

Mark Hazelbaker, Madison, representing Dane County Towns Association, registered in opposition.
 Virginia Bormann, Sun Prairie, registered in support.
 Mary Anglim, Madison, registered in support.
 Lisa Subeck, Madison, registered in support.
 Thomas Kozlowsky, Madison, registered in support.
 Lerrand Sands, Madison, spoke in support.
 Beth Harper, Madison, registered in support.
 Michael Jacob, Madison, registered in support.
 Megin Hicks, Madison, registered in support.
 Kris Hampton, Cottage Grove, registered in opposition.
 Caroline Werner, Oregon, spoke in support.
 Jerry Derr, Town of Bristol, representing Dane County Towns Association, spoke in opposition.
 Bob Bowman, Cross Plains, spoke in opposition.
 Harry Richardson, Madison registered in support.

Moved by Supervisor McDonell, seconded by Supervisor Olsen, to substitute Sub. 3 to Res. 70 for Res. 70. Roll call requested:

AYES: 19 – De Felice, DeSmidt, Eggert, Fyrst, Graf, Gross, Hendrick, Hulse, Kostelic, Matano, McDonell, Olsen, Opitz, Pertzborn, Richmond, Rusk, Vedder, Wheeler, and Worzala.

NOES: 16 – Brown, Bruskewitz, Gau, Hanson, Hitzemann, Jensen, Martz, O'Loughlin, Ripp, Salov, Schoer, Vogel, Wendt, Wiganowsky, Willett, and Kesterson.

ABSENT: 2 – Blaska and Erickson.

Motion prevailed.

SUB. 3 TO RES. 70, 04-05

RECONSTITUTION OF DANE COUNTY'S COMPREHENSIVE PLANNING PROCESS

The Comprehensive Planning process begun by Dane County in 2002 is an extremely important tool in instituting such protection for the County's residents and resources. It is imperative that the Comprehensive Plan process, soon to provide a blueprint for Dane County's future, be carried out in a timely, inclusive, objective manner that serves all County residents.

The Zoning and Natural Resources Committee directed that a comprehensive plan should be prepared. The Zoning and Land Regulation Committee continues to have a role in the process. In addition, the Zoning and Land Regulation Committee may perform any other planning duties designated by the county board. The new county board rules specifically designate the Environment, Agriculture & Natural Resources Committee as assuming the duties of the Strategic Growth Committee.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby officially designates its Environment, Agriculture & Natural Resources Committee as a county agency responsible for planning, as stipulated in Chapter 7 of County ordinance and provided for in Wisconsin statute 59.69(6); and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby establishes its Environment, Agriculture & Natural Resources Committee as the standing committee of the County Board charged with oversight of the Comprehensive Planning process, including appointment, formation, and administration of supervisory committees, subcommittees, and work groups; and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby directs that the Chair of the Environment, Agriculture & Natural Resources Committee shall make appointments to supervisory committees, subcommittees, and work groups in consultation with the County Board Chair and First Vice Chair, and if either the Board Chair or the Vice-Chair object to an appointment within 7 days that appointment is void; and

BE IT FURTHER RESOLVED that the Dane County Board of Supervisors hereby dissolves and reconstitutes with a maximum of 13 members and with the same membership structure the Comprehensive Planning Steering Committee previously formed during the 2002-2004 session by joint-motion of two defunct committees of the Board; and

BE IT FURTHER RESOLVED that appointed members of the workings groups who have three unexcused absences from the time of the passage of this resolution will be removed as members of the working groups and the resulting vacancies shall be filled as specified in this resolution.

BE IT FURTHER RESOLVED that the Zoning and Land Regulation Committee is directed to conduct a public hearing on the completed comprehensive plan before approving it and, after approval, shall submit the plan to the county board for adoption.

BE IT FINALLY RESOLVED that the Dane County Board of Supervisors hereby requests that the County Board Chair, First Vice Chair and Chair of the Environment, Agriculture & Natural Resources Committee act promptly to fully constitute all Comprehensive Planning supervisory committees, subcommittees, and work groups so that the planning process may proceed.

The question before the Board was adoption of Sub. 3 to Res. 70. Motion carried.

ITEMS REQUIRING A TWO-THIRDS MAJORITY FOR PASSAGE

RES. 83, 04-05

ACCEPTING OLDER AMERICANS ACT REVENUES - DCDHS - ACS DIVISION

Health & Human Needs and Personnel & Finance Committees recommend adoption of Sub. 1 to Res. 83.

SUB. 1 TO RES. 83, 04-05

ACCEPTING OLDER AMERICANS ACT REVENUES - DCDHS - ACS DIVISION

The purpose of this resolution is to adjust revenue and expenditure for 2004.

The Area Agency of Dane County has been notified that it will receive an additional \$114,666 in Older Americans Act revenue. This includes revenues earmarked for elder abuse, nutrition (Title C-1), caregiver services (Title IIIE), supportive services (Title IIIB), health promotion (Title IIID) and administration. The funds will be allocated as follows: \$3,000 to Colonial Club for medication monitoring services for African American, Hispanic and Hmong elders; \$51,929 for respite care, support groups and other services for caregivers; \$4,056 to offset the Area Agency on Aging's printing and supply costs; \$300 to cover mileage costs for the AAA's Farmers' Market voucher initiative; \$1,000 to RSVP, Inc. for its Dane Advocacy Network Education program; \$20,736 to employ two full time LTE social workers for 16 weeks each to perform elder abuse and neglect investigations; \$922 for mileage for the two LTE social workers; and \$32,723 allocated to the nutrition equipment line, which will be used to offset levy and cover any unanticipated nutrition expenses.

NOW, THEREFORE, BE IT RESOLVED, that the following revenue accounts be adjusted and the revenue increase be credited to the County General Fund and transferred from the General Fund to the following expenditure accounts in the Department of Human Services.

Revenue Acct No.	Account Title	Amount
4755 1577	Older Americans Act AAA Admin	\$4,056
4755 1432	Older Americans Act Elder Abuse	\$1,201
4755 1544	Older Americans Act Title III B	\$17,672
4755 1530	Older Americans Act Title C-1	\$53,480
4755 1552	Older Americans Act Title III E	\$36,183
4755 1536	Older Americans Act Title III D	\$2,074
	Total	\$114,666
Expenditure Acct No.	Account Title	Amount
4770 6170	Colonial Club Seniors Meds Program	\$3,000
4785 6109	Nat'l Family Caregiver Support Program	\$51,929
4755 2043	AAA Printing, Stationery & Office Supplies	\$4,056
4830 6333	Mary Browning - Dietitian	\$300
4770 6173	RSVP - DANE	\$1,000
4740 0072	Limited Term Employees	\$20,736
4740 2646	Travel Expense	\$922
4830 0979	AAA Nutrition Equipment	\$53,180
	Total	\$114,666

The question before the Board was adoption of Sub. 1 to Res. 83. Motion carried unanimously with Supervisor Rusk abstaining.

RES. 102, 04-05

ACCEPTING COMMUNITY LINKS GRANTS AND OTHER REVENUE - DCDHS-ACS DIVISION

The purpose of this resolution is to adjust revenue and expenditure for 2004.

1. The Wisconsin Department of Health and Family Services has awarded Dane County three (3) Community Links Workforce and Community Capacity Building Project Awards. These awards are for one year. Grant 1: \$50,000 in COP-W funding for Worker Registry project, a joint effort of DCDHS, Service Employees International Union and the Wisconsin Regional Training Project. The goal of the registry is to help match consumers looking for direct care workers with individuals seeking positions. The funds will be used to improve the registry, which began in 2003, and to enhance training for consumer employed COP/CIP workers. Grant 2: \$22,500 in DD CIP 1B funding to conduct further research on the need for nursing care among people with developmental disabilities who live in community settings. People with developmental disabilities have many nursing needs. A recent survey that had 982 responses found 605 people need assistance taking their medications, 442 individuals need monitoring for respiratory/high blood pressure, 225 have special diets, and 218 have seizures, yet few received in-home nursing care. The goal is to clearly define the types and levels of nursing needs in hopes of establishing a DD nursing clinic in the future. Grant 3: \$10,000 in COP-W funding to develop a training curriculum informed by the experiences and input of direct care workers and consumers. Community Living Alliance, Inc. is the lead local agency for this initiative and will work with representatives from Ashland and Waushara Counties in developing the curriculum.
2. The Wisconsin Department of Health and Family Services has received a grant from the U.S. Center for Medicaid/Medicare Services for a "One Stop Family Support Project" and is looking to implement the grant in Dane County. \$94,100 is awarded for 2004. The goal is to improve community awareness and access to comprehensive, community-based, family-directed information, supports and services for children with disabilities and their families. The Family Support and Resource Center, Inc. and the Waisman Center will be participating agencies. A point of emphasis of this grant is to develop outreach efforts to culturally and ethnically distinct groups. This grant may be renewed for up to three additional years.

NOW, THEREFORE, BE IT RESOLVED that the following revenue accounts be adjusted and the revenue increase be credited to the County General Fund and transferred from the General Fund to the following expenditure accounts in the Department of Human Services.

Revenue Account Number	Account Title	Amount
5025 0996	DD Adult CIP 1B	\$22,500
5025 0998	PD COP-W	\$60,000
5025 NEW	DD CMS One Stop Grant	\$94,100
	Total	\$176,600
Expenditure Account Number	Account Title	Amount
5475 6468	SEIU Registry Project	\$50,000
5475 NEW	Community Living Alliance – Links Grant	\$10,000
5115 NEW	Fiscal Assistance of Dane Co. - Grants	\$116,600
	Total	\$176,600

BE IT FURTHER RESOLVED that any unspent Community Links Workforce Grant funds from 2004 be carried forward for expenditure in 2005.

Health & Human Needs and Personnel & Finance Committees recommend adoption of Res. 102. Motion carried unanimously.

RES. 110, 04-05

AUTHORIZING ACCEPTANCE OF WISCONSIN DEPARTMENT OF JUSTICE GRANT FUNDS
FOR PRISON LITIGATION REFORM ACT

Under state law, the vast majority of litigation commenced by inmates in the Wisconsin prison system is brought in Dane County. By virtue of the Prison Litigation Reform Act, the courts are required to conduct significant screening activities of all actions filed by prisoners and such actions generally, if accepted for filing, require briefing and the review of an often-voluminous record.

Much of the screening function has been performed by LTE Staff Attorneys, who are licensed lawyers paid \$12.50 per hour, and these Staff Attorneys also provide considerable assistance to Dane County judges with review of the record, research,

and writing. Cuts in funding for LTE Staff Attorneys in the last two years has jeopardized the court's ability to properly handle this litigation.

The Wisconsin Department of Justice has made a grant of \$100,000 to the Dane County Clerk of Circuit Court to assist with the funding of staff legal services used to facilitate compliance with the Prison Litigation Reform Act, and a Memorandum of Understanding regarding this funding has been executed, a copy of which is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Dane County Board of Supervisors hereby accepts the grant from the Wisconsin Department of Justice and that all of the grant funds shall be credited to a new revenue account in the Clerk of Courts 2004 budget for Prisoner Litigation Reform Act Grant revenue and be credited to the General Fund; and

BE IT FURTHER RESOLVED that \$100,000 be transferred from the General Fund to the Clerk of Courts, General Court Support, Limited Term Employees-Law Clerk account for payment of costs incurred after approval of this resolution, and that the balance in the account after payment of costs through 12/21/04 shall be carried forward into the 2005 Clerk of Courts budget; and

BE IT FINALLY RESOLVED that the Clerk of Circuit Courts is hereby authorized to immediately hire two LTE Staff Attorneys to perform the work funded by the grant.

Public Protection & Judiciary and Personnel & Finance Committees recommend adoption of Res. 110. Motion carried unanimously.

RES. 112, 04-05

ACCEPTANCE OF VIOLENCE AGAINST WOMEN ACT STOP GRANT FUNDS FOR "SPECIALIZED PROSECUTION OF DOMESTIC VIOLENCE CRIMES"

This grant resolution accepts the funding for Specialized Prosecutors under the VAWA STOP grant to be administered through the Wisconsin Office of Justice Assistance (OJA). The grant provides funds for two FTE Assistant District Attorney positions. Dane County has been awarded \$139,670 in grant funds for 2 Specialized Prosecutor positions. The County match of \$73,569 will be met by existing staff resources in the District Attorney Office.

NOW, THEREFORE, BE IT RESOLVED that the Dane County District Attorney's Office be permitted to accept the aforementioned "The Violence Against Women STOP Grant Funds, administered by the Office of Justice Assistance, in the amount of \$139,670.

BE IT FURTHER RESOLVED that the \$139,670 be established in revenue line 111.351.3030.0534.

BE IT FURTHER RESOLVED that the \$139,670 be established in expense line 111.351.3030.2481.

BE IT FINALLY RESOLVED that any funds not received or expended in FY 2004 is carried forward to FY 2005.

Public Protection & Judiciary and Personnel & Finance Committees recommend adoption of Res. 112. Motion carried unanimously.

SUCH OTHER BUSINESS AS THE COUNTY BOARD IS AUTHORIZED TO CONDUCT BY LAW

Supervisor Wiganowsky moved to withdraw from committees Ord. Amdt. 10, 04-05 - Amending Ch. 62, Establishing a Jail Inmate Processing Fee. This motion will be on the agenda for the next regularly scheduled meeting of the County Board.

Supervisor Hendrick moved to withdraw from committees Ord. Amdt. 22, 03-04 - Amending Ch. 10, Regarding Residences in the Exclusive Agricultural District. This motion will be on the agenda for the next regularly scheduled meeting of the County Board.

ADJOURNMENT

Moved by Supervisor Opitz, seconded by Supervisor Fyrst, to adjourn to Thursday, October 7, 2004, at 7:30 p.m., or at the call of the Chair. Motion carried at 1:10 a.m. Subsequent to adjournment, the following matters were referred by Chair Kesterson:

Ord. Amdt. 18, 04-05 – Amending Ch. 10, Providing for Agricultural Based Education and Entertainment in the A-1 Exclusive Agriculture District. Submitted by Supervisors Salov, Jensen, Pertzborn, Schoer, Matano, Olsen, Kesterson, DeSmidt, Hendrick, Kostelic, Worzala, Vedder, Fyrst, Hulse, Richmond, Wheeler, Bruskevitz, Schoer, Vogel, Hitzemann, Wendt, Martz, Ripp, Gau, Hanson, O'Loughlin, Willet, and Gross. Referred to PUBLIC PROTECTION/JUDICIARY and ENVIRONMENT/AGRICULTURE/NATURAL RESOURCES.

Res. 139, 04-05 – Award of Contract for Heating Coil Replacement in Fan Room at Coliseum. Submitted by Supervisors Ripp, Kostelic, Willett, Matano, and Opitz. Referred to PERSONNEL/FINANCE and PUBLIC WORKS/TRANSPORTATION.

Res. 140, 04-05 – Award of Contract for Remodel Plumbing and Fixtures 6th and 7th Floor Jail/CCB. Submitted by Supervisors Ripp, Kostelic, Willett, Matano, and Opitz. Referred to PERSONNEL/FINANCE and PUBLIC WORKS/TRANSPORTATION.

Res. 141, 04-05 – Authorizing Additional Hours for Land Conservation Erosion Control Specialist LTE Position. Submitted by Supervisor Erickson. Referred to PERSONNEL/FINANCE, ENVIRONMENT/AGRICULTURE/NATURAL RESOURCES, and LAND CONSERVATION.

Res. 142, 04-05 – Memorandum of Understanding and Contract for Fly Dane 2005 Digital Orthophotography Project. Submitted by Supervisors Brown, Wiganowsky, Willett, O'Loughlin, and McDonell. Referred to PERSONNEL/FINANCE, ENVIRONMENT/AGRICULTURE/NATURAL RESOURCES, ZONING/LAND REGULATION, and LAND CONSERVATION.

Res. 143, 04-05 – Authorization to Amend a Bike Trail Easement for the Capital City State Trail. Submitted by Supervisors Martz, Ripp, and Kostelic. Referred to PERSONNEL/FINANCE and ENVIRONMENT/AGRICULTURE/NATURAL RESOURCES.

Res. 144, 04-05 – Donation of Trail Easement at Cherokee Marsh. Submitted by Supervisors Ripp and Kostelic. Referred to PERSONNEL/FINANCE and ENVIRONMENT/AGRICULTURE/NATURAL RESOURCES.

Res. 145, 04-05 – Acceptance of Funds for Water Quality Monitoring of Brewery Creek. Submitted by Supervisor Erickson. Referred to PERSONNEL/FINANCE, ENVIRONMENT/AGRICULTURE/NATURAL RESOURCES, and LAND CONSERVATION.

Res. 146, 04-05 – Opposing Offshore Contracting by the State of Wisconsin. Submitted by Supervisors Hulse, Eggert, McDonell, Fyrt, Brown, Richmond, Vedder, Gross, Rusk, Hanson, Olsen, Kostelic, DeSmidt, Matano, Wheeler, and de Felice. Referred to EXECUTIVE.

Res. 147, 04-05 – Authorizing Addendum to Employment Agreement for Legislative Lobbyist (BEIL). Submitted by Supervisor Kesterson. Referred to EXECUTIVE and PERSONNEL/FINANCE.

Res. 148, 04-05 – Authorizing Execution and Submittal of an Application for a Grant of Authority for Dane County to Establish a General Purpose Foreign Trade Zone in the Vicinity of the Dane County Regional Airport. Submitted by Supervisors Rusk and O'Loughlin. Referred to PERSONNEL/FINANCE.

Res. 149, 04-05 – Wisconsin Emergency Management (WEM) Training Grant Award. Submitted by Supervisors Olsen, Kostelic, Rusk, Hanson, Salov, Martz, Eggert, Hulse, Gross, Pertzborn, Wiganowsky, Gau, de Felice, DeSmidt, Jensen, Schoer, Wheeler, Matano, Willett, Bruskewitz, O'Loughlin, and Brown. Referred to PERSONNEL/FINANCE and PUBLIC PROTECTION/JUDICIARY.

Res. 150, 04-05 – Office of Justice Assistance (OJA) Decontamination Equipment for Hospitals Grant Award. Submitted by Supervisors Olsen, Vedder, Rusk, Hanson, Martz, Salov, Eggert, Hulse, Gau, de Felice, DeSmidt, Jensen, Schoer, Wheeler, Richmond, Willett, Brown, Matano, Hitzemann, and O'Loughlin. Referred to PERSONNEL/FINANCE, PUBLIC PROTECTION/JUDICIARY, and EMS COMMISSION.

Res. 151, 04-05 – County Executive Appointments. Submitted by Supervisor Kesterson. Referred to EXECUTIVE.

Res. 152, 04-05 – Authorization of Mazomanie Lease for Joining Forces for Families Program. Submitted by Supervisors Gross, DeSmidt, Wheeler, Bruskewitz, Worzala, and Salov. Referred to HEALTH/HUMAN NEEDS, PERSONNEL/FINANCE, and PUBLIC WORKS/TRANSPORTATION.

Res. 153, 04-05 – Adjusting Expenditure Lines and Amending Mendota Mental Health's Contract – Department of Human Services-CYF Division. Submitted by Supervisors Gross, DeSmidt, Wheeler, Bruskewitz, and Worzala. Referred to HEALTH/HUMAN NEEDS and PERSONNEL/FINANCE.

Res. 154, 04-05 – Adjusting Expenditure Lines and Amending the Mental Health Center Contract – Department of Human Services-CYF Division. Submitted by Supervisors Gross, DeSmidt, Wheeler, Bruskewitz, and Worzala. Referred to HEALTH/HUMAN NEEDS and PERSONNEL/FINANCE.

Res. 155, 04-05 – Accepting Additional Revenue and Amending a Professional Service Contract – Department of Human Services-CYF Div. Submitted by Supervisors Gross, DeSmidt, Wheeler, Bruskewitz, and Worzala. Referred to HEALTH/HUMAN NEEDS and PERSONNEL/FINANCE.

Res. 156, 04-05 – Accepting an Award for Operation of a First Breath Project—Public Health Division. Submitted by Supervisors Gross, DeSmidt, Wheeler, Bruskewitz, Worzala, Salov, and Fyrt. Referred to HEALTH/HUMAN NEEDS and PERSONNEL/FINANCE.

Res. 157, 04-05 – Accepting Birth to Three, COP and Pathways to Independence Grant Revenue – DCDHS-ACS Division. Submitted by Supervisors Gross, DeSmidt, Wheeler, Bruskewitz, Worzala, Salov, and Fyrt. Referred to HEALTH/HUMAN NEEDS and PERSONNEL/FINANCE.

Res. 158, 04-05 – Authorizing Allied Lease for Joining Forces for Families Program. Submitted by Supervisors Gross, Wheeler, Bruskewitz, Worzala, Salov, and Fyrt. Referred to HEALTH/HUMAN NEEDS, PERSONNEL/FINANCE, and PUBLIC WORKS/TRANSPORTATION.

Res. 159, 04-05 – Authorizing Submission of One Year Action Plan to the U. S. Department of Housing and Urban Development (HUD) for Program Year 2005 – January 1, 2005—December 31, 2005. Submitted by Supervisors Wheeler, Pertzborn, Vedder, McDonell, Worzala, Hendrick, Salov, Martz, Eggert, Hulse, Rusk, Gau, Gross, de Felice, DeSmidt, Jensen, Willett, Matano, and Schoer. Referred to HEALTH/HUMAN NEEDS, PERSONNEL/FINANCE, and CDBG COMMISSION.

Petition for Zoning Reclassification. Ord. Amdt. 18, 04-05 – Amending Ch. 10, Providing for Agricultural Based Education and Entertainment in the A-1 Exclusive Agriculture District. Referred by Clerk Parisi to ZONING/LAND REGULATION.

Claim from Eugene Hughes against Jail-claims wedding band missing. Referred to PUBLIC PROTECTION/JUDICIARY.

Claim from Paul Baumann against Highways-claims windshield damaged by rocks. Referred to PUBLIC PROTECTION/JUDICIARY.

Claim from Pat Roach against Jail –claims personal property missing. Referred to PUBLIC PROTECTION/ JUDICIARY

Notice of Circumstances Giving Rise to Claim and Claim from Phyllis L. Riordin-claims personal injury due to fall on sidewalk. Referred to PUBLIC PROTECTION/JUDICIARY.

Notices of Circumstances of a Claim arising from the death of Tierra Hill. Referred to PUBLIC PROTECTION/JUDICIARY.

Claim from Gary L. Mast resulting from accident involving County truck. Referred to PUBLIC PROTECTION/ JUDICIARY.

Notice of Personal Injury regarding injuries of Caleb Kozma at park Elementary School, Cross Plains. Referred to PUBLIC PROTECTION/JUDICIARY.

Claim from Martha J. Sebree against Airport-claims falling debris in ramp damaged car. Referred to PUBLIC PROTECTION/JUDICIARY.

Waushara County Res. 26-09-04, Resolution to Oppose DNR the Use of Wildlife Damage Funds for CWD Research. Referred to EXECUTIVE.

Oneida County res. 99-2004 re: aquatic invasive species. Referred to EXECUTIVE.

Columbia County Res. 39-04 re: revising milk volume production (MVP) program to protect water quality. Referred to EXECUTIVE.

Communication from County Clerk re: Effective Dates of Various Zoning Petitions:

- Amdt 9016 – Town of Albion – August 10, 2004
- 9026 – Town of Berry – August 10, 2004
- 9031 – Town of Berry – August 10, 2004
- 9044 – Town of Black Earth – September 7, 2004
- 8956 – Town of Blooming Grove – July 23, 2004
- 8968 - Town of Blue Mounds – July 12, 2004
- 9019 – Town of Burke – August 10, 2004
- 9022 – Town of Cottage Grove – August 10, 2004
- 9033 – Town of Cottage Grove – August 10, 2004
- 8997 – Town of Cross Plains – August 10, 2004
- 8996 – Town of Dane – September 22, 2004
- 8828 – Town of Oregon – September 7, 2004
- 8894 – Town of Pleasant Springs – August 20, 2004
- 8973 – Town of Springfield – September 9, 2004
- 9042 – Town of Springfield – September 7, 2004
- 9040 – Town of Sun Prairie – September 7, 2004
- 8953 – Town of Verona – July 23, 2004
- 8972 – Town of Vienna – August 5, 2004
- 9063 – Town of Westport - WITHDRAWN
- 8912 – Town of York – July 22, 2004
- 8938 – Town of York – July 15, 2004
