

**PEPIN COUNTY BOARD OF SUPERVISORS MEETING MINUTES
WEDNESDAY, JUNE 16, 2010, 7:00 P.M.
PEPIN COUNTY GOVERNMENT CENTER, DURAND, WI**

Meeting called to order at 7:00 p.m. by Chairman Peter Adler. He stated that this meeting had been properly noticed per Section 19.84 of the Wisconsin State Statutes.

County Board Assistant Darlene Brunner called roll.

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|--------------|---------------------|---------|---------------|-----------------|---------|
| District # 1 | Adolph Pichler Jr. | present | District # 7 | Jon Tappe | present |
| District # 2 | Daniel T. Weiss | absent | District # 8 | Sean Scallon | present |
| District # 3 | James Kraft | absent | District # 9 | Brent E. King | present |
| District # 4 | Peter Adler | present | District # 10 | Joseph Komisar | present |
| District # 5 | Peggy Schlosser | absent | District # 11 | Mike Murray | present |
| District # 6 | Patrick J. Milliren | present | District # 12 | George T. Dupre | present |

Nine members present. Three members absent: Daniel Weiss, James Kraft, and Peggy Schlosser.

Others present: Darlene Brunner, Larry Krcmar, Ryan Christensen, Chase Cummings, John Egli, John Caturia, Terry Mesch, Steve Schofield, Craig Thompson, Bruce Holmstadt, and Bekka Kolden.

The Board honored the flag by reciting the Pledge of Allegiance.

PUBLIC COMMENTS ON AGENDA ITEMS

There were no public comments on agenda items.

**AMENDMENT NO. 79 TO ORDINANCE NO. 179
CHAPTER 20 – PEPIN COUNTY FLOODPLAIN ZONING CODE**

**THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 20,
FLOODPLAIN ZONING CODE:**

BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:

Section 1. Authority and Purpose. This ordinance is enacted under the authority of Section 59.03 Wis. Statutes.

Section 2. That the code of Ordinances of the County of Pepin be amended by revising parts of a chapter to be numbered and read as follows:

20.01 AUTHORIZATION, FINDING OF FACT, PURPOSE, TITLE, GENERAL PROVISIONS, DEFINITIONS.

(5) GENERAL PROVISIONS. (a) Areas to be Regulated. Areas regulated by this chapter include all areas within the limits of the County that would be covered by the regional flood.

(b) Official Maps. Based on the FIS

1. The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Pepin County Land Management Office. If more than one map or revision is referenced, the most current approved information shall apply.

- (a) ~~The Flood Insurance Rate Map (Community No. 555570C, panels 02-20), dated January 2, 1976, is the official floodplain zoning map is on file in the Land Management Office. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to par. (d) below.~~

Flood Insurance Rate Map (FIRM), panel number 55091C0040D, 55091C0045D, 55091C0061D, 55091C0062D, 55091C0063D, 55091C0064D, 55091C0068D, 55091C0070D, 55091C0090D, 55091C0095D, 55091C0115D, 55091C0120D, 55091C0140D, 55091C0145D, 55091C0180D, 55091C0185D, 55091C0190D, 55091C0195D, 55091C0201D, 55091C0230D, 55091C0235D, 55091C0285D, 55091C0305D, 55091C0310D, 55091C0315D, 55091C0320D, 55091C0330D, 55091C0335D, 55091C0340D, effective date August 19, 2010 with corresponding profiles that are based on the Flood Insurance Study (FIS) 55091CV000A effective date August 19, 2010.

Approved by: The DNR and FEMA

Official Maps: Based on other studies

- (b) ~~For the Mississippi River the regional flood profiles have been establishment in the "Upper Mississippi River Water Surface Profiles" by the U.S. Army Corps of Engineers, dated November 1979. For this area, the regional flood profiles shall be the flood of record, which was the flood of April May 1965.~~

~~Approved by: The DNR and FEMA~~

- (e)(b) Bogus Creek No. 2 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Carol E. C. Drungil, Ph.D., P.E. Hydraulic Engineer, Natural Resource Conservation Service dated June 2001/revised February 2002 and as approved by the Wisconsin Department of Natural Resources February 11, 2002. (Ord. No. 179, Am. #36, § 2, 5-15-02)

Approved by: The DNR and FEMA

- ~~(d)~~(c) Bogus Creek No. 1 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated February 2003 and as approved by the Wisconsin Department of Natural Resources on May 4, 2004.
- ~~(e)~~(d) Lost Creek, Structure No. 3 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated December 2002 and as approved by the Wisconsin Department of Natural Resources May 4, 2004.
- ~~(f)~~(e) Lost Creek, Structure No. 4 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated February 2004 and as approved by the Wisconsin Department of Natural Resources May 4, 2004.
- ~~(g)~~(f) Lost Creek Structure No. 5 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated March 2005 and as approved by the Wisconsin Department of Natural Resources on April 28, 2006.
- ~~(h)~~(g) Little Plum Creek Structure No. 12 Hydraulic Shadow for 100-year flood with dam failure map, profile and floodway data table as prepared by Gregory M. Wolfe, P.E. Cedar Corporation dated February 2004 and as approved by the Wisconsin Department of Natural Resources May 4, 2004.

Effective Date: August 19, 2010

ADOPTED: June 16, 2010

ORDINANCE COMMITTEE

/s/ Patrick J. Milliren

Chairman

/s/ George T. Dupre

/s/ Jon C. Tappe

/s/ Mike Murray

Motion by Tappe and seconded by Milliren to adopt Amendment No. 79 to Ordinance No. 179, as amended at the public hearing.

Patrick Milliren, Zoning Committee Chairman, addressed the amendment. He stated that there were two panel numbers missed on the original amendment mailed out to the County Board. All members had copies of the amendment with the change.

Milliren explained that this amends the floodplain maps under Chapter 20 of the County Code of Ordinances. The previous floodplain maps were done by FEMA in 1976. This project has been in the works for several years, and Milliren said there have been public meetings, opportunities for the public to review this information, and the opportunity for appeals to be filed. The County also had the opportunity to file appeals, which was done on several parcels. Milliren further explained that this ordinance is important to Pepin County, because for anyone in the county to obtain flood insurance, the county must have adopted these maps. If there are landowners who still would like changes, there are mechanisms for them to file an appeal.

Chairman Adler clarified that adopting this amendment is to accept the mapping that FEMA and the DNR have done and have approved. If Pepin County does not adopt these maps, people in Pepin County would not be able to get flood insurance.

Sean Scallon stated that he spoke in opposition to this amendment at the public hearing, but has had the opportunity to talk with Mr. Egli and to view the maps. He now understood that homeowners are not mandated to have flood insurance if they have a structure located in the floodplain. It is the homeowner's choice. Because of that, Scallon said he would support the new floodplain maps, because he did not want to deny anyone in Pepin County the opportunity to have flood insurance.

Milliren added that there are some areas that were in the floodplain in the old mapping, and are now shown as not being in the floodplain in the new mapping. Some of these areas are on Deer Island.

George Dupre asked what is required for a property owner to get a modification if their property were marginal on the edge of the floodplain area. Egli responded that the property owner would be required to get documentation of what the flood elevation is, get historic information, hire a surveyor, and file a letter of map amendment on that specific structure to get it removed out of the floodplain. A number of these have been done in the county.

Following further discussion, Chairman Adler called for a roll call vote on Amendment No. 79 to Ordinance No. 179. Yes 9. No 0. Absent 3. Amendment adopted.

CRAIG THOMPSON FROM THE TRANSPORTATION DEVELOPMENT ASSOCIATION OF WISCONSIN

Craig Thompson, Executive Director of the Transportation Development Association of Wisconsin, addressed the Board regarding the resolution on this evening's agenda requesting to place an advisory referendum question on the November ballot to constitutionally segregate the State's Transportation Fund. Mr. Thompson explained that the Wisconsin Constitution identifies what the State can bond for. Capital costs and transportation are specific items that may be bonded for. Ongoing expenses of government may not be bonded for. During difficult times, the State of Wisconsin got into the practice of taking dollars out of the transportation fund and putting them into the general fund to help solve budget problems. The money removed from the transportation fund was replaced with general obligation bonds, with the debt service being paid for from the general fund. The State has transferred in excess of \$1.3 billion dollars out of the transportation fund into the general fund. They have replaced those funds with about \$800 million in bonding from the general fund. The transportation fund has lost a little over \$400 million dollars. This referendum sends the message to the legislature that the transportation funds, which are generated from user fees such as registration fees and gasoline tax, are intended to be used for roads and transportation.

Mr. Thompson said they would like to see as many counties as possible put this advisory question on the ballot, asking citizens: *“Should the Wisconsin Constitution be amended to prohibit any further transfers or lapses from the segregated transportation fund?”* The hope would be that it would create the inertia to get elected officials to pay attention and fix the problem. Many states already have this language in their constitutions. Thompson added that placing a referendum on the ballot would have more impact than the County Board passing a resolution, as it could become a focus question of candidates during elections. He said that the cost to put the referendum question on the ballot would add about \$200 to printing costs.

RESOLUTION NO. 13-2010
PLACING ADVISORY REFERENDUM QUESTION TO CONSTITUTIONALLY
SEGREGATE THE STATE’S TRANSPORTATION FUND ON THE NOVEMBER
BALLOT

WHEREAS, according to the Legislative Fiscal Bureau, over the past decade, the state of Wisconsin has transferred approximately \$1.2 billion from the state’s segregated transportation fund to the state’s general fund and replaced it with approximately \$800 million in General Obligation (GO) bonds. Thereby, reducing the amount available for transportation purposes by approximately \$400 million.

WHEREAS, Wisconsin’s practice of transferring money from the segregated transportation fund to the general fund has eroded the public’s confidence that the “user fees” they pay through the state gasoline tax and vehicle registration fees will be used for their intended purpose; and

WHEREAS, Wisconsin’s practice of replacing the dollars transferred from the state’s segregated transportation fund with GO bonds puts our state in the precarious position of bonding to fund ongoing operations; and

WHEREAS, the Pew Center on the States recently released a report that included Wisconsin as having one of the ten worst budget situations in the country and specifically cited transferring money from the transportation fund to fund ongoing operations as an example of one of the practices that has put Wisconsin in such an untenable position; and

WHEREAS, the debt service for these bonds will have to be paid for out of the state’s general fund which hinders its ability to fund other programs like Shared Revenue, Youth Aids, Community Aids and courts in the future; and

WHEREAS, using the states general obligation (GO) bonds in this way has hurt the state’s bond rating. A report issued by CNN in 2009 listed Wisconsin as having the second worst GO bond rating in the country; and

WHEREAS, gas tax and vehicle registration fees comprise over 90% of the state’s segregated transportation account. Revenues from these two sources have been declining and are inadequate to meet the existing transportation needs in this state; and

WHEREAS, Wisconsin’s transportation infrastructure is a fundamental component in its ability to attract and retain business and produce jobs; and

WHEREAS, the citizens of Pepin County deserve the right to have their voices heard on this important issue; and

WHEREAS, providing constitutional protection much like our neighbors in Minnesota, Iowa, Michigan and Ohio already have is the only way to ensure that this practice will not continue;

NOW, THEREFORE, BE IT RESOLVED by the Pepin County Board of Supervisors that the following question will be put to the voters of Pepin County in an advisory referendum during the November 2010 election:

Should the Wisconsin Constitution be amended to prohibit any further transfers or lapses from the segregated transportation fund?

and;

BE IT FURTHER RESOLVED that the County Clerk is directed to cause a copy of the Notice of Referendum to be published in the county's official newspaper as required by law; and

BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this resolution and a copy of the results of the advisory referendum to the Wisconsin Counties Association.

RESOLUTIONS COMMITTEE

/s/ Norman Murray

/s/ Daniel T. Weiss

/s/ Peter A. Adler

/s/ Joseph Komisar

Motion by Komisar and seconded by Scallon to adopt Resolution No. 13-2010. Board members discussed costs to place a referendum question on the ballot. Adler stated that the County Clerk estimated the cost at \$1,000.00, which Krcmar explained may include the costs by Command Central for the program change to get the referendum on the voting machines. Adler said he supported the idea, but also supported having the resolution passed by the County Board versus going to referendum on the ballot. Several members commented that the referendum gets the voice of the people throughout the State to the representatives in Madison with more impact and becomes an effective way to raise awareness of the issue.

Following further discussion, a roll call vote was taken on Resolution No. 13-2010. Yes 7. No 2. Absent 3. Resolution adopted. Voting No were: Patrick Milliren and Peter Adler.

APPROVAL OF PEPIN COUNTY LAND AND WATER RESOURCE MANAGEMENT PLAN

Land Conservationist Chase Cummings made a power point presentation on the Pepin County Land and Water Resource Management Plan. Following the presentation, motion by Murray and seconded by King to approve the plan. Motion carried.

RESOLUTION NO. 14-2010

AUTHORIZING NON-LAPSING LINE-ITEM IN COUNTY FAIR ACCOUNT

WHEREAS the Pepin County UWEX Committee has requested that the Fair Improvements line item in the County Fair account be made a non-lapsing line item, with any unused budget each year being carried over to the following year, and

WHEREAS the Pepin County Finance Committee recommends that the request be granted.

NOW THEREFORE BE IT RESOLVED that the Pepin County Board of Supervisors hereby authorizes the County Fair- Fair Improvements account (A/C# 100-00-55140-830) to be a non-lapsing line item, with any unused budget each year being carried over to the following year.

RESOLUTIONS COMMITTEE

/s/ Norman Murray

/s/ Daniel T. Weiss

/s/ Peter A. Adler

/s/ Joseph Komisar

Motion by Scallon and seconded by Pichler to adopt Resolution No. 14-2010.

Finance Director Lawrence Krcmar explained that this resolution authorizes for the Fair Improvements line-item in the County Fair account to be made a non-lapsing line-item. Unused funds each year in this line-item will be carried over to the following year. There were funds allocated in that line-item this year for some renovation work at the fair barn. The funds for the work that was to be done have been returned to the County, because the contracted person was incapable of doing the work. Members of the UWEX Committee have offered to do the project, providing that the funds that would have been paid to the contractor remain in the Fair budget for other projects. Krcmar estimated the carryover at the end of 2010 to be approximately \$1,500.00.

Following further discussion, there was a roll call vote on Resolution No. 14-2010. Yes 9. No 0. Absent 3. Resolution adopted.

2009 ANNUAL REPORTS

The 2009 Annual Report of the **Pepin County Recycling/Solid Waste Department** was presented by Terry Mesch. Motion by Dupre and seconded by Scallon to accept the annual report as presented. Motion carried. Report placed on file for public inspection.

The 2009 Annual Report of the **Pepin County Economic Development Office** was presented by Terry Mesch. Motion by Murray and seconded by Dupre to accept the annual report as presented. Motion carried. Report placed on file for public inspection.

The 2009 Annual Report of the **Pepin County Finance Office** was presented by Lawrence Krcmar. Motion by Murray and seconded by Tappe to accept the annual report as presented. Motion carried. Report placed on file for public inspection.

The 2009 Annual Report of the **Pepin County Board of Supervisors/Personnel Office/Government Center** was presented by Darlene Brunner. Motion by Milliren and seconded by Tappe to accept the annual report as presented. Motion carried. Report placed on file for public inspection.

APPOINTMENTS

- **Board of Adjustments**

(Daniel Richardson and Neil Auth terms expire 6/30/2010)

(Adolph Pichler replacement – County Board members cannot serve on Board of Adjustments)

Chairman Adler reappointed Daniel Richardson to serve on the Board of Adjustments for a three-year term to expire June 30, 2013. He appointed Larry Dekan from the Town of Albany to complete Adolph Pichler's term on the Board of Adjustments which expires June 30, 2012. Motion by Dupre and seconded by Scallon to approve the appointments. Motion carried.

Chairman Adler asked members to give him names of persons from the Pepin area that might serve on the Board of Adjustments. Neil Auth does not wish to be reappointed at this time. That appointment will be done at a future meeting.

• **Pepin County Housing Authority** (Dave Hayden's term expires 6/30/2010)

Chairman Adler announced that Dave Hayden has agreed to serve another term on the Pepin County Housing Authority. Chairman Adler appointed Mr. Hayden to serve a five-year term, which expires June 3, 2015. Motion by Milliren and seconded by Pichler to approve the appointment. Motion carried.

PUBLIC COMMENTS ON ISSUES OTHER THAN AGENDA ITEMS

There were no public comments on agenda items.

ANNOUNCEMENTS AND COMMITTEE REPORTS

A note of thanks from LaVerne Crapser's daughter was read.

An invitation to St. Mary's 150th Anniversary Celebration was read.

Committee Chairpersons reported on activities of importance within departments.

ADJOURN

As there was no further business, motion by Scallon and seconded by Milliren to adjourn. Motion carried. Meeting adjourned at 9:25 p.m.

Submitted and certified by,
/s/ Darlene Brunner
County Board Assistant

Approved by,
/s/ Peter Adler
Peter Adler, Chairman
Pepin County Board of Supervisors

Certified this 29th day of June, 2010.

Marcia R. Bauer
Pepin County Clerk