

ENROLLED ORDINANCE 165-52

APPROVE REQUEST OF DEPARTMENT OF PARKS AND LAND USE TO ACCEPT
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
NR115 LAKE PROTECTION AND PLANNING GRANT FUNDS

WHEREAS the lakes in Waukesha County are important resources used by the public for recreation and enjoyment of natural beauty; and

WHEREAS the protection of critical watershed areas and reasonable lake use activities are paramount in the protection of water quality and the natural ecosystem of the lakes; and

WHEREAS the Wisconsin Department of Natural Resources made grants available to Counties to assist in the update of shoreland ordinances so as to be compliant with newly adopted NR115 rules and Waukesha County is qualified to carry out the responsibilities of this project; and

WHEREAS Waukesha County has had an effective Shoreland Protection Ordinance (Waukesha County Shoreland and Floodland Protection Ordinance) since 1970 and now, in response to the new NR115 rules, needs to provide amendments and updates to said Shoreland Protection Ordinance (Waukesha County Shoreland and Floodland Protection Ordinance); and

WHEREAS the Waukesha County Board approved Enrolled Resolution 165-1, which endorsed the grant application request of the Department of Parks and Land Use, and

WHEREAS Waukesha County applied for and was awarded a \$5,000 Lake Protection and Planning Grant to update its shoreland ordinance to be compliant with NR115; and

WHEREAS the grant eligible project costs are estimated to exceed the amount of the grant; and

WHEREAS Waukesha County agrees to match 25% of the grant total with in kind staff time.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Department of Parks and Land Use is authorized to accept the funds from the State of Wisconsin Department of Natural Resources (DNR) in an amount not to exceed \$5,000 for updating its shoreland ordinance in compliance with NR115 under the "Lake Management Protection Grant Program."

BE IT FURTHER ORDAINED that Waukesha County will comply with state rules for the program, may perform force account work, and will meet the financial obligations under the grant.

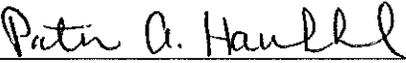
APPROVE REQUEST OF DEPARTMENT OF PARKS AND LAND USE TO ACCEPT
STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES
NR115 LAKE PROTECTION AND PLANNING GRANT FUNDS

Presented by:
Land Use, Parks and
Environment Committee


Fritz Ruf, Chair


Robert Hutton

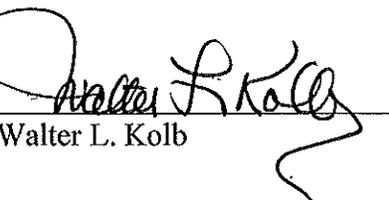
Approved by:
Finance Committee


Patricia A. Haukohl, Chair

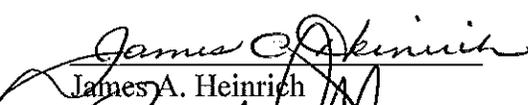

Dave Falstad


Michael J. Inda

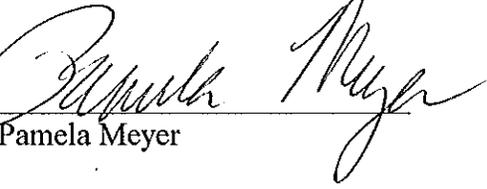

James Jeskewitz


Walter L. Kolb

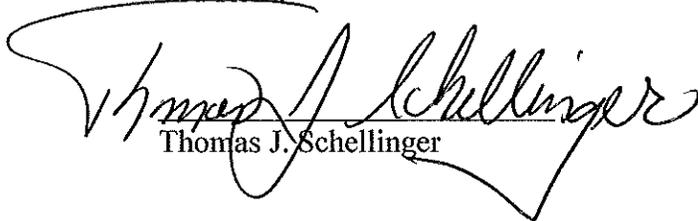

Ted Rolfs

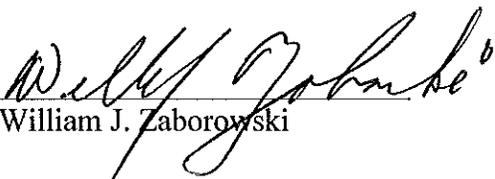

James A. Heinrich


Robert Hutton

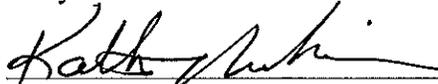

Pamela Meyer


Ted Rolfs


Thomas J. Schellinger

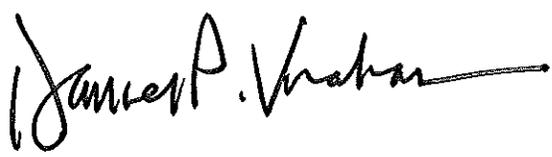

William J. Zaborowski

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: Oct 29, 2010, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X
Vetoed: _____

Date: 10-27-10, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-10/26/10

(ORD) NUMBER-1650053

- 1 D. FALSTAD.....
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....
- 7 P. HAUKOHL.....AYE
- 9 J. HEINRICH.....AYE
- 11 F. RUF.....AYE
- 13 P. DECKER.....AYE
- 15 P. MEYERS.....AYE
- 17 J. TORTOMASI.....AYE
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 K. CHIAVEROTTI....AYE
- 25 G. YERKE.....AYE

- 2 T. ROLFS.....
- 4 J. DWYER.....AYE
- 6 J. BRANDTJEN.....AYE
- 8 T. SCHELLINGER....AYE
- 10 D. SWAN.....AYE
- 12 P. WOLFF.....AYE
- 14 M. INDA.....AYE
- 16 D. PAULSON.....AYE
- 18 K. CUMMINGS.....AYE
- 20 P. JASKE.....AYE
- 22 P. GUNDRUM.....AYE
- 24 W. KOLB.....AYE

TOTAL AYES-22

TOTAL NAYS-00

CARRIED \

DEFEATED

UNANIMOUS X

TOTAL VOTES-22

ENROLLED RESOLUTION 165-1

APPROVE WAUKESHA COUNTY LAKE PROTECTION
AND PLANNING GRANT APPLICATION

WHEREAS the lakes in Waukesha County are important resources used by the public for recreation and enjoyment of natural beauty; and

WHEREAS the protection of critical watershed areas and reasonable lake use activities are paramount in the protection of water quality and the natural ecosystem of the lakes; and

WHEREAS the Wisconsin Department of Natural Resources (DNR) is making grants available to counties to assist in the update of shoreland ordinances so as to be compliant with newly adopted DNR Administrative NR 115 rules and Waukesha County is qualified to carry out the responsibilities of this project; and

WHEREAS this County has had an effective Shoreland Protection Ordinance (Waukesha County Shoreland and Floodland Protection Ordinance) since 1970 and now, in response to the new NR 115 rules, must provide amendments and updates to that ordinance.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA that Waukesha County requests the funds and assistance available from the Wisconsin Department of Natural Resources under the "Lake Management Protection Grant Program."

BE IT FURTHER RESOLVED that the Director of the Department of Parks and Land Use is empowered to act on behalf of Waukesha County to submit an application to the State of Wisconsin for financial aid for lake protection purposes; sign documents; and take necessary action to undertake, direct, and complete this project and prepare amendments to the Waukesha County Shoreland and Floodland Protection Ordinance in conformance with the newly enacted NR 115 rules.

BE IT FURTHER RESOLVED that Waukesha County will comply with state rules for the program, may perform force account work, and will meet the financial obligations under the grant.

Notice: Use of this form is required by the DNR for any application filed pursuant to ch. NR 190 or 191, Wis. Adm. Code. Personal information (PI data) collected on this form, including such data as your name, address, phone number, etc., will be used for management and enforcement of DNR programs, and is not intended to be used for any other purpose. Information will be made accessible to requesters under Wisconsin's Open Records laws (s. 19.32-19.39, Wis. Stats.) and requirements.

Section I: Application Type

<input type="checkbox"/> Lake Management Planning Grant Check one: <input type="checkbox"/> Large-scale planning grant <input type="checkbox"/> Small-scale planning grant Check one: <input type="checkbox"/> Lake education <input type="checkbox"/> Organizational development <input type="checkbox"/> Other study or assessment, or multiple-purpose project	<input checked="" type="checkbox"/> Lake Management Protection Grant Check one: <input type="checkbox"/> Wetland restoration <input checked="" type="checkbox"/> Ordinance development <input type="checkbox"/> Lake improvement <input type="checkbox"/> Lake classification <input type="checkbox"/> Land or easement acquisition
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Legislative District Numbers	
Senate	Assembly
33	97

To determine your legislative district, go to <http://165.189.139.210/WAML/>
Type in complete address, next screen shows information.

Section II: Applicant Information

Applicant Waukesha County		Type of Eligible Applicant <input checked="" type="checkbox"/> County <input type="checkbox"/> Tribe <input type="checkbox"/> Other Governmental Unit	
Lake Name	Size in Acres	<input type="checkbox"/> City <input type="checkbox"/> Sanitary District <input type="checkbox"/> Non Profit Conservation Organization	
Project County/Township/Section/Range Waukesha County		<input type="checkbox"/> Village <input type="checkbox"/> Lake District <input type="checkbox"/> School Districts (Planning)	
Authorized Representative Named by Resolution Department of Parks and Land Use		Project Contact Name Sandy Scherer	
Authorized Representative Title Director		Project Contact Title Senior Planner	
Address 515 W. Moreland Blvd. Room AC260		Address 515 W. Moreland Blvd. Room AC230	
City Waukesha	State WI	ZIP Code 53188	
Daytime Phone (area code) (262) 896-8300	Evening Phone (area code)	Daytime Phone (area code) (262) 548-7790	Evening Phone (area code)
E-mail Address dshaver@waukeshacounty.gov		E-Mail Address sscherer@waukeshacounty.gov	

Mall Check to: (if different from applicant)			
Name and Title Dale Shaver		Address 515 W. Moreland Blvd. Room AC260	
Organization Waukesha County Department of Parks and Land Use	City Waukesha	State WI	ZIP Code 53188

For DNR Use Only			
Application Type	Date Received	Date Reviewed (if C)	Lake Coordinator Approval / Date
Waterbody ID	Adequate Public Access <input type="checkbox"/> Yes <input type="checkbox"/> No	Environmental Grants Specialist Approval / Date	
Eligible Project <input type="checkbox"/> Yes <input type="checkbox"/> No	Eligible Applicant <input type="checkbox"/> Yes <input type="checkbox"/> No	Project Priority Rank	
Proj. Grant Award(s) <input type="checkbox"/> Yes <input type="checkbox"/> No	Fiscal Year(s)	Amount Received To Date	Project Awarded <input type="checkbox"/> Yes <input type="checkbox"/> No

165-0-053

4.

Section III: Project Information

Project Title: Waukesha County Shoreland and Floodland Protection Ordinance revisions to implement new NR115 rules Proposed Ending Date: 06/30/12

Other Management Units Around Lake	Letter of Support	Other Management Units Around Lake	Letter of Support
1.	<input type="checkbox"/>	4.	<input type="checkbox"/>
2.	<input type="checkbox"/>	5.	<input type="checkbox"/>
3.	<input type="checkbox"/>	6.	<input type="checkbox"/>

Section IV: Lake Access

Number of Public Vehicle Trailer Parking Spaces Available at Public Access Sites: _____

Number of Public Access Sites on Lake Including Boat Launches and Walk-ins: _____

Section V: Cost Estimate and Grant Request

Section V must be completed or application will be returned. Details in support of Section V are welcome.	Project Costs		
	Column 1 Cash Costs	Column 2 Donated Value	<i>DNR Use Only</i>
1. Salaries, wages and employee benefits	5,911.00		
2. Consulting services			
3. Purchased services—printing and mailing	705.00		
4. Other purchased services (specify):			
5. Plant material			
6. Supplies (specify)			
7. Depreciation on equipment			
8. Hourly equipment use charges			
9. State Lab of Hygiene (SLOH) Costs			
10. Non-SLOH Lab Costs			
11. Land or easement acquisition value			
12. Associated acquisition costs			
13. Other (specify) <u>Notice of public hearing</u>	50.66		
14. Subtotals (sum each column)	6,666.66	0.00	
15. Total Project Cost Estimate (sum of column 1 plus sum of column 2)	6,666.66		
16. State Share Requested (up to 75% of total costs may be requested)	5,000.00		

Subject to the following maximum grant amounts:

- Large-scale lake planning projects—up to \$10,000
- Small-scale lake planning projects—up to \$3,000
- Lake classification and regulation or ordinance development projects—up to \$50,000
- Lake protection projects (other than lake classification and regulation or ordinance development projects)—up to \$200,000

Section VI: Attachments (check all that are included)

A. For all applicants:

- 1. Authorizing resolution
- 2. Letters of support
- 3. Map of project location and boundaries
- 4. Lake map with public access sites identified (per Section IV of this application)
- 5. Itemized breakdown of expenses
- 6. For projects that entail sending samples to the State Laboratory of Hygiene (SLOH) only: a completed SLOH Projected Cost Form
- 7. Project scope/description:
 - a. Description of project area
 - b. Description of problem to be addressed by project
 - c. Discussion of project goals and objectives
 - d. Description of methods and activities
 - e. Description of project products or deliverables
 - f. Description of data to be collected, if applicable
 - g. Description of existing and proposed partnerships
 - h. Discussion of role of project in planning and/or management of lake
 - i. Timetable for implementation of key activities
 - j. Plan for sharing project results
 - k. Other information in support of project not described above

B. For applicants that are Lake Management Organizations (LMOs) or Non-profit Conservation Organizations (NCOs):

- 1. For first time applicant LMOs only: A completed Form 8700-226 (Lake Association Organizational Application)
- 2. For first time applicant NCOs only: Copy of IRS 501(c)(3) determination letter and copies of your Articles of Incorporation and Bylaws
- 3. List of national and/or statewide organizations with which you are affiliated
- 4. List of board members' names, including municipality and county of residence. Designate officers
- 5. Documentation of current financial status
- 6. For land or easement acquisition projects: Detailed description of your organization's land management experience
- 7. Brochures, newsletters, annual reports or other information about your organization

C. Wetland Restoration Projects:

- 1. Deed, easement, or land control agreement
- 2. Preliminary engineering plans
- 3. Water regulatory permits
- 4. Map of project location and boundaries

D. Ordinance Development Projects:

- 1. Inventory of applicable existing ordinances
- 2. Description of resources each jurisdiction allocates to enforcement
- 3. Preliminary surveys

E. Lake Improvement Projects:

- 1. Engineering and design plans
- 2. Water regulatory permits
- 3. Map of project location and boundaries

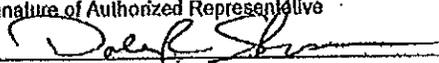
Section VI: Attachments, continued

F. Land or easement acquisition projects:

- 1. DNR Form 1800-1 (Environmental Hazards Assessment Form)
- 2. Legal description of the property
- 3. Project location boundary map
- 4. Property or easement appraisal (if not previously submitted to the Department)
- 5. If escrow closing, the title insurance commitment
- 6. Evidence of compliance with Uniform Relocation Act requirements, if applicable
- 7. Agricultural Impact Statement, if applicable
- 8. Status of acquisition negotiations, including expected time frame for closing
- 9. A land management plan
 - a. Full description of property and conditions
 - b. Description of current and proposed uses of property and adjoining properties
 - c. Management requirements for property
 - d. If roads, piers or grading are proposed, a topographic survey with feature locations, and design cross sections

Section VII: Certification

I certify that information in this application and all its attachments are true and correct and in conformity with applicable Wis. Statutes.

Print/Type Name of Authorized Representative Department of Parks and Land Use	Title of Authorized Representative Director
Signature of Authorized Representative 	Date Signed 04/13/10

Itemized Breakdown of Expenses

	<u>Planner</u>	<u>Corporation Counsel</u>	<u>PZD Support Staff</u>	<u>Other</u>
Drafting	52 hours	39 hours		
Notice	1 hour		1 hour	\$50.00
Mailing				\$25.00
Public Hearing	4 hours	4 hours	1 hour	
Staff Report	4 hours		1 hour	
Ordinance Review	1 hour	1 hour	1 hour	
PPC meeting	1 hour	1 hour	1 hour	
LUPE	1 hour		1 hour	
County Board	1 hour			
Hosting on Internet			1 hour	
Printing (copies, covers)				\$675
Countywide indirect cost recovery charge				\$450
	\$2,958	\$2,250	\$259	\$1200

Total = \$6,667

Section VI: Attachments

A. For all applicants:

A.1. Authorizing Resolution - anticipated adoption date by the Waukesha County Board is 5-25-2010. This was accepted by Greg Breese via email on April 2, 2010. Draft Resolution attached.

A.2. Letters of Support – n/a

A.3. Map of project location and boundaries – refer to attached map.

A.4. Lake map with public access sites identified – n/a per Greg Breese.

A.5. Itemized breakdown of expenses – refer to attached.

A.6. N/A

A.7. Project scope/description (per Greg Breese letter dated January 27, 2010)

1.a. Describe the purpose of the ordinance revision

Waukesha County must update its Shoreland and Floodland Protection Ordinance (SFPO) due to recent changes made to NR115 at the state level. The changes made to NR115 include some new regulations that Waukesha County is required to address as well as changes to some of the existing regulations, which will require amendments to the existing code. The intent of the new regulations such as impervious surface limitations and mitigation requirements are to protect and improve water quality of the lakes and streams in Waukesha County by limiting runoff and providing for natural vegetation in the near shore areas. Administration of the revised SFPO will complement other lake management efforts by further protecting and improving water quality. The long term enforcement of the SFPO is conducted by the staff of the Waukesha County Department of Parks and Land Use – Planning and Zoning Division on a daily basis as part of their overall zoning administration/enforcement program. The administration/enforcement costs are therefore part of the annual budget process.

Specifically, at a minimum, Section 2, Section 3, Section 23, Section 24, and Section 25 of the SFPO will have to be revised. As we begin working on the revision process, we may find additional sections may need to be revised.

1.b. Who will help with which tasks in the revisions process?

The planning and zoning staff with assistance from corporation counsel will be responsible for drafting the revisions to the SFPO. The other tasks listed on the Itemized Breakdown of Expenses will be completed by the planning and zoning staff with assistance primarily from the support staff. Decisions are made by the Park and Planning Commission, Land Use Parks and Environment Committee and the County Board.

2. Waukesha County plans to revise the Waukesha County SFPO by revising existing ordinance language to incorporate new standards using comprehensive/general zoning codes.

D. Ordinance Development Projects:

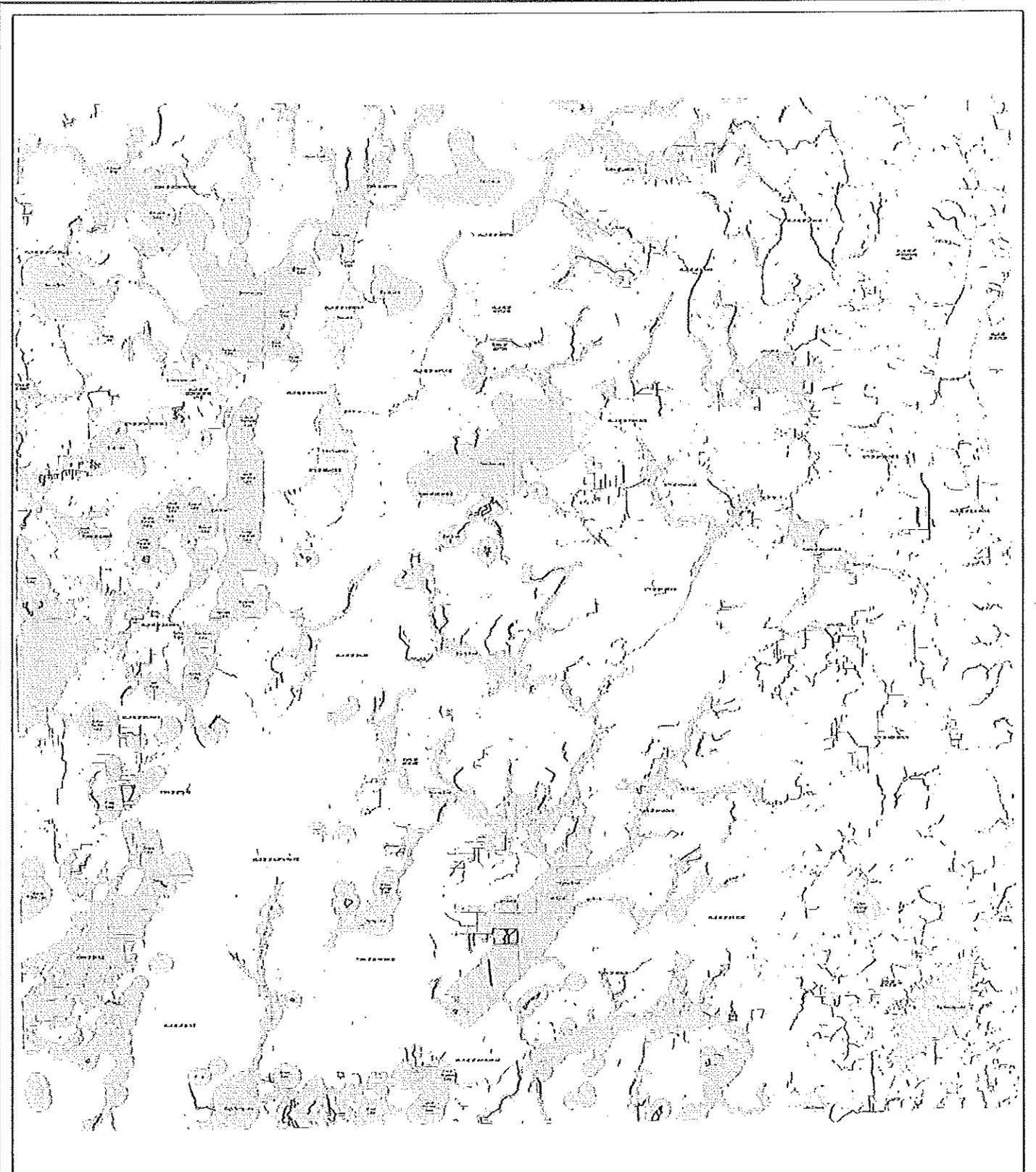
D.1. Inventory of applicable existing ordinances

The Waukesha County SFPO is administered by the Waukesha County Department of Parks and Land Use – Planning and Zoning Division and can be found at the following link www.waukeshacounty.gov/landandparks and clicking on Planning and Zoning, Code of Ordinances, and then the Shoreland PDF.

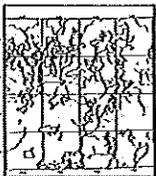
D.2. Description of resources (staff, budget, equipment) each jurisdiction allocates to enforcement of existing ordinances

The Waukesha County Department of Parks and Land Use – Planning and Zoning Division has a professional staff of eight planners and an administrative staff of three. All positions are budgeted through the annual budget process, as is all of the equipment and other resources utilized by staff in the enforcement of the SFPO. The type of equipment and resources includes, but is not limited to, vehicles, computers, cameras, telephones, copy machines, printers, fax machine, etc.

D.3. N/A



Location Map



Civil Divisions
 Civil Divisions
 Shoreland Jurisdiction

MAP OF
WAUKESHA COUNTY
SHORELAND AND FLOODLAND
PROTECTION ORDINANCE
JURISDICTION
WAUKESHA COUNTY, WISCONSIN



Date of Current Data Map: October 31, 2008



If you wish to purchase a copy
 of this map, please contact the
 Planning Department at 262-791-1421.
 The information and graphics herein are for
 informational purposes only and do not
 constitute a warranty, express or implied,
 by the County of Waukesha, or any other
 person or entity. The County of Waukesha
 Planning Department is not responsible for
 any errors or omissions that may appear
 in this map. The County of Waukesha
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165-0-053

11.

**Appendix BUD-600-A
Intent to Apply**

Waukesha County Department of: Parks and Land Use

Project Name: Lake Management Grant Application

Grant Source: Department of Natural Resources

Purpose: To obtain grant money to offset the cost of amending the Waukesha County Shoreland and Floodland Protection Ordinance.

Funding Period: 2010

Availability of Continuation Funding: 2011

County Program/Community Need Addressed: Zoning Administration

Collaborative Partners: None.

Staffing Requirements: Senior planner, planning and zoning division support staff, corporation counsel, business manager, all of which are already funded in the 2010 budget.

Plan for Continuation of Program after Grant Expiration: Administration of the Waukesha County Shoreland and Floodland Protection Ordinance is ongoing.

Was the Grant located as a result of using eCivis-Grant Locator? No
If no, how did you hear about the grant? From the DNR

Amount of Grant Requested: \$ 5,000

	County In Kind
Required County Match: \$1,667	Match and Source \$1,667 (county staff time)

Allowable Indirect Costs: Yes **County's Indirect Costs:** \$450

List Other County Resources Needed to Implement this Grant: n/a

Appendix BUD-600-B Checklist for Grant Analysis

The following questions should be completed during the development of any new grant application. All information may not be readily available but answer to the best of your ability. This completed Analysis, the Intent to Apply and Signature Page must be submitted to the County Executive's office.

1. How does the grant further the department strategic plan or budget?
The grant money will be used to offset the staffing and printing costs of amending the Waukesha County Shoreland and Floodland Protection Ordinance.
2. What local or county problem does this grant address? **The zoning amendments are required due to the passage of the new NR115 regulations at the state level.**
3. What other community resources already address this problem? **None.**
4. Why is this important to Waukesha County government?
To update the Waukesha County Shoreland and Floodland Protection Ordinance as required by state law.
5. How many people are expected to benefit from the grant?
All property owners under the jurisdiction of the Waukesha County Shoreland and Floodland Protection Ordinance.
6. Does the grant duplicate or conflict with other community or county programs currently in operations? **No. If yes, please explain. n/a**
7. Why is Waukesha County the best applicant and operator of the program?
It is a county ordinance (the Waukesha County Shoreland and Floodland Protection Ordinance) that is affected by the new state regulations.
8. Does the grant expose local government to additional financial or legal liability? **No.**
9. How long is the funding available? **Annually through 2011.**
10. Does the grant allow reimbursement for indirect costs? **Yes, and \$450 is being requested for Countywide indirect cost recovery.**
11. Who will be responsible for grant administration, implementation, evaluation and reporting?
The Department of Parks and Land Use.
12. What are the long-term benefits/liabilities associated with the cost of implementing this grant funded program?
**Benefits – An updated Waukesha County Shoreland and Floodland Protection Ordinance and improved water quality for the citizens of Waukesha County.
Liabilities – none.**

Appendix BUD-600-C
Signature Page for New Grant Applications

Your Name: **Sandy Scherer** Phone # **548-7790**

Department: **Parks and Land Use -- Planning and Zoning Division**

Grant Name: **Lake Management Grant Application**

Date grant application was received by Department: **March 31, 2010**

Due date of grant: **May 1, 2010**

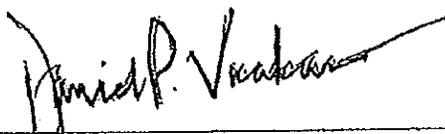
Please indicate the type of Grant:

New Non-Entitlement X Repetitive under \$5,000

Has the department applied to other sources for this type of grant? **No.**

If yes, when was the grant last applied for? n/a

What was the name of the Grant? n/a

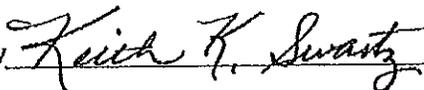


County Executive

4/22/10

Date

Department of Administration Review





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Matthew J. Frank, Secretary

101 S Webster St
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

July 15, 2010

Mr. Dale R. Shaver
Waukesha County
1320 Pewaukee Road, Room 260
Waukesha, WI 53188

LPT-378-11

Dear Mr. Shaver:

Congratulations! On behalf of Governor Jim Doyle, we are pleased to announce your project is approved for funding under Wisconsin's Lake Protection Grant Program:

<u>Project No.</u>	<u>Project Name</u>	<u>Sponsor</u>	<u>State Aid Amount</u>
LPT-378-11	Waukesha County, NR115 Ordinance Development	Waukesha County	\$5,000.00

Enclosed are duplicate copies of the grant agreement. Please review the agreements and return the original signed by the authorized official within 30 days of this letter's date to Sandra Manthei at 2300 N Dr Martin Luther King Dr, Milwaukee, WI 53212. Please retain the other copy for your file. Funds will be encumbered when the signed agreement is returned. Please read the items checked below - they apply to your project and grant award.

- Grant Award Time Period:** September 1, 2010 through June 30, 2012. All project activities must occur within this time period in order for costs associated with these activities to be eligible for reimbursement.
- Advance or Reimbursement Check:** Your advance or reimbursement check will be mailed to Waukesha County, Dale R Shaver, 1320 Pewaukee Road, Room 260, Waukesha, WI 53188. This is the check recipient that appears in our records.
- Reimbursement claim forms are enclosed.** Please be aware that the deadline for submitting final maintenance reimbursement claims is six (6) months from the project end date. Quarterly reimbursement requests may be submitted during the project and must be accompanied by progress reports detailing activities completed during the quarter covered by the request as well as documentation for the costs being claimed.
- Your Lake Protection Grant has the option of providing an advanced payment of \$1,250.00.** This advance payment will be equal to 25% of the state aid amount. The money is available to help you get your classification or ordinance project started. If you would like to receive the advance payment just check the advance payment box located above the signature area on the grant agreement.

Mr. Dale R. Shaver
Waukesha County
Page 2

LPT-378-11

Should you have any questions about the project, please contact Carroll Schaal at 608-261-6423. If you have any financial questions please contact Sandra Manthei at 414-263-8569.

You may be contacted by the Office of the Governor or your state Legislator concerning the issuance of a press release to publicize the grant award. The Department of Natural Resources is pleased to have the opportunity to participate with you in this lake protection project.

Sincerely,


Mary Rose Teves, Director
Bureau of Community Financial Assistance

cc: Carroll Schaal - WT/4
Sandra Manthei - SER

165-0-053

16.

Daniel P. Vrakas
County Executive

Dale R. Shaver
Director



August 3, 2010

Ms. Sandra Manthei
Wisconsin DNR
2300 N. Dr. Martin Luther King Dr.
Milwaukee, WI 53212

Re: Waukesha County, NR115 Ordinance Development Lake Protection Grant Agreement

Dear Ms. Manthei:

I have reviewed and signed the enclosed Lake Protection Grant Agreement that was forwarded to me by Dale Shaver, Director of the Waukesha County Department of Parks and Land use. We have retained the duplicate copy for our records. We appreciate the grant award, as it will certainly help to offset some of the cost of implementing changes to the Waukesha County Shoreland and Floodland Protection Ordinance in order to comply with the new provisions of NR 115. In the event you have any questions, please do not hesitate to contact me at (262) 548-7790.

Sincerely,

Jason Fruth
Planning and Zoning Manager

Enclosure: Signed Lake Protection Grant Agreement

cc: File

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Planning & Zoning Division
515 W. Moreland Blvd. • Room AC-230
Waukesha, Wisconsin 53188-3868
Phone: (262) 548-7790 • Fax: (262) 898-8071

165-0-053

17.

Sponsor Waukesha County	Project Number LPT-378-11								
Project Title Waukesha County, NR115 Ordinance Development									
Period Covered by This Agreement September 1, 2010 through June 30, 2012	Name of Program Lake Protection Program								
Project Scope and Description of Project <p>County proposes to amend or create a shoreland zoning ordinance that complies with the requirements of NR 115, Wisconsin Administrative Code (as revised effective February 1, 2010) and retain existing regulations that exceed the water resource protections of NR 115 or are specific or unique to local needs.</p> <p>Project deliverables include: 1) Copies of any fact sheets or handouts created for public hearings. 2) A summary of the comments received at public hearings. 3) A certified copy of the County Board-approved updated shoreland ordinance or ordinance language (if integrated into other codes) 4) Any GIS maps of the shoreland zone or shoreland condition surveys related to the project.</p> <p>Specific conditions for this Project: The WDNR will be provided electronic and hard copies of all data and or reports or surveys generated as a result of this project.</p> <p>If consultant is to provide final report, it is recommended that Grantee provide DNR Lake Coordinator with a draft for comment on report adequacy prior to making final payment to the consultant. DNR to receive both paper and electronic .pdf copies of the final report along with, or prior to submission of grantee's final payment request.</p>									
Final Report Obligation: Final report deliverables help us ensure that the grant has been satisfactorily completed, and that state dollars are being spent wisely. Every deliverable, no matter how minor, must be completed in order to receive full reimbursement for the state share of costs. Ranking questions used to obtain this award, and specific deliverables mentioned in your grant description, constitute final report deliverables. If any deliverable is not adequately provided in the final report, only partial reimbursement, at the department's discretion, will be made. The only exception will be if there is a well-justified and department-approved scope amendment. If you have any question about what a specific ranking question or other deliverable means, please contact your lake coordinator BEFORE you sign this agreement.									
PROJECT COSTS:	<i>The following documents are hereby incorporated into and made part of this agreement:</i>								
<table> <tr> <td>Total Cost</td> <td><u>\$6,666.66</u></td> </tr> <tr> <td>Fund Support</td> <td><u>75%</u></td> </tr> <tr> <td>State Aid Amount</td> <td><u>\$5,000.00</u></td> </tr> <tr> <td>Sponsor Share</td> <td><u>\$1,666.66</u></td> </tr> </table>	Total Cost	<u>\$6,666.66</u>	Fund Support	<u>75%</u>	State Aid Amount	<u>\$5,000.00</u>	Sponsor Share	<u>\$1,666.66</u>	<ol style="list-style-type: none"> Chapter NR 191, Wisconsin Administrative Code Lake Management Grant Application (Form 8700-283 and all attachments)
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Fund Support	<u>75%</u>								
State Aid Amount	<u>\$5,000.00</u>								
Sponsor Share	<u>\$1,666.66</u>								

1. The State of Wisconsin Department of Natural Resources (Department) and the Sponsor mutually agree to perform this agreement in accordance with the Lake Protection project proposal, application, terms, promises, conditions, plans, specifications, estimates, procedures, maps and also any assurances attached hereto and made a part hereof.
2. The Department hereby promises, in consideration of the covenants and agreements made by the Sponsor herein, to obligate to the Sponsor the amount of \$5,000.00, and to tender to the Sponsor that portion of the obligation which is required to pay the Department's share of the costs based upon the state providing 75 percent of eligible project costs. The Sponsor hereby promises, in consideration of the promises made by the Department herein, to execute the project described herein in accordance with this agreement.
3. The Sponsor agrees to comply with all applicable Wisconsin Statutes and Wisconsin Administrative codes in fulfilling terms of this agreement.
4. The Department agrees that the Sponsor shall have sole control of the method, hours worked, and time and manner of any performance under this agreement other than as specifically provided herein. The Department reserves the right only to inspect the job site or premises for the sole purpose of insuring that the performance is progressing or has been completed in compliance with the agreement. The Department takes no responsibility for supervision or direction of the performance of the agreement by the Sponsor or the Sponsor's employees or agents. The Sponsor is an Independent Contractor for all purposes, not an employee or agent of the Department. The Department further agrees that it will exercise no control over the selection or dismissal of the Sponsor's employees or agents.
5. This agreement, together with any referenced parts and attachments, shall constitute the entire agreement and previous communications or agreements pertaining to the subject matter of this agreement are hereby superseded. Any revisions, including cost adjustments, must be made by an amendment to this agreement or other written documentation, signed by both parties, prior to the termination date of the agreement. Time extensions and scope changes to the agreement may be granted to the Sponsor by the Department in writing without the requirements of Sponsor signature.
6. The Sponsor may rescind this agreement in writing at any time prior to the starting of the project and before expending any funds. After the project has been started or funds expended, this agreement may be rescinded, modified, or amended only by mutual agreement in writing.
7. Failure by the Sponsor to comply with the terms of this agreement shall not cause the suspension of all obligations of the Department hereunder if, in the judgment of the Secretary of the Department, such failure was due to no fault of the Sponsor. In such case, any amount required to settle at minimum costs any irrevocable obligations properly incurred shall be eligible for assistance under this agreement, at the Department's discretion.
8. The Sponsor agrees to save, hold harmless, defend, and indemnify the State of Wisconsin, the Department and all its officers, employees and agents, against any and all liability, claims and costs of whatever kind and nature, for injury to or death of any person or persons, and for loss or damage to any property (state or other) occurring in connection with or in any way incident to or arising out of the occupancy, use, service, operation or performance of work in connection with this agreement or omissions of Sponsor's employees, agents or representatives.
9. The Sponsor agrees to reimburse the Department for any and all funds the Department deems appropriate in the event the Sponsor fails to comply with the conditions of this agreement or project proposal as described, or fails to provide public benefits as indicated in the project application, proposal description or this agreement. In addition, should the Sponsor fail to comply with the conditions of this agreement, fail to progress due to nonappropriation of funds, or fail to progress with or complete the project to the satisfaction of the Department, all obligations of the Department under this agreement may be terminated, including further project cost payment.
10. In connection with the performance of work under this agreement, the Sponsor agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, disability, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Statute; sexual orientation or national origin. This provision shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation; and selection for training, including apprenticeship. Except with respect to sexual orientation, the Sponsor further agrees to take affirmative action to ensure equal employment opportunities, as required by law. The Sponsor agrees to post in conspicuous places available, for employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of the nondiscrimination clause.
11. Data and information acquired as part of the project shall be reported to the Department in the format specified by the Department's regional contact.
12. The local share is the portion of the project costs to be paid by the Sponsor. State funds may not be considered part of the local share. Interest earned on fund advances under this grant cannot be considered part of the local share.
13. Accounting for project funds shall conform to generally accepted accounting principles and practices, and shall be recorded by the Sponsor in a separate account. All financial records, including invoices and canceled checks, that support all project costs claimed by the Sponsor, shall be kept and made available for inspection for 3 years after final payment.

14. Final reimbursement claims must be submitted within six (6) months from the project end date. The Sponsor may request quarterly reimbursement for grant eligible costs. Reimbursement requests must be accompanied by progress reports detailing activities that have taken place during the time period for which the Sponsor is seeking reimbursement and documentation for the costs being claimed.
15. The Grantee must comply with all applicable local and state contract and bidding requirements.
16. Return original agreement signed by the authorized official within 30 days of the date signed by the DNR representative below.

Check here if you request the advance payment of \$1,250.00 for LPT-378-11.

The persons signing for the Sponsor represents both personally and as an agent of his or her Sponsor that he or she is authorized to execute this agreement and bind his or her Sponsor, either by a duly adopted resolution or otherwise.

By Jason Fruth
 (Signature)
Planning and Zoning Manager
 (Title)
July 30, 2010
 (Date)

STATE OF WISCONSIN
 DEPARTMENT OF NATURAL RESOURCES
 FOR THE SECRETARY
 By Mary Rose Teves
 Mary Rose Teves, Director
 Bureau of Community Financial Assistance

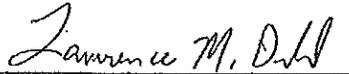
July 15, 2010
 (Date)

FISCAL NOTE

APPROVE REQUEST OF DEPARTMENT OF PARKS AND LAND USE TO ACCEPT STATE
OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR115 LAKE PROTECTION
AND PLANNING GRANT FUNDS

This ordinance authorizes the Department of Parks and Land Use (PLU) – Planning and Zoning Division to accept \$5,000 in State Department of Natural Resource (DNR) grant funding to partially offset the cost of updating the County's Shoreland and Floodland Protection Ordinance, to be in compliance with new state regulations. The DNR is requiring that the County Shoreland and Floodland Protection Ordinance be updated by February 1, 2012. Project costs are expected to consist primarily of PLU staff time, which is already included in the budget, so no additional spending authority is requested in this ordinance. According to Department staff, this grant is unlikely to cover all personnel and other costs needed to update the ordinance. The State is requiring a \$1,667 County match, which is planned to be covered with existing budgeted County staff time (including support from the Corporation Counsel Office). According to Department staff, additional DNR grant funds may be available and requested during the September 2010 through June 2012 grant period.

Lawrence M. Dahl
Accounting Services Manager



10/5/2010

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