

2009 - 2010

County Board Proceedings

County Board of Supervisors of Manitowoc County



Photo: Newly Renovated East Entrance to the Manitowoc County Courthouse
Pictured: Students from the Manitowoc Public School District Summer School Program

Sessions: April 21, 2009 - March 29, 2010

Published per Wisconsin Statutes § 59.17(1)(2)

2009/2010 OFFICIAL PROCEEDINGS

MANITOWOC COUNTY BOARD OF SUPERVISORS STATE OF WISCONSIN, MANITOWOC COUNTY

Chairperson of the County Board

James N. Brey

Vice Chairpersons

Kevin Behnke

Ed Rappe

**Prepared by: Jamie J. Aulik, County Clerk
June 2010**

2009/2010 OFFICIAL PROCEEDINGS
MANITOWOC COUNTY BOARD OF SUPERVISORS

TABLE OF CONTENTS

PAGES:	MEETING DATE:
1 - 28	April 21, 2009
29 - 44	May 19, 2009
45 - 72	June 16, 2009
73 - 85	July 21, 2009
86 - 99	August 18, 2009
100 - 124	September 22, 2009
125 - 163	October 15, 2009
164 - 167	October 26, 2009
168 - 179	November 17, 2009
180 - 184	November 30, 2009
185 - 198	December 15, 2009
199 - 206	January 19, 2010
207 - 228	February 23, 2010
229 - 236	March 16, 2010
237 - 241	March 29, 2010
INDEX:	1 - 13

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

April 21, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 21st day of April, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:03 P.M.

Supervisor Kozlowski gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Kozlowski, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schneider, Tittl, Vogt, and Wagner.

On motion by Supervisor Gauger, the March 17, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Heyroth moved, seconded by Supervisor Henrickson to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

Collin Braunel, City of Manitowoc, spoke in support of the request of Lakeshore Aviation to reduce airport hours.

Dave Pozorski, Town of Newton, spoke on the history of the Manitowoc County Park System and talked about the acquisition and development of county parks explaining that many times local citizens donated the land for park development.

James Theyerl, Town of Kossuth, addressed the Board regarding courthouse personnel and requested the names and addresses of County Board Supervisors so that he can send a communication to each of them.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed 7:15 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Jim Brey presented a Certificate of Appreciation to Del Bilotti for 33 years of service. Chairperson Jim Brey read a Certificate of Appreciation for Ruth Kocian for 21 years of service.

Department Director Elaine Diedrich presented a Certificate of Appreciation to Judy Beck for 15 years of service.

Judy thanked everyone and noted that she enjoyed her job and always came to work with a smile on her face.

Planning and Parks Director Tim Ryan presented a Proclamation Commending the Silver Lake Park Oversight Committee to Co-Chair Dave Pozorski. Dave thanked everyone and recognized committee members who volunteered to help turn the “diamond in the rough into a sparkling jewel.”

Chairperson Jim Brey read a Proclamation Declaring the month of April as “Parents Who Host, Lose the Most.”

Chairperson Jim Brey presented a Proclamation Proclaiming Foster Care Month to Foster Care Coordinator Patty Timm. Patty stated that she is proud and honored to work with an outstanding group of foster parents. Robin Krall, who has been a foster parent for 30 years, enjoyed her experience and is content knowing that she is giving foster children a second chance.

Chairperson Jim Brey read a Proclamation Declaring April 12-18, 2009 as Paralyzed Veterans’ Awareness Week.

Public Works Director Jeff Beyer gave an update on the capital works projects for 2009 which include the Communications Project, Courthouse Restoration, and the Jail Security Systems Upgrade Project.

Veterans Service Officer Jane Babcock gave an update on the benefit dollars that came into Manitowoc County for veterans in 2008.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointments of Mary Jo Capodice, Shirley Fessler and Frank Rodriguez to the Board of Health for two year terms expiring April 2011. Supervisor Bauknecht moved, seconded by Supervisor Tittl, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointments of Lisa Behnke, James Loersch, Mike Huck, Marilyn Quirk, Judy Rank, and Amy Wergin to the Long Term Support Planning for three year terms expiring April 30, 2012. Supervisor Vogt moved, seconded by Supervisor Maresh, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer's appointments of Rose Mary Hickman, Steve Roekle, Derek Muench, and Don Goeke to the Transportation Coordinating Committee for three year terms expiring April 2012. Supervisor Muench moved, seconded by Supervisor Henrickson, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer's appointment of Supervisor Rick Gerroll to the Transportation Coordinating Committee to complete Supervisor Ted Zigmunt's term expiring April 2011. Supervisor Schneider moved, seconded by Supervisor Tittl, to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent

Chairperson Brey presented County Executive Bob Ziegelbauer's appointment of Mike Demske to the Veterans Service Commission to complete a vacancy expiring December 2011. This appointment is effective on May 9, 2009. Supervisor Muench moved, seconded by Supervisor Janowski, to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Board of Health: Supervisor Tittl gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

Expo Board: Supervisor Behnke gave a brief report.

Finance Committee: Supervisor Kozlowski moved, seconded by Supervisor Muench, to adopt Resolution 1 (2009/2010-1) Authorizing Designation, Carry-over, Transfer, and Reappropriation of Specified Funds from 2008 to 2009. Upon vote, the motion carried unanimously.

No. 2009/2010 - 1

RESOLUTION AUTHORIZING DESIGNATION, CARRY-OVER, TRANSFER, AND REAPPROPRIATION OF SPECIFIED FUNDS FROM 2008 TO 2009

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, events occur after the adoption of the Annual Budget that affect various
2 program activities and their appropriations for a given budget year; and
3

4 WHEREAS, some of the programs, projects, and activities that were planned for the 2008
5 budget year did not take place, were not completed, or are on-going and must be carried-over into
6 the next budget year; and
7

WHEREAS, the Comptroller/Auditor has compiled a pre-audit list designating those programs, projects, activities, and funds that should be carried forward and reappropriated in the 2009 budget; and

WHEREAS, the appropriate oversight committees and the Finance Committee have reviewed the requests and recommend that the designation, carry-over, and reappropriation requests be approved; and

WHEREAS, Wisconsin statutes and county board rules require that the county board take official action to authorize the designation, carry-over, and reappropriation of funds; and

WHEREAS, sound financial practice requires that such carry-over designations be recorded in the official books of the County; and

WHEREAS, any additional items or adjustments that may be required at the completion of the County's external audit will be brought to the County Board in a separate resolution at the conclusion of the field work of the external audit;

NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors that the following unreserved, designated funds are authorized to be carried over from the official books of the County for the year ended December 31, 2008 to the official books of the County for the year ending December 31, 2009; that the funds are reappropriated and may be expended as required; and that the 2008 Annual Budget is amended and the appropriate line items in the General Fund may be increased by the amounts shown:

Description/Purpose	Account	Amount
Unres/Desig-Airport	100.34222	10,215.81
Unres/Desig-Mapping	100.34232	29,419.00
Unres/Desig-Area Plan PP	100.34233	47,903.91
Unres/Desig-Silver Lake Dona	100.34235	15,406.82
Unres/Desig-Maribel Caves	100.34236	417.19
Unres/Desig-Public Health	100.34240	25,097.38
Unres/Desig-Veterans Srv	100.34245	39,103.75
Unres/Desig-Lnd Rec Modern	100.34270	190,697.73
Unres/Desig-Sheriffs Dept	100.34275	2,910.00
Unres/Desig-Vehicle Pool PW	100.34277	49,127.00
Unres/Desig-EM Communication	100.34279	56,250.00
Unres/Desig-Emgt Hazmat	100.34280	169,647.98
Unres/Desig-UW Extension	100.34284	13,323.95
Unres/Desig-County Board	100.34286	4,000.00
Unres/Desig-Elections CC	100.34289	51,455.36
Unres/Desig-Radio-Tower Proj	100.34297	840,000.00

Unres/Desig-S&W Invasive Spec	207.34250	7,000.00
Unres/Desig-IS Email Proj	601.33030	6,864.00;

and

BE IT FURTHER RESOLVED that the following unreserved, designated funds are authorized to be carried over from the books of the County for the year ended December 31, 2008 to the official books of the County for the year ending December 31, 2009; but that the funds may not be reappropriated or expended without further action by the County Board:

Department	Activity	Account	Amount
Public Works	Future Capital Projects	100.34295	44,518.80;

and

BE IT FURTHER RESOLVED that the following grant and project funds are authorized to be carried over from the official books of the County for the year ended December 31, 2008 to the official books of the County for the year ending December 31, 2009; that they may be expended; and that the 2009 Annual Budget is amended and the following line items are increased by the amounts shown:

Description/Purpose	Account	Category	Amount
Planning - State Grant Smart Growth	63000.43580.06	Revenue	(201,254)
Planning - State Grant Smart Growth	63000.47350	Revenue	(117,081)
Planning - State Grant Smart Growth	63000.52676	Expense	318,335
IS - WIJIS State Grant Project	14500.43510.45	Revenue	(69,890)
IS - WIJIS State Grant Project	14500.53056	Expense	69,890;

and

BE IT FURTHER RESOLVED that the following amounts be transferred from one fund to the other to cover their negative cash position for the December 31, 2008 balance sheet date:

From	To	Amount
General Fund	Expo Special Revenue Fund	222,000
WMMIC Liability Insurance Fund	Workers Compensation Fund	367,000;

and;

94 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
95 information in the official books of the County for the year ended December 31, 2008 and for the
96 year ending December 31, 2009 as may be required.

Dated this 21st day of April 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Carries over the amounts specified from the 2008 budget to the 2009
budget and amends the 2009 Annual Budget as stated.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Kozlowski moved, seconded by Supervisor Tittl, to adopt Resolution 2 (2009/2010-2)
Authorizing Restatement of 2008 Budget (Various Activity, Revenue, and Expense
Appropriations). Upon vote, the motion carried unanimously.

No. 2009/2010 - 2

**RESOLUTION AUTHORIZING RESTATEMENT OF 2008 BUDGET
(Various Activity, Revenue, and Expense Appropriations)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, events occur after the adoption of the annual budget that affect the various
2 program activities and their appropriation for a given budget year; and
3

4 WHEREAS, the Comptroller/Auditor has produced a pre-audit report showing the effect of
5 those events on the various activities and their appropriations for 2008 and has identified certain
6 adjustments that should be made to reconcile the annual budget; and
7

8 WHEREAS, sound financial practice requires that such adjustments be recorded in the official
9 books of the County; and
10

11 WHEREAS, the Finance Committee has reviewed the pre-audit adjustments shown below and
12 recommends that such adjustments be made to the county's official books; and
13

14 WHEREAS, Wisconsin statutes and county board rules require that the county board take
15 official action to authorize such adjustments; and
16

17 WHEREAS, any additional adjustments that may be needed at the completion of the county's
18 external audit will be brought to the county board in a separate resolution;
19

NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors that the following changes to the activity, revenue, and expense appropriations and funds described are hereby approved:

Acct. No.	Department	Account	Amount
1.59990	Non-Department	Contingent Fund	(239,769)
12100.51200	Clerk of Courts	Wages	17,000
12100.51490	Clerk of Courts	Accrued Vacation	6,000
12100.51554	Clerk of Courts	Hlth Ins.	15,500
12100.52127	Clerk of Courts	Clerical	3,725
12300.52115	Reg. In Probate	Medical	19,680
12700.51450	Coroner	Extra Hire - Deputies	16,750
13200.52110	Corporation Counsel	Atty/Legal	67,100
14200.44207	County Clerk	Photo Rev. Passport	(1,500)
14200.48500	County Clerk	Donations	(1,500)
14200.51200	County Clerk	Wages	1,200
14200.51450	County Clerk	Extra Hire	2,200
14200.51552	County Clerk	WRS	1,000
14200.53010	County Clerk	Printing	1,100
14200.58275	County Clerk	Outlay	3,725
14210.53008	County Clerk	Postage Abatement	(6,725)
14220.53005	County Clerk	Printing	500
14300.51100	Personnel	Salaries	7,500
14300.51490	Personnel	Accrued Vacation	3,715
15100.58100	Comptroller	Outlay	25,300
16000.48200	Public Works - Admin	Rent Revenue	(33,000)
16050.47440	Public Works - Phone	PBX Revenue	(55,000)
16100.43290	Public Works - Crt Hse.	HUD - Crt Hse Dome Grant	(33,500)
16100.52103	Public Works - Crt Hse.	Architect Contracted Service	40,000
16100.52999	Public Works - Crt Hse.	Other Contracted Service	39,000
16200.58100	Public Works - Ofc Complex	Outlay Equip	3,675
16300.51200	Public Works - Jail	Wages	43,000
16300.51490	Public Works - Jail	Accrued Vacation	12,000
16300.51554	Public Works - Jail	Health Ins.	15,000
16300.52221	Public Works - Jail	Water/Sewer	2,000
16300.52222	Public Works - Jail	Electric	5,000
16300.52223	Public Works - Jail	Gas	12,000
16750.52418	Public Works - Adm Ofc Bldg	Cleaning Service	775
16800.51200	Public Works - Other Property	Other Property	22,400
17150.47482	ROD-Land Records	Dept. Charges	(3,000)
17150.52507	ROD-Land Records	Contracted Service	28,816

63	21200.51250	Sheriff - Patrol	Over time	72,000
64	21200.51491	Sheriff - Patrol	Accrued Comp.	53,679
65	21200.51552	Sheriff - Patrol	WRS	12,000
66	21200.52405	Sheriff - Patrol	Equip. Maintenance	9,000
67	21200.52415	Sheriff - Patrol	Electrical	19,000
68	21300.51200	Sheriff - Snow mobile	Snow mobile enforcement	3,403
69	25400.52117	Emergency Management	Physical / Mental Exams	1,200
70	25400.52999	Emergency Management	Other Contracted Service	1,000
71	25400.53106	Emergency Management	Hazmat Reimb. Expense	3,000
72	27000.46203	Sheriff - Jail	Medical Reimb.	(22,000)
73	27000.51200	Sheriff - Jail	Wages	15,000
74	27000.51250	Sheriff - Jail	Over time	150,000
75	27000.51491	Sheriff - Jail	Accrued Comp.	24,386
76	27000.51552	Sheriff - Jail	WRS	50,000
77	27000.51554	Sheriff - Jail	Health Ins.	35,000
78	27000.53005	Sheriff - Jail	Operating Supplies	20,000
79	27000.53070	Sheriff - Jail	Food	25,000
80	35100.43532	Airport	State Project Aid	(41,925)
81	35100.48300	Airport	Sale of Equip	(3,891)
82	35100.48961	Airport	Fuel Delcer Revenue	(6,150)
83	35100.58275	Airport	Outlay - Land Improvements	58,184
84	36000.43546	Solid Waste Admin.	Ag Clean Sweep State Rev.	(5,800)
85	36000.43547	Solid Waste Admin.	Household Waste State Rev.	(17,100)
86	36000.52528	Solid Waste Admin.	Hazardous Waste Disposal	22,900
87	54400.52417	Parks-Snow Mobile Trails	Contracted Service	42,798
88	56350.42950	U.W. Extension	State Mtg/Training/Pamphlets	180
89	64000.44401	Board of Adjustment	Board of Adj Fee	(6,869)
90	64000.53038	Board of Adjustment	Mileage	2,000
91	12300.46150.01	Reg. In Probate	Fees-County	(6,200)
92	12300.46150.02	Reg. In Probate	Fees-GAL	(6,000)
93	12700.46200.80	Coroner	Coroner Fees	(5,000)
94	17150.46130.11	ROD-Land Records	Electronic Access Fee Rev.	(25,816)
95	25400.46200.60	Emergency Management	Hazmat - Team Response Rev.	(5,200)
96	27000.46200.08	Sheriff - Jail	Prisoner Board All Other	(10,368)
97	27000.46200.09	Sheriff - Jail	Prisoners Board State	(344,000)
98	27000.46200.12	Sheriff - Jail	GPS Rev.	(92,500)
99	27000.46200.16	Sheriff - Jail	State Criminal Alien Asst. Prog.	(19,600)
100	54400.43570.02	Parks-Snow Mobile Trails	State Aid	(42,798)
101	56350.46700.01	U.W. Extension	State Reimbursement	(180);

and

BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such

106 information in the official books of the county for the year ended December 31, 2008 as may be
107 required.

Dated this 21st day of April 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No tax levy impact. Increases net appropriated 2008 revenues and expenses
by \$1,035,391.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Kozlowski moved, seconded by Supervisor Bauknecht, to adopt Resolution 3
(2009/2010-3) Authorizing Out-of-State Travel (Liz Johnson). Upon vote, the motion carried
unanimously.

No. 2009/2010 - 3

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Liz Johnson)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Information Systems Department maintains and supports critical hardware
2 and software systems that assist law enforcement agencies, fire departments, and emergency medical
3 service providers in providing critical care and support services to the citizens of Manitowoc County;
4 and
5

6 WHEREAS, the software systems supporting this environment are in a state of constant
7 change, and the Information Systems Department must stay current with these changes through
8 continuing education; and
9

10 WHEREAS, the annual Aegis software systems conference is the primary means by which
11 Manitowoc County can stay current with these changes and provides an excellent forum to exchange
12 ideas, learn new methodologies, and participate in hands-on seminars to improve the skill sets
13 required to maintain the systems;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 authorizes Aegis Administrator Liz Johnson to attend the three-day Annual Aegis MSP Users
17 Conference in Orlando, Florida from May 17 through May 19, 2009.

Dated this 21st day of April 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs, not to exceed \$1,900, are included in the approved Information Systems budget.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Bundy gave a brief report. Their next meeting will be May 5.

Supervisor Bundy moved, seconded by Supervisor Heyroth, to adopt Resolution 4 (2009/2010-4) Authorizing Highway Committee to Approve Contract with Northeast Asphalt. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 4

**RESOLUTION AUTHORIZING HIGHWAY COMMITTEE
TO APPROVE CONTRACT WITH NORTHEAST ASPHALT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, CTH 310 will be rebuilt from the City of Two Rivers to I-43 and I-43 will be
2 rebuilt from CTH 310 to the Brown County Line during the coming year; and
3

4 WHEREAS, Northeast Asphalt, Inc. has proposed entering into an agreement with Manitowoc
5 County under which Northeast Asphalt would establish an asphalt plant using its own equipment at
6 the Highway Department shop on STH 310, quarry rock, purchase sand that the county would truck
7 from Yanda's Pit, produce asphalt to be used in the reconstruction of STH 310 and I-43, and provide
8 asphalt for county highway projects; and
9

10 WHEREAS, such an agreement would produce monetary savings for taxpayers, produce a
11 quality product for road construction, provide an economic return to the county on its investment
12 in land, and ensure employment security;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board authorizes the
15 Highway Commissioner to negotiate an agreement with Northeast Asphalt, Inc. and delegates the
16 authority to approve the agreement to the Highway Commission, with the understanding that any
17 agreement is contingent upon Northeast Asphalt securing the contract for the reconstruction of STH
18 310 and I-43.

Dated this 21st day of April 2009.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: Indeterminable. Increased revenues and decreased expenditures will depend on the amount of raw materials purchased by Northeast Asphalt and the amount of finished product purchased by the county.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report.

Supervisor Rappe moved, seconded by Supervisor Henrickson, to adopt Resolution 5 (2009/2010-5) Creating a Long-Term Care District. Upon vote, the motion carried unanimously.

No. 2009/2010 - 5

RESOLUTION CREATING A LONG-TERM CARE DISTRICT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the State of Wisconsin has authorized expansion of the long-term care program
2 known as family care; and
3

4 WHEREAS, the goal of the family care program is to improve people's lives through:

- 5 • ACCESS – Improving access to services;
- 6
- 7 • CHOICE – Giving people better choices about the services and supports available
- 8 to meet their needs;
- 9
- 10 • COST-EFFECTIVENESS – Creating a system where planning for resources and
- 11 options to meet an individual's outcomes also considers the comparative costs of
- 12 those options and resources;
- 13
- 14 • QUALITY – Improving quality through a focus on health and social outcomes;
- 15 and
- 16
- 17

18 WHEREAS, the intent of the family care program is to eliminate waiting lists for people
19 eligible for home and community-based long-term care services; and
20

21 WHEREAS, Wis. Stat. § 46.2895 provides counties with the legal authority to create a public
22 entity known as a long-term care district to provide the family care benefit through the operation of
23 a care management organization; and
24

25 WHEREAS, a long-term care district, which a county or counties may create by resolution,
26 operates independently and imposes no financial or legal liability on the counties that form the
27 district beyond the Basic County Allocation outlined in current state law; and
28

29 WHEREAS, Wis. Stat. § 46.281(4) provides that a county's initial annual contribution when
30 offering family care for the first time will be no more than the county spent on long-term care
31 services to individuals who would have been eligible for the family care benefit in 2006; and

32
33 WHEREAS, Wis. Stat. § 46.281(4) further provides that if the county's initial annual
34 contribution exceeds 22 percent of the Basic County Allocation, then the amount will be decreased
35 to 22 percent of the Basic County Allocation over a five-year period; and
36

37 WHEREAS, Fond du Lac, Manitowoc, and Winnebago counties are planning the formation
38 of a long-term care district and, once formed, that long-term care district will be required to submit
39 a response to the State's request for proposals for a care management organization to provide the
40 family care benefit in those counties; and
41

42 WHEREAS, the long-term care district service model retains public oversight of a care
43 management organization through the appointment of a governing board by the participating
44 counties;
45

46 NOW, THEREFORE, BE IT RESOLVED by the county board of supervisors of the county
47 of Manitowoc that:
48

49 1. This resolution serves as the enabling resolution required by Wis. Stat. § 46.2895(1) for the
50 formation of a long-term care district.
51

52 2. Manitowoc County declares that a need exists for it to establish a long-term care district
53 to provide long-term care services to older persons and adults with physical and developmental
54 disabilities through a care management organization.
55

56 3. The purpose of the long-term care district is to operate a care management organization
57 under Wis. Stat. § 46.284 to provide the family care benefit.
58

59 4. The long-term care district board will be comprised of 9 voting members. No member may
60 have a private financial interest in or profit from any contract or other business of the long-term care
61 district.
62

63 5. Each county will appoint 3 members, and the members will serve staggered three-year
64 terms. The initial appointments will include 1 member appointed for 1 year, 1 member appointed
65 for 2 years, and 1 member appointed for 3 years.
66

67 6. The members will be appointed by each county's chief executive officer subject to the
68 approval of the county board. The members will be county residents who reflect the ethnic and
69 economic diversity of the long-term care district, and at least 1 member from each county will
70 represent the target populations served by the care management organization.
71

72 7. The long-term care district board may exercise the powers granted by statute and pursuant
73 to this resolution only upon the appointment of all of its initial members.
74

75 8. This resolution has been prepared pursuant to Wis. Stat. § 46.2895 and complies with all
76 requirements set forth in that statute.

77
78 9. This resolution will have legal effect and the long-term care district will be created only if
79 Fond du Lac County and Winnebago County each adopt a resolution creating the long-term care
80 district that is substantially similar to this resolution; and

81
82 BE IT FURTHER RESOLVED that the County Clerk shall, as required by Wis. Stat. §
83 46.2895(1)(a)2, file a certified copy of this resolution with the secretary of the Wisconsin
84 Department of Administration, the secretary of the Wisconsin Department of Health Services
85 (formerly known as the Department of Health and Family Services), and the secretary of the
86 Wisconsin Department of Revenue.

Dated this 21st day of April 2009.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: Indeterminable. Caps the county's initial cost as stated in lines 29-31
and subsequent costs as stated in lines 33-35. The final contribution cost
as presently calculated by the State is \$1,158,794.

APPROVED: Bob Ziegelbauer, County Executive.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Korinek
gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Janowski, to enact Ordinance 6 (2009/2010-6)
Amending Manitowoc County Code (Park Operations). Upon discussion and vote, the motion
carried with 22 ayes and 3 noes. Supervisors Janowski, Rappe, and Wagner voted no; all other
supervisors voted aye.

No. 2009/2010 - 6

**ORDINANCE AMENDING MANITOWOC COUNTY CODE
(Park Operations)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is committed to using its personnel and material resources
2 in the most efficient manner possible; and
3

4 WHEREAS, the department directors for the Highway Department and the Planning and Park
5 Department have indicated that the most efficient use of the personnel and equipment necessary for
6 the operation of the Manitowoc County park system can be realized by placing the physical operation
7 of the park system under the aegis of the Highway Department; and
8

9 WHEREAS, the Personnel Committee has met with the Highway and the Planning and Park
10 department directors, considered the information that they have provided, concurs in the proposed
11 reorganization; and recommends that the Manitowoc County Code be amended to permit the change
12 to take place as quickly as possible;
13

14 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
15 as follows:
16

17 Manitowoc County Code sec. 2.02(15) pertaining to the Highway Department is amended to
18 read as follows:
19

20 (15) Highway. (a) There is hereby created a Highway Department, and the highway
21 commissioner appointed by the county executive pursuant to Wis. Stat. § 83.01(1)(c) will serve as
22 its department director.
23

24 (b) The Highway Department is responsible for providing for the convenient and safe
25 transportation of people and goods within Manitowoc County by constructing and maintaining
26 highways of suitable standards and specifications. Pursuant to Wis. Stat. § 83.035, the highway
27 commissioner or the highway commissioner's designee is authorized to enter into contracts with
28 cities, villages, and towns within the county to construct and maintain highways.
29

30 (c) The Highway Department is responsible for the operation and maintenance of the
31 Manitowoc County Airport.
32

33 (d) The Highway Department is responsible for the operation and maintenance of the
34 Manitowoc County park system.
35

36 Manitowoc County Code sec. 2.02(17) pertaining to the Planning and Park Department is
37 amend to read as follows:
38

39 (17) Planning and Zoning. (a) There is hereby created a Planning and Zoning Department,
40 with a department director appointed by the county executive pursuant to Wis. Stat. § 59.17(2)(b).
41

42 (b) The Planning and Zoning Department is responsible for providing the professional
43 planning services necessary to promote the public health, safety, convenience and general welfare;
44 to encourage planned and orderly land use development; to protect property values and the property
45 tax base; and to achieve the purposes for which planning and zoning authority has been granted to
46 the county pursuant to Wis. Stat. § 59.69(1) and other statutes.

47 (c) The Planning and Zoning Department is responsible for administering the Airport Height
48 Limitations, General Zoning, Large Wind Energy Systems, Nonmetallic Mining Operations, Private
49 Sewage Systems, Private Water Systems, Setbacks, Shoreland/Floodplain Zoning, Small Wind
50 Energy Systems, Standards for Wireless Communications Facilities; and Subdivision Regulations
51 ordinances.

This ordinance is effective May 1, 2009.

Dated this 21st day of April 2009.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Bauknecht to adopt Resolution 7 (2009/2010-7) Adopting One-Year Moratorium on Applications for Adult Entertainment Establishments. Upon discussion and vote, the motion carried with 24 ayes and one no. Supervisor Korinek voted no; all other supervisors voted aye.

No. 2009/2010 - 7

**RESOLUTION ADOPTING ONE-YEAR MORATORIUM ON
APPLICATIONS FOR ADULT ENTERTAINMENT ESTABLISHMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has only minimal regulations applicable to the review and
2 approval of adult entertainment establishments; and
3

4 WHEREAS, a number of citizens have expressed a strong desire for Manitowoc County to
5 regulate adult entertainment establishments in order to prevent the secondary effects associated with
6 adult entertainment establishments; and
7

8 WHEREAS, Manitowoc County needs to conduct a careful review of its ordinances in order
9 to determine whether it needs to revise existing ordinances or to adopt new ordinances to address
10 adult entertainment establishments; and
11

12 WHEREAS, Manitowoc County should impose a moratorium barring the acceptance of
13 applications for adult entertainment establishments or taking further action on any applications
14 already received, but not approved, for a period of one year or until the necessary ordinance review
15 has been completed and any necessary ordinance amendments have been adopted, whichever is less;
16

17 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
18 as follows:

19
20 SECTION 1. DECLARATION OF LEGISLATIVE FINDINGS. The location of adult
21 entertainment establishments without an ordinance in place to specifically address the concerns about
22 the location of such establishments would have a detrimental effect on the safety and general welfare
23 of Manitowoc County and its residents.

24
25 SECTION 2. MORATORIUM. There is hereby imposed a moratorium on the location of
26 adult entertainment establishments within the county. The moratorium will take effect immediately
27 upon passage of this resolution by a majority vote, is not subject to a referendum, and will continue
28 in effect for a period of twelve months, unless terminated at an earlier date by county board
29 resolution.

30
31 SECTION 3. PURPOSE. The purpose of this moratorium is to allow the Planning
32 Department and the Planning and Park Commission adequate time to determine whether existing
33 ordinances are sufficient or need to be revised to address the concerns relating to the location of adult
34 entertainment establishments and, if necessary, to develop new ordinances. The Planning and Park
35 Commission shall study the matter, may seek input from interested citizens, and return a final
36 recommendation to the county board within 365 days of the date this resolution is adopted.

37
38 SECTION 4. EFFECT OF MORATORIUM. The county will not accept any application or
39 act upon any pending application for the location of any adult entertainment establishment in the
40 county during the time that this moratorium is in effect.

41
42 SECTION 5. DEFINITIONS. For the purpose of this resolution:

43
44 “Adult cabaret” means any bar, dance hall, restaurant, or other place of business that features
45 dancers, exotic dancers, go-go dancers, male or female impersonators or similar entertainers,
46 strippers, or waiters or waitresses, any of whom engage in or simulate sexual conduct as that term
47 is defined in Wis. Stat. § 944.21(2)(e), as may be amended from time to time, and any business
48 establishment that, in a sexual context, advertises or identifies itself using the words adult,
49 bottomless, nude, topless, or other words of similar import.

50
51 “Adult entertainment establishment” means any adult bookstore, cabaret, entertainment center,
52 health or sport club or tavern, massage parlor, sauna, steam room or bathhouse, theater or any other
53 adult-related business whose primary business activity is characterized by an emphasis on matters
54 depicting, describing, or relating to nudity, sexual conduct, sexual excitement, sadomasochistic
55 abuse, or obscene activity.

56
57 “Adult retail business” means a retail establishment that, for money or any other form of
58 consideration, has, as one of its principal purposes, the sale, exchange, rental, loan, trade, transfer,
59 viewing or use off the premises of any adult-oriented merchandise or provides, as its substantial

60 stock-in-trade, for the sale, exchange, rental, loan, trade, transfer, viewing, or use off the premises
61 of any adult-oriented merchandise.

62
63 “Adult-oriented merchandise” means any commodities, goods, product, or other wares,
64 including but not limited to books, cards, CD-ROMs, DVDs, magazines, pamphlets, periodicals,
65 posters, or that depict, describe, or simulate sexual anatomical areas or specified sexual activities.

66
67 “Adult theater” means a building, enclosure, or any portion of a building or enclosure that is
68 used for presenting material characterized by an emphasis on the depicting, description, or
69 simulation of sexual anatomical areas or specified sexual activities for observation by patrons and
70 that excludes minors by virtue of their age.

71
72 “Nudity” means the display of the human anus, buttock, female breast, male or female genitals,
73 or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a
74 discernibly turgid state.

75
76 “Obscene activity” means an activity that the average person, applying contemporary
77 community standards, would find that, taken as a whole, appeals to the prurient interest in sex; that
78 depicts or describes, in a patently offensive way, a specific sexual activity; and that taken as a
79 whole, lacks serious artistic, literary, political, or scientific value.

80
81 “Sexual anatomical area” means the human anus, buttock, male or female genitals, or pubic
82 area if less than fully covered with an opaque covering; the female breast from a point immediately
83 below the bottom of the areola to a point immediately above the top of the areola; and covered male
84 genitals in a discernibly turgid state.

85
86 “Sexual conduct” means an act of masturbation, sexual intercourse, or physical contact with
87 any person’s clothed or unclothed anus, buttocks, genitals, or pubic area or a female’s breast.

88
89 “Sexual excitement” means the condition of human male or female genitals in a state of sexual
90 arousal or stimulation.

91
92 “Specified sexual activity” means any act of bestiality, cunnilingus, fellatio, intercourse,
93 masturbation, sodomy, oral copulation; fondling or other erotic touching of the genitals, pubic
94 region, buttocks, or female breasts, whether clothed or unclothed, of oneself or of one person by
95 another; human genitals in a state of sexual arousal or stimulation; and excretory functions as part
96 of or in connection with any of the stated specific sexual activities.

97
98 **SECTION 6. SEVERABILITY.** If any provision of this resolution or the application of any
99 provision of this resolution to any person or circumstance is determined to be invalid, that invalidity
100 will not affect any other provision or application that can be given effect without the invalid
101 provision or application.

Dated this 21st day of April 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Muench, to adopt Resolution 8 (2009/2010-8) Authorizing Grant Application (Manitowoc River Access). Upon vote, the motion unanimously.

No. 2009/2010 - 8

**RESOLUTION AUTHORIZING GRANT APPLICATION
(Manitowoc River Access)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Legislature has provided matching grants to assist governmental
2 units in developing park and recreation facilities; and
3

4 WHEREAS, the Manitowoc River Access is heavily wooded with little opportunity for the
5 public to access the Manitowoc River, and a proposed ADA path with fishing access points will
6 improve the public access to the river; and
7

8 WHEREAS, the estimated project cost of \$3,960 will be funded with \$1,980 in State grant
9 funds and the local match will be provided through in-kind services;
10

11 NOW, THEREFORE, BE IT RESOLVED that Planning and Park Commission staff are
12 authorized to apply for and accept a Wisconsin Department of Natural Resources grant of \$1,980 for
13 the construction of an ADA path with fishing access points, with the local match to be provided
14 through in-kind services; and
15

16 BE IT FURTHER RESOLVED that the Planning and Park Commission staff are authorized
17 to sign documents and take the actions necessary to undertake, direct, and complete the project
18 authorized in the grant; and
19

20 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and federal
21 rules for the program; will be responsible for updating plans and monitoring ongoing operations; will
22 obtain written approval from the Wisconsin Department of Natural Resources before making
23 changes in the project; and will maintain a record of expenditures; and
24

25 BE IT FURTHER RESOLVED that revenues in the Park budget are amended by the amount
26 of the grant and contributions received; that expenditures in the Park budget are amended by an
27 amount equal to the grant, matching funds, and contributions; and that the Comptroller/Auditor is

28 directed to record such information in the official books of the County as may be required.

Dated this 21st day of April 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$3,960 will be paid using \$1,980 in State funds and \$1,980 from in-kind services.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Heyroth, to adopt Resolution 9 (2009/2010-9) Authorizing 2009-2010 Snowmobile Trail Program. Upon vote, the motion carried unanimously.

No. 2009/2010 - 9

RESOLUTION AUTHORIZING 2009-2010 SNOWMOBILE TRAIL PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Snowmobile Aids Program provides funds for the acquisition,
2 development, and maintenance of public snowmobile trails in eligible counties; and
3

4 WHEREAS, Manitowoc County has completed 36 years of participation in the Wisconsin
5 Snowmobile Aids Program by acquiring, developing, insuring, and maintaining public snowmobile
6 trails in the county in accordance with Wisconsin Department of Natural Resources standards; and
7

8 WHEREAS, Manitowoc County is eligible to continue its participation in the Snowmobile
9 Aids Program and has budgeted \$61,275 for a Snowmobile Trail Program to cover the costs for
10 245.1 miles of trail; and
11

12 WHEREAS, the Planning and Park Commission has provided the County Board with a trail
13 system map showing the 245.1 miles of trail that are included in the Snowmobile Trail Program;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 approves the trail system map provided by the Planning and Park Commission; and
17

18 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors designates
19 the Planning and Park Commission as the agency to act on behalf of Manitowoc County in
20 submitting applications for state snowmobile aids for acquisition, bridge rehabilitation, development,
21 insurance, and maintenance costs of the county's public snowmobile trail system; and
22

23 BE IT FURTHER RESOLVED that Planning and Park Commission staff are authorized to
24 sign documents and take the actions necessary to undertake, direct, and complete the 2009-2010
25 Snowmobile Trail Program; and
26

27 BE IT FURTHER RESOLVED that upon completion of the acquisition, development, and
28 redevelopment of the snowmobile trails through the Snowmobile Trail Program, the trails will be
29 designated as public snowmobile trails; and
30

31 BE IT FURTHER RESOLVED that Manitowoc County will, subject to the limits of funds
32 appropriated for such purposes, provide for adequate maintenance of the trails and facilities that have
33 been funded for acquisition and maintenance through the Wisconsin Snowmobile Trail Program in
34 accordance with DNR requirements and funding criteria; comply with state and federal rules for the
35 program; maintain the completed project in an attractive, inviting, and safe manner; keep facilities
36 open to the general public during reasonable hours consistent with the type of facility; and obtain
37 approval in writing from the DNR before any changes are made in the use of the project site.

Dated this 21st day of April 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. \$61,275 is included in the 2009 approved budget.
The State will reimburse the County the total amount spent on this
program.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Janowski, to adopt Resolution 10
(2009/2010-10) Authorizing Grant Application (Cedar Lake Public Access). Upon vote, the
motion carried unanimously.

No. 2009/2010 - 10

**RESOLUTION AUTHORIZING GRANT APPLICATION
(Cedar Lake Public Access)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Legislature has provided matching grants to assist governmental
2 units in developing park and recreation facilities; and
3

4 WHEREAS, the bathroom facility at the Cedar Lake Public Access is inadequate and is not
5 ADA compliant, and a proposed ADA bathroom facility will improve the public usage of the access;
6 and

7 WHEREAS, the estimated project cost of \$7,200 will be funded with \$3,600 in State grant
8 funds and \$1,591 from the Planning and Park Commission Capital Outlay Fund Account, with the
9 remaining local match provided through in-kind services;

10
11 NOW, THEREFORE, BE IT RESOLVED that Planning and Park Commission staff are
12 authorized to apply for and accept a Wisconsin Department of Natural Resources grant of \$3,600 for
13 the construction of an ADA compliant bathroom facility and use \$1,591 from the Planning and Park
14 Commission Outlay Fund Account, with the remaining local match to be provided through in-kind
15 services; and

16
17 BE IT FURTHER RESOLVED that Planning and Park Commission staff are authorized to
18 sign documents and take the actions necessary to undertake, direct, and complete the project
19 authorized in the grant; and

20
21 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and federal
22 rules for the program; will be responsible for updating plans and monitoring ongoing operations; will
23 obtain written approval from the Wisconsin Department of Natural Resources before making
24 changes in the project; and will maintain a record of expenditures; and

25
26 BE IT FURTHER RESOLVED that revenues in the Park budget are amended by the amount
27 of the grant and contributions received; that expenditures in the Park budget are amended by an
28 amount equal to the grant, matching funds, and contributions; and that the Comptroller/Auditor is
29 directed to record such information in the official books of the County as may be required.

Dated this 21st day of April 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$7,200 will be
paid using \$3,600.00 in State funds and \$1591 from Planning and Park
Commission Outlay Fund Account, with the remaining balance from in-
kind services.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Heyroth, to enact Ordinance 11 (2009/2010-
11) Amending Zoning Map (Ronald Lese). Upon discussion and vote, the motion carried with
22 ayes and 3 noes. Supervisors Diedrich, Schneider, and Rappe voted no; all other supervisors
voted aye.

**ORDINANCE AMENDING ZONING MAP
(Ronald Lese)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on March 23, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NW¼, SW¼, Section 6, T21N-R23E, Town of Gibson,
12 commencing at the W ¼ corner of said Section 6; thence easterly approximately 1448.33
13 feet; thence southerly approximately 280.00 feet which is the point of real beginning;
14 thence westerly approximately 150.00 feet; thence southerly approximately 183.00 feet;
15 thence southeasterly approximately 263.00 feet; thence northerly approximately 398.00
16 feet to the point of real beginning; said parcel containing approximately 1.0 acre of land,
17 shall be and is hereby rezoned from A3 Agriculture to C1 Conservancy.

Dated this 21st day of April 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Maresh, to adopt Resolution 12 (2009/2010-12) Proclaiming Telecommunicators Week. Upon vote, the motion carried unanimously.

RESOLUTION PROCLAIMING TELECOMMUNICATORS WEEK

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Joint Dispatch Center provides emergency
2 communications for Manitowoc County, the City of Manitowoc, the City of Two Rivers, and the
3 City of Kiel on a 24-hour basis; and
4

5 WHEREAS, the President of the United States and Congress have designated the second full
6 week in April as National Public Safety Telecommunicators Week; and
7

8 WHEREAS, Manitowoc County recognizes that public safety telecommunicators are the first
9 and most critical link between our citizens and emergency service providers; that the services they
10 provide are vital to the health, safety, and welfare of the community; and their commitment and
11 devotion to public service deserve public recognition;
12

13 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
14 that it joins with the President and Congress in designating the week of April 12-18, 2009 as
15 National Telecommunicators Week in Manitowoc County to honor these dedicated employees whose
16 diligence and professionalism keep our county and communities safe.

Dated this 21st day of April 2009.

Respectfully submitted by the Public Safety Committee.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson gave a brief report.

Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Vogt, to adopt
Resolution 13 (2009/2010-13) Opposing Increases in Landfill Tipping Fee Surcharges and
Elimination of Recycling and Solid Waste Grant Programs. Upon vote, the motion carried
unanimously.

No. 2009/2010 - 13

**RESOLUTION OPPOSING INCREASES IN LANDFILL
TIPPING FEE SURCHARGES AND ELIMINATION OF
RECYCLING AND SOLID WASTE GRANT PROGRAMS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the State of Wisconsin mandated recycling in 1990 under 1989 Wisconsin Act
2 335 and Wis. Admin. Code § NR 544; and
3

4 WHEREAS, Wis. Admin. Code § NR 544 requires that cities, counties, town, and villages
5 (collectively known as Municipalities) become responsible units for recycling and that they establish
6 and pay for effective recycling programs; and
7

8 WHEREAS, the State originally proposed to cost share 66% of the cost to establish and
9 maintain effective recycling programs, but currently reimburses Municipalities for less than 30% of
10 their residential recycling costs; and
11

12 WHEREAS, the State has imposed levy limits and placed severe financial constraints on
13 Municipalities, while taking over 111 million dollars from the segregated recycling fund to pay for
14 other State programs as part of a failed attempt to balance the State's budget; and
15

16 WHEREAS, the State's last biennial budget increased landfill tipping fee surcharges on every
17 ton of solid waste disposed of in Wisconsin, excluding high volume industrial by-products; increased
18 the recycling tip fee surcharge from \$3 per ton to \$4 per ton; and increased the environmental repair
19 fee from 50 cents per ton to \$1.60 per ton effective November 1, 2007; and
20

21 WHEREAS, the Governor's current budget proposal seeks another increase in the landfill
22 tipping fee surcharges effective October 1, 2009; would increase the recycling tip fee surcharge from
23 \$4 per ton to \$5 per ton; and would increase the environmental repair fee from \$1.60 per ton to \$5
24 per ton effective July 1, 2009; and
25

26 WHEREAS, the proposal for a 67% increase in the recycling tip fee surcharge and a 900%
27 increase in the environmental repair fee would be implemented in the middle of the Municipalities
28 budget year and would put an increased strain on already stressed Municipal budgets; and
29

30 WHEREAS, the proposed landfill tipping fee surcharge increases are coupled with the
31 reduction of Basic Recycling Grants to Municipalities and the elimination of the Clean Sweep
32 Program for the collection of agricultural, residential, and business hazardous wastes; Prescription
33 Drug Grant Awards; the Recycling Efficiency Incentive Grant Program, and the Waste Reduction
34 and Recycling Demonstration Grant Program, and the Business Waste Reduction and Recycling
35 Assistance Program;
36

37 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
38 opposes increases in the landfill tipping fee surcharges because of the undue burden that will be
39 placed on Municipalities and because of the State's practice of misusing segregated recycling funds
40 as General Purpose Revenue;
41

42 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors opposes the
43 reduction or elimination of recycling and solid waste grant programs and a decrease in the State's
44 cost share for mandated recycling programs because such changes will reduce collection
45 opportunities and increase the potential for contamination of Wisconsin's environment through
46 improper disposal of agricultural, residential, and business hazardous waste and unwanted
47 pharmaceuticals; and
48

49 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
50 resolution to the Governor of the State of Wisconsin, Joint Committee on Finance, each legislator

51 in the Wisconsin Senate and Assembly who represents constituents from Manitowoc County,
52 Wisconsin Counties Association, Wisconsin Towns Association, League of Wisconsin
53 Municipalities, and Wisconsin Alliance of Cities.

Dated this 21st day of April 2009.

Respectfully submitted by the Public Works Committee.

Miscellaneous: Chairperson Brey: Supervisor Vogt moved, seconded by Supervisor Bauknecht,
to adopt Resolution 14 (2009/2010-14) Opposing Proposed Changes to Employment
Discrimination Law (2009 Senate Bill 20). Upon vote, the motion carried unanimously.

No. 2009/2010 - 14

**RESOLUTION OPPOSING PROPOSED CHANGES
TO EMPLOYMENT DISCRIMINATION LAW
(2009 Senate Bill 20)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2009 Senate Bill 20, currently pending before the Senate Labor, Election and
2 Urban Affairs Committee, would dramatically change Wisconsin's employment discrimination law
3 by requiring that courts order the payment of compensatory and punitive damages in all cases of
4 employment discrimination without setting any limits on the amount of the award; and
5

6 WHEREAS, 2009 Senate Bill 20 would further dramatically change Wisconsin employment
7 discrimination law by imposing a surcharge equal to 10% of the compensatory and punitive damages
8 that are awarded surcharge to be paid to the state's general fund; and
9

10 WHEREAS, 2009 Senate Bill 20 would fundamentally change the remedial character of
11 Wisconsin's employment discrimination law and would create a legal environment in which both
12 the complainant and respondent in discrimination cases have an incentive to litigate claims to the
13 fullest extent possible; and
14

15 NOW, THEREFORE, BE IT RESOLVED, that the Manitowoc County Board of Supervisors
16 opposes the proposed changes to Wisconsin's employment discrimination law that is contained in
17 2009 Senate Bill 20; and
18

19 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
20 resolution to each legislator in the Wisconsin Senate and Assembly who represents constituents from
21 Manitowoc County.

Dated this 21st day of April 2009.

Respectfully submitted by James N. Brey, County Board Chair.

Supervisor Behnke moved, seconded by Supervisor Muench, to adopt Resolution 15 (2009/2010-15) Opposing Proposed Changes to Insurance Laws (2009 Assembly Bill 75). Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 15

**RESOLUTION OPPOSING PROPOSED CHANGES TO INSURANCE LAWS
(2009 Assembly Bill 75)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2009 Assembly Bill 75, the Governor's Executive Budget, contains a proposal
2 that would change existing comparative negligence law so that a defendant with a little as one per
3 cent of liability could have to pay one hundred percent of the damages in a case; and
4

5 WHEREAS, 2009 Assembly Bill 75 contains proposals that would change existing insurance
6 laws and impose new insurance requirements, including, but not limited to, increasing mandatory
7 minimum auto liability insurance limits; requiring insurance companies to cover "uninsured
8 motorist" insurance claims even if there was no contact with an insured's car; changing the definition
9 of an "underinsured motorist" in a way that will lead to increased insurance claims; allowing
10 "stacking" of coverage for "underinsured motorists" so that the coverage limits for an accident are
11 not limited to the policy covering the vehicle involved in the accident; and requiring excess or
12 umbrella insurers to offer coverage for certain claims when the coverage was not requested by the
13 insured; and
14

15 WHEREAS, these changes would significantly increase the cost of insurance for Wisconsin's
16 citizens and local units of government and will force counties to increase tax levies or decrease other
17 services to meet the increased insurance costs;
18

19 NOW, THEREFORE, BE IT RESOLVED, that the Manitowoc County Board of Supervisors
20 opposes the proposed changes to comparative negligence and insurance laws contained in 2009
21 Assembly Bill 75; and
22

23 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
24 resolution to each legislator in the Wisconsin Senate and Assembly who represents constituents from
25 Manitowoc County.

Dated this 21st day of April 2009.

Respectfully submitted by James N. Brey, County Board Chair.

Finance Committee and Personnel Committee: Supervisor Kozlowski moved, seconded by Supervisor Markwardt, to adopt Resolution 16 (2009/2010-16) Adopting Identify Theft Prevention Program (Red Flags Rule). Upon vote, the motion carried unanimously.

**RESOLUTION ADOPTING IDENTITY THEFT PREVENTION PROGRAM
(Red Flags Rule)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Fair and Accurate Credit Transaction Act of 2003, Pub. L. 108-159, requires
2 creditors and financial institutions with covered accounts to prepare, adopt, and implement a
3 program to detect, prevent, and mitigate identity theft in connection with covered accounts; and
4

5 WHEREAS, the Federal Trade Commission has adopted a rule, commonly referred to as the
6 “Red Flags Rule,” that requires creditors and financial institutions with covered accounts to
7 implement an identity theft prevention program by May 1, 2009; and
8

9 WHEREAS, an account is a covered account if the account is one that is offered or maintained
10 primarily for personal, family, or household purposes and permits multiple payments or transactions
11 or if there is a reasonably foreseeable risk to the customer or the safety and soundness of the creditor
12 from identity theft; and
13

14 WHEREAS, Manitowoc County is a covered entity because some departments maintain
15 covered accounts within the meaning of the Red Flags Rule by permitting multiple payments after
16 goods or services have been provided, even though the risk from identity theft is small because of
17 the nature of the accounts, goods, and services that are made available; and
18

19 WHEREAS, the failure to adopt and enforce an identity theft prevention program may cause
20 a covered entity to lose existing federal grants and to be ineligible for future federal grants; and
21

22 WHEREAS, the Federal Trade Commission rules permit each covered entity to develop its
23 own program that is tailored to its own size and complexity; and
24

25 WHEREAS, the Comptroller and Corporation Counsel have prepared a draft identity theft
26 prevention program that is consistent with Federal Trade Commission guidance that where the risk
27 of identity theft is low, a creditor’s program may focus on how to respond upon receiving a report
28 that a person’s identity has been misused in connection with a covered account; and
29

30 WHEREAS, the draft identity theft prevention policy has been provided to all department
31 directors for review and comment and to all members of the county board; and
32

33 WHEREAS, the Finance and Personnel Committees have reviewed the draft identity theft
34 prevention program and recommend its adoption;
35

36 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board approves and
37 adopts the proposed Identity Theft Prevention Program effective May 1, 2009.

Dated this 21st day of April 2009.

Respectfully submitted by the Finance Committee and Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

OTHER BUSINESS: Chairperson Brey presented a Proclamation Thanking Supervisor Kozlowski. Supervisor Kozlowski thanked everyone for the privilege of serving on the Board.

APPOINTMENTS BY CHAIRPERSON:

Chairperson Brey recommended the appointment of Supervisor Mary Muench to complete Supervisor Kozlowski's term as Chairperson on the Finance Committee effective May 1, 2009. Supervisor Henrickson moved, seconded by Supervisor Maresh to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Supervisor Gregg Dufek to complete Supervisor Kozlowski's term as on the Finance Committee effective May 1, 2009. Supervisor Henrickson moved, seconded by Supervisor Tittl to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent

ANNOUNCEMENTS: Supervisor Gerroll announced that Heart-a-Rama begins this week.

Supervisor Mueller announced that a citizen complimented the Treasurer and the Clerk of Circuit Courts for going out of their way to assist him.

Supervisor Schneider moved to adjourn, seconded by Supervisor Maresh and the motion was adopted by acclamation. The meeting adjourned at 8:52 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

May 19, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 19th day of May, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:03 P.M.

Supervisor Behnke gave the invocation, which was followed by a moment of silence for John Moreau, Manitowoc County Corrections Officer. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schneider, Tittl, Vogt, and Wagner.

On motion by Supervisor Markwardt, seconded by Supervisor Henrickson, the April 21, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Bauknecht moved, seconded by Supervisor Mueller, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

Curt Drumm, President of Lakeshore Aviation, gave a brief history of the Manitowoc County Airport and spoke on the 2009 "Thunder on the Lakeshore" Airshow scheduled for June 6 and 7. He gave an overview of the performers and events offered this year.

Brian Villman, Sheboygan, a business agent for the Sheet Metal Workers Union Local 18 Union, spoke in support of the proposed changes to Wisconsin prevailing wage law.

Vince Albler, Two Rivers, spoke in support of the proposed changes to Wisconsin prevailing wage law.

Mark Linsmeier, Manitowoc, addressed the Board in support of the proposed changes to Wisconsin prevailing wage law.

Jim Lenz, Kiel, spoke in support of the proposed changes to Wisconsin prevailing wage law.

Jeff Knaus, Green Bay, a business agent for the Plumbers and Pipefitters Local 400, urged supervisors to vote against the resolution opposing proposed changes to Wisconsin prevailing wage law.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed 7:25 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Clerk of Circuit Court Lynn Zigmunt presented a Certificate of Appreciation to Linda VanKouvering for 32 years of service.

Supervisor Kevin Behnke presented a Proclamation Commending “Fairest of the Fair” to Allyson Binversie. Allyson stated that it has been an honor to serve Manitowoc County.

Chairperson Jim Brey presented a Proclamation Proclaiming June Dairy Month to Dairy Agent Scott Gunderson.

Scott thanked everyone for the recognition and support. He announced that Breakfast on the Farm will be June 14.

Public Health Nurse Manager Amy Wergin discussed proposed changes to Manitowoc County Code Chapter 7 (Public Health Code). She answered supervisors’ questions.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointment of Michele Frozena to the Board of Health to complete a vacancy expiring April 2011. Supervisor Tittl moved, seconded by Supervisor Korinek, to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointments of Michelle May and Amanda Hughes to the Kiel Public Library Board of Trustees for 3 year terms expiring July 1, 2012. Supervisor Schneider moved, seconded by Supervisor Konen, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointments to the Lakeland Long Term Care District Board of Directors: Bob Ziegelbauer for a one year term expiring June 2010, Judy Ruggirello for a two year term expiring June 2011, and Supervisor Jim Brey for a three year term expiring June 2012. Supervisor Gauger moved, seconded by Supervisor Diedrich, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointments of Joe Collins, Travis Waack and alternate Nicki Davis, and John Kropp to the Local Emergency Planning Committee for two year terms expiring June 2011. Supervisor Muench moved, seconded by Supervisor Maresh, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer’s appointment of Christine Kornely to the Manitowoc Public Library Board of Trustees for a three year term expiring June 2012. Supervisor Vogt moved, seconded by Supervisor Markwardt, to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent

Chairperson Brey presented County Executive Bob Ziegelbauer's appointments of Lori Deschene and D. Tyler Fellows to the Ice Center Board to complete vacancies expiring December 31, 2009. Supervisor Muench moved, seconded by Supervisor Henrickson, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging and Disability Resource Center Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Tittl gave a brief report.

Executive Committee: Chairperson Brey gave a brief report and invited everyone to the Memorial Day Parade.

Expo Board: Supervisor Behnke gave a brief report.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Rappe, to adopt Resolution 1 (2009/2010-17) Authorizing Transfer of \$2,454,788 from General Fund to Human Services Special Revenue Fund. Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Tittl voted no; all other supervisors voted aye.

No. 2009/2010 - 17

**RESOLUTION AUTHORIZING TRANSFER OF \$2,454,788 FROM
GENERAL FUND TO HUMAN SERVICES SPECIAL REVENUE FUND**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, events occur after the adoption of the annual budget that affect the various
2 program activities and their appropriation for a given budget year; and
3

4 WHEREAS, the recently completed external audit shows that the Human Services
5 Department Special Revenue Fund has a deficit of \$2,454,788 for the year ended December 31,
6 2008, due mainly to costs associated with inpatient and CBRF mental health and developmental
7 disabilities; and
8

9 WHEREAS, sound financial and accounting practices require that the county make the
10 Human Services Special Revenue Fund whole by transferring sufficient monies from the General
11 Fund to cover the deficit;
12

13 NOW, THEREFORE, BE IT RESOLVED that the sum of \$2,454,788 is transferred from the
14 General Fund to the Human Services Special Revenue Fund for the year ended December 31, 2008;
15 and
16

17 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
18 information in the official books of the county for the year ended December 31, 2008 as may be

19 required.

Dated this 19th day of May 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Reduces the General Fund by \$2,454,788.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Schneider, to adopt Resolution 2 (2009/2010-18) Opposing 2009 AB 149 (Interest Rate Reduction Delinquent Property Taxes). Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Tittl voted no; all other supervisors voted aye.

No. 2009/2010 - 18

**RESOLUTION OPPOSING 2009 AB 149
(Interest Rate Reduction Delinquent Property Taxes)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2009 Assembly Bill 149 would temporarily reduce the interest rate on
2 delinquent general property taxes from one percent to one-half percent a month; and
3

4 WHEREAS, if the proposed change had been in effect during 2008, Manitowoc County
5 would have lost \$199,923 in revenue; and
6

7 WHEREAS, similar losses would occur in the future if the proposed change is adopted; and
8

9 WHEREAS, the county would experience significant costs to modify computer programs to
10 reduce the interest rate and then to restore the original interest rate;
11

12 WHEREAS, the additional costs and revenue losses that will result if this proposal is adopted
13 could only be offset by a reduction in county services or an increase in property taxes, or both; and
14

15 WHEREAS, a temporary reduction in the interest rate charged on delinquent general property
16 taxes is not a solution that will provide meaningful long-term relief to the vast majority of taxpayers
17 and will create confusion when the original interest rate is reinstated;
18

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
20 opposes a reduction in the interest rate charged on delinquent property taxes; and
21

22 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
23 resolution to the Governor of the State of Wisconsin and each legislator in the Wisconsin Senate and

24 Assembly who represent constituents from Manitowoc County.

Dated this 19th day of May 2009.

Respectfully submitted by the Finance Committee.

Supervisor Muench moved, seconded by Supervisor Bauknecht, to adopt Resolution 3 (2009/2010-19) Authorizing Sale of Tax Foreclosed Property (John Filipek). Upon vote, the motion carried unanimously.

No. 2009/2010 - 19

**RESOLUTION AUTHORIZING SALE OF TAX-DEEDED PROPERTY
(John Filipek)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County took title to residential property located at 910 Chicago
2 Street in the City of Manitowoc, Wisconsin through a tax foreclosure proceeding; and
3

4 WHEREAS, John Filipek, a former owner of the residential property, has expressed an
5 interest in repurchasing the property and is willing to pay an amount equal to the taxes that were
6 foreclosed and his pro-rata share of the costs incurred by the county in the tax foreclosure
7 proceeding; and
8

9 WHEREAS, if the county were to sell the property to any one else, John Filipek would have
10 the right to claim a share of the proceeds from that sale and would receive the remainder of the sale
11 proceeds after deduction of various costs related to the foreclosure and sale; and
12

13 WHEREAS, the Corporation Counsel, Treasurer, and Public Works Director recommend that
14 the property be sold to Mr. Filipek by quit claim deed in order to avoid incurring additional expenses
15 to the county; and
16

17 WHEREAS, the Finance Committee has reviewed and concurs in the recommendation;
18

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
20 authorizes the sale of the property located at 910 Chicago Street in the City of Manitowoc,
21 Wisconsin to John Filipek by quit claim deed.

Dated this 19th day of May 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Tittl, to enact Ordinance 4 (2009/2010-20) Amending Manitowoc County Code Chapter 4 (Foreclosure of Tax Liens and Maintenance and Sale of Tax-Deeded Land). Upon vote, the motion carried unanimously.

No. 2009/2010 - 20

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 4
(Foreclosure of Tax Liens and Maintenance and Sale of Tax-Deeded Land)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin statutes permit counties to enact ordinances and establish their own
2 policies for the collection of delinquent property taxes and the management and sale of tax-deeded
3 lands; and

4
5 WHEREAS, Manitowoc County Code has enacted an ordinance pertaining to the sale of
6 foreclosed real estate; and

7
8 WHEREAS, experience has demonstrated that the present ordinance does not provide for the
9 management and sale of tax-deed lands in the most efficient or effective manner; and

10
11 WHEREAS, the county executive asked the corporation counsel to review the existing
12 procedure with the comptroller, public works director, and treasurer and to recommend any changes
13 that may be needed; and

14
15 WHEREAS, the finance committee and the public works committee have reviewed the
16 proposed changes and recommend that the Manitowoc County Code be amended accordingly;

17
18 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
19 ordain as follows:

20
21 Manitowoc County Code sec. 4.11 pertaining to the foreclosure of tax liens is amended to
22 read as follows:

23
24 4.11 Foreclosure of Tax Liens. (1) Election. Manitowoc County, by ordinance adopted April
25 20, 1950, elected to adopt the provisions of Wis. Stat. § 75.521 for the purpose of enforcing tax liens
26 in Manitowoc County in cases where the procedure provided by that section is applicable. The
27 subsequent codification and amendment of the ordinance does not extinguish any lien attaching to
28 property by operation of the prior ordinance or extinguish any title arising out of the prior ordinance.

29
30 (2) Commencement of Proceedings to Foreclose Tax Liens. (a) The treasurer shall prepare
31 one or more lists each year of the parcels of property affected by unpaid tax liens as shown on the
32 tax certificates on file in the treasurer's office. The treasurer shall exclude any parcel for which
33 foreclosure would not be beneficial to the county.

34
35 (b) The treasurer shall provide a copy of the list to the public works director to review for

environmental and other property management issues. The public works director may require a phase 1 environmental site assessment for any parcel included on the list when appropriate. The treasurer may not include any parcel on the list filed with the clerk of the circuit court without the approval of the public works director.

(c) The treasurer shall provide a copy of the list to the corporation counsel to review for legal issues. The treasurer may not include any parcel on the list filed with the clerk of the circuit court without the approval of the corporation counsel.

(d) Any dispute about whether to include a specific parcel will be referred to the finance committee, which will decide whether to include the parcel on the list filed with the clerk of the circuit court.

(e) The treasurer must secure a title report for each parcel before filing the list with the clerk of the circuit court.

(f) Any cost associated with a specific parcel that is incurred as a result of the foreclosure proceeding will be charged against that parcel and common costs will be allocated among all parcels on the list filed with the clerk of the circuit court.

(3) Partial Payment Before Publication. The owner of a parcel or a person with a legal interest in a parcel may pay the amount of interest and taxes necessary to avoid foreclosure prior to publication of the list filed with the clerk of the circuit court and the treasurer will withdraw the parcel from the foreclosure proceeding. The treasurer will determine the amount required to be paid to avoid foreclosure using the conditions stated Wis. Stat. § 75.521 (3)(a)1-4.

(4) Redemption after Publication. (a) Before Expiration of Redemption Period. The owner of a parcel or a person who has a legal interest in a parcel may redeem the parcel from foreclosure by paying the unpaid taxes, interest, and the person's share of the costs incurred by the county. The treasurer, with the concurrence of the corporation counsel, may agree to accept partial payments, extend the time for redeeming a parcel, or remove a parcel from the action in order to avoid undue hardship to an owner arising through circumstances beyond the owner's control, to allow the parcel to be sold, to permit pending legal action to be completed, or for any other satisfactory reason, provided that the ultimate collection of delinquent taxes and interest is not jeopardized.

(b) After Expiration of Redemption Period. The owner of a parcel or a person who has a legal interest in a parcel may redeem the parcel from foreclosure by paying the unpaid taxes, interest, and the person's share of costs incurred by the county.

Manitowoc County Code sec. 4.12 pertaining to the sale of foreclosed real estate is amended to read as follows:

4.12 Maintenance and Sale of Tax-Deeded Land. (1) Definition. "Tax-deeded land" means property that the county has acquired through a delinquent tax collection enforcement procedure by tax deed, foreclosure of tax certificate, deed in lieu of tax deed, action in rem under Wis. Stat. § 75.521, or other means.

82 (2) Maintenance. The power to manage tax-deeded land is delegated to the public works
83 director and the public works department. The public works director shall take such action as is
84 reasonably necessary to inspect, secure, and maintain the property in good, marketable condition.
85 The public works director may request assistance from other county departments and offices,
86 including the comptroller, corporation counsel, health, highway, and human services departments
87 and the offices of the county clerk, register of deeds, and treasurer. All costs incurred in the
88 management of tax-deeded land will be charged against the property and recovered from the
89 proceeds to the sale of the property insofar as is practicable.

90
91 (3) Sale. The power to sell tax-deeded land is delegated to the finance committee, with
92 assistance from the corporation counsel, treasurer, and public works director as provided for in this
93 ordinance, subject to the requirements of Wis. Stat. § 75.69.

94
95 (4) Appraisal. The finance committee shall determine the appraised value of the tax-deeded
96 land using information provided by the public works director regarding the property's condition and
97 value and the treasurer regarding the property's fair market value. The public works director may
98 employ the services of a certified appraiser to collect information and provide an opinion regarding
99 the property's appraised value.

100
101 (5) Advertisement. (a) The public works director shall advertise the first and any subsequent
102 attempts to sell tax-deeded land, and no tax-deeded land may be sold unless notice of the sale is
103 mailed to the clerk of the municipality in which the property is located at least 3 weeks prior to the
104 time of the sale.

105
106 (b) The first attempt to sell tax-deeded land must be advertised by publication of a class 3
107 notice.

108
109 (c) Subsequent attempts to sell tax-deeded land must be advertised by publication of a class
110 1 notice. The public works director may also advertise subsequent attempts to sell tax-deeded land
111 through real estate brokers or any other appropriate means.

112
113 (6) Notice. A list of tax-deeded land, including the location and appraised value of each
114 property, will be available for public inspection at the public works department and the treasurer's
115 office.

116
117 (7) Bids. (a) Bids must be submitted to the public works director on a form that has been
118 approved by corporation counsel. Bid forms will be available from the corporation counsel,
119 treasurer, or public works department.

120
121 (b) Each bid must be accompanied by an earnest money deposit equal to 10% of the bid.

122
123 (c) The public works director shall provide the completed bid forms to the finance committee.

124
125 (8) Bid Evaluation. (a) Every bid less than the appraised value will be rejected at the first
126 attempt to sell the property.

128 (b) A bid that is less than the appraised value may be accepted by the finance committee on
129 a subsequent attempt to sell the property.

130
131 (c) A bid that is less than the appraised value and less than the amount of the highest bid may
132 be accepted if the finance committee prepares a written statement, available for public inspection,
133 explaining the reason for accepting the bid.

134
135 (d) A bid that is less than the total of the delinquent taxes, interest, and costs incurred may
136 be accepted if the finance committee determines that the sale is advantageous to the county and
137 prepares a written statement, available for public inspection, explaining the reasons for accepting the
138 bid.

139
140 (e) The finance committee may reject any bid if it determines acceptance will hamper other
141 tax collection efforts or if it determines that it is in the county's interest to retain the property.

142
143 (9) Notice of Bid Acceptance or Rejection. The finance committee shall select the bid that
144 it determines to be in the best interests of the county and the bidder will be notified. The successful
145 bidder must pay the remaining balance within 14 days of being notified or the earnest money deposit
146 will be forfeited. If a bid is not accepted, the earnest money deposit will be returned to the bidder.

147
148 Manitowoc County Code sec. 4.125 is created to read as follows:

149
150 4.125 Preference in Sale of Tax-Deeded Land. (1) Former Owner. A former owner who lost
151 title to a tax-deeded property or the former owner's heirs will be given preference in the sale of the
152 tax-deeded land, provided that the tax-deeded land was used by the former owner as a homestead
153 at any time during the five-year period immediately preceding the date the county acquired the tax-
154 deeded land.

155
156 (2) Exemption. The sale of tax-deeded landed under this section is exempt from the
157 provisions of Wis. Stat. § 75.69.

158
159 (3) Notice to Former Owner. The corporation counsel shall notify the former owner at his
160 or her last known address of the provisions of this section by certified mail, return receipt requested.
161 Notice is deemed to have been given on the date that the return receipt is signed or is returned
162 unsigned by the United States Postal Service.

163
164 (4) Application. The former owner or the former owner's heirs must exercise the preference
165 granted by this section by filing an application with the public works department within 14 days of
166 receipt of the notice provided under sub. (3) or the preference is lost. The application must provide:

167
168 (a) The name and address of the person claiming the preference.

169
170 (b) The legal description or other accurate identification of the tax-deed land.

171
172 (c) Full payment of the outstanding taxes, interest, penalties, and costs, as determined by the
173 treasurer, that were incurred by the county in order to collect the delinquent taxes, which will be

retained if the application is approved or returned if the application is denied.

(d) A nonrefundable application processing fee of \$250.

(e) The name and address of any other person who may have the right to claim a preference under this section.

(f) The name and address of any lien holder or mortgagor and a written assurance that the interests of any lien holder or mortgagor will be reinstated to the position held prior to the taking of the tax deed.

(5) Notice of Right to Object. The corporation counsel will provide notice by certified mail, return receipt requested, to each person listed in the application as having an interest in the tax-deeded land that the person has the right to object to the sale to the former owner or the former owner's heirs. Notice is deemed to have been given on the date that the return receipt is signed or is returned unsigned by the United States Postal Service. A person must enter his or her objection by filing a written objection with the public works department within 14 days of receipt of the notice provided under this subsection or the right to object is lost.

(6) Review and Decision. The finance committee will review the completed application and any objection that is filed. If no objection is received, the finance committee will approve the application unless it determines that it is in the county's interest to deny the application. If an objection is received, the finance committee shall review the application and the objection. The finance committee may approve the application, require that conditions be included to protect the interests of lien holders or mortgagors, or deny the application. The finance committee's decisions are final and are not subject to appeal.

(7) Conveyance. The tax-deeded land will be conveyed to the former owner or the former owner's heirs by a quit claim deed executed by the county clerk and bearing the county seal.

(8) Limitation. This section does not apply to tax-deeded lands that have been improved for or dedicated to a public use subsequent to acquisition by the county.

This ordinance is effective June 1, 2009

Dated this 19th day of May 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Bundy gave a brief report. Supervisors discussed reduced hours at the airport.

Human Services Board: Supervisor Rappe gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisors Schneider and Maresh gave brief reports.

Personnel Committee: Supervisor Vogt gave a brief report.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Bauknecht, to adopt Resolution 5 Supporting Primary Enforcement of Seatbelt Law. Upon discussion and vote, the motion failed with 11 ayes and 13 noes. Supervisors Behnke, Brey, Bundy, Diedrich, Gauger, Hansen, Heyroth, Konen, Korinek, Maresh, Markwardt, Tittl, and Wagner voted no; all other supervisors voted aye.

Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Konen, to adopt Resolution 6 (2009/2010-21) Opposing proposed Changes to Wisconsin Prevailing Wage Law. Upon discussion and vote, the motion carried with 16 ayes and 8 noes. Supervisors Hansen, Henrickson, Diedrich, Dufek, Muench, Panosh, Rappe, and Schneider vote no; all other supervisors voted aye.

No. 2009/2010 - 21

**RESOLUTION OPPOSING PROPOSED CHANGES
TO WISCONSIN PREVAILING WAGE LAW**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Governor Doyle's proposed biennial state budget contains a proposal to make
2 the prevailing wage law applicable to any public work contract over \$2,000; and
3

4 WHEREAS, the prevailing wage law presently only applies to single trade public works
5 projects over \$48,000 and multiple trade public works projects over \$234,000; and
6

7 WHEREAS, reducing the prevailing wage threshold to \$2,000 will increase the cost of small
8 public works projects that are now exempted from the prevailing wage requirement, will force
9 Manitowoc County and other municipalities to reduce the number or size of public works projects
10 or to reduce services or raise taxes to meet the increased costs; and
11

12 WHEREAS, the Governor's proposed budget would – for the first time – make the prevailing
13 wage law applicable to private projects that receive public financing; and
14

15 WHEREAS, applying the prevailing wage requirement to private projects that receive public
16 funding would take away the competitive advantage that many small local contractors have over
17 larger contractors from outside the immediate community, thus hurting the local economy while
18 increasing project costs; and
19

20 WHEREAS, the proposed changes to the prevailing wage law included in the Governor's

21 budget bill are non-fiscal policy changes affecting only local government that should be introduced
22 as separate legislation instead of being included in the state budget;

23
24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
25 opposes the changes to the prevailing wage law included in Governor Doyle's budget proposal,
26 Assembly Bill 75; urges the Wisconsin State Legislature to remove these items from the budget bill;
27 and directs the County Clerk to send a copy of this resolution to the Governor of the State of
28 Wisconsin, the President of the Wisconsin Senate, the Speaker of the Wisconsin Assembly, and each
29 legislator in the Wisconsin Senate and Assembly who represents constituents from Manitowoc
30 County.

Dated this 19th day of May 2009.

Respectfully submitted by the Public Works Committee.

Supervisor Heyroth was excused from the meeting at 8:50 p.m.

Supervisor Behnke moved, seconded by Supervisor Vogt, to adopt Resolution 7 (2009/2010-22)
Authorizing Lease (Manitowoc County Habitat for Humanity, Inc.). Upon vote, the motion
carried unanimously.

No. 2009/2010 - 22

**RESOLUTION AUTHORIZING LEASE
(Manitowoc County Habitat for Humanity, Inc.)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Habitat for Humanity, Inc., a Wisconsin not-for-profit
2 cooperation, wishes to lease a portion of a county-owned warehouse in the City of Two Rivers for
3 the purpose of storing donated or salvaged building materials and operating a resale store for donated
4 or salvaged building materials; and

5
6 WHEREAS, the Public Works Department presently uses the building to store recyclable
7 materials; and

8
9 WHEREAS, the Public Works Committee has reviewed the proposed lease, finds that the
10 proposed lease is compatible with the county's use of the building, and recommends that the county
11 board approve the lease; and

12
13 WHEREAS, the lease provides that the lessee is responsible for any improvements or
14 expenses related to its use of the warehouse;

15
16 WHEREAS, a copy of the proposed Space Storage Lease has been provided to the county
17 board, and the county board finds that entering into the lease is in the public interest;

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
20 approves the proposed Space Storage Lease with Manitowoc County Habitat for Humanity, Inc. and
21 authorizes the County Executive and the County Clerk to execute the lease.

Dated this 19th day of May 2009.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Nominal rent of \$1 per year for five years payable in advance and lessee is responsible for all expenses related to its use of the warehouse.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Gauger, to adopt Resolution 8 (2009/2010-23) Authorizing Viebahn Tower Agreement. Upon vote, the motion carried unanimously.

No. 2009/2010 - 23

RESOLUTION AUTHORIZING VIEBAHN TOWER AGREEMENT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County and the City of Manitowoc have entered into various
2 agreements since October 17, 1972 under which Manitowoc County built a two hundred foot high
3 radio tower and an equipment building (Tower Facility) on City property located at the northeast
4 corner of the intersections of South 35th Street and Viebahn Street in the City of Manitowoc,
5 Wisconsin (Property); and
6

7 WHEREAS, Manitowoc County and the City of Manitowoc wish to continue the
8 arrangement provided for in their prior agreements with only minor changes in order to continue the
9 cooperative and mutually beneficial relationship that has existed since 1972; and
10

11 WHEREAS, the Public Works Committee has reviewed a proposed Agreement, has
12 provided a copy to the County Board, and recommends that the County enter into the Agreement;
13

14 NOW, THEREFORE, BE IT RESOLVED that Manitowoc County Board of Supervisors
15 authorizes the County Executive and County Clerk to sign the proposed Agreement with the City
16 of Manitowoc regarding the Tower Facility and Property.

Dated this 19th day of May 2009.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke gave a brief report.

Miscellaneous: Chairperson Brey: Supervisor Rappe moved, seconded by Supervisor Janowski, to adopt Resolution 11(2009/2010-24) Authorizing Appointment to Wisconsin Counties Tax Utility Association. Upon vote, the motion carried unanimously.

No. 2009/2010 - 24

**RESOLUTION AUTHORIZING APPOINTMENT TO
WISCONSIN COUNTIES TAX UTILITY ASSOCIATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has been a member of the Wisconsin Counties Tax Utility
2 Association since 1975; and

3
4 WHEREAS, the Wisconsin Counties Tax Utility Association is a tax exempt organization
5 comprised of Wisconsin counties having a shared interest in retaining the Wisconsin utility tax; and

6
7 WHEREAS, Manitowoc County wishes to continue its participation in the Wisconsin
8 Counties Tax Utility Association and to formalize the process for appointing its representative to that
9 association;

10
11 NOW, THEREFORE, BE IT RESOLVED that the County Board Chair is authorized to
12 appoint one member of the county board to serve as Manitowoc County's representative to the
13 Wisconsin Tax Utility Association.

Dated this 19th day of May 2009.

Respectfully submitted by James N. Brey, County Board Chair.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Henrickson, to enact Ordinance 12 (2009/2010-25) Amending Manitowoc County Code (Library Board Appointments). Upon vote, the motion carried unanimously.

No. 2009/2010 - 25

**ORDINANCE AMENDING MANITOWOC COUNTY CODE
(Library Board Appointments)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code provides for appointments to various library
2 boards, but is incomplete, does not properly reflect the change in appointment authority that resulted
3 from the creation of the office of county executive, and needs to be updated;
4

5 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
6 ordain as follows:
7

8 Manitowoc County Code sec. 2.04(6m) is created to read:
9

10 (6m) Kiel Public Library Board of Trustees. (a) The county executive shall appoint, subject
11 to confirmation by the county board, from among the residents of the county such additional
12 members of the Kiel Public Library Board as the county may be eligible to appoint pursuant to Wis.
13 Stat. § 46.30(3) for a term of 3 years from the May 1 following the appointment, and thereafter for
14 a period of 3 years.
15

16 (b) The county executive may appoint a county supervisor to serve as a member of the library
17 board, but no more than one county supervisor so appointed may serve on the library board at the
18 same time.
19

20 (c) If the member appointed loses the status upon which the appointment was based, he or
21 she ceases to be a member effective on the following May 1.
22

23 Manitowoc County Code sec. 2.04(8) is amended to read:
24

25 (8) Lester Public Library Board of Trustees. (a) The county executive shall appoint, subject
26 to confirmation by the county board, from among the residents of the county such additional
27 members of the Lester Public Library Board as the county may be eligible to appoint pursuant to
28 Wis. Stat. § 46.30(3) for a term of 3 years from the May 1 following the appointment, and thereafter
29 for a period of 3 years.
30

31 (b) The county executive may appoint a county supervisor to serve as a member of the library
32 board, but no more than one county supervisor so appointed may serve on the library board at the
33 same time.
34

35 (c) If the member appointed loses the status upon which the appointment was based, he or
36 she ceases to be a member effective on the following May 1.
37

38 Manitowoc County Code sec. 2.04(10) is amended to read:
39

40 (10)Manitowoc-Calumet Library System Board of Trustees. (a) Manitowoc County has
41 elected to participate in the Manitowoc-Calumet Library System.
42

43 (b) The county executive shall appoint, subject to the approval of the county board, 11
44 members to the Manitowoc-Calumet Library System Board of Trustees in accordance with Wis. Stat.
45 § 43.19(b) for a term of 3 years. One county board member may be appointed to the system board.
46 The appointments will be divided into 2 classes of 4 trustees and 1 class of 3 trustees, so that

47 approximately one-third of the appointments expire each year.

48
49 Manitowoc County Code sec. (14) is amend to read:

50
51 (14) Manitowoc Public Library Board of Trustees. (a) The county executive shall appoint,
52 subject to confirmation by the county board, from among the residents of the county such additional
53 members of the Manitowoc Public Library Board as the county may be eligible to appoint pursuant
54 to Wis. Stat. § 46.30(3) for a term of 3 years from the May 1 following the appointment, and
55 thereafter for a period of 3 years.

56
57 (b) The county executive may appoint a county supervisor to serve as a member of the library
58 board, but no more than one county supervisor so appointed may serve on the library board at the
59 same time.

60
61 (c) If the member appointed loses the status upon which the appointment was based, he or
62 she ceases to be a member effective on the following May 1.

This ordinance is effective June 1, 2009.

Dated this 19th day of May 2009.

Respectfully submitted by James N. Brey, County Board Chair.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider moved to adjourn, seconded by Supervisor Janowski and the motion was adopted by acclamation. The meeting adjourned at 8:57 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

June 16, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 16th day of June, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:03 P.M.

Supervisor Konen asked for a moment of silence for a deceased Dane County Highway employee which was followed by the invocation. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 23 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Schneider, Tittl, Vogt, and Wagner. Supervisor Rappe was excused.

On motion by Supervisor Gauger, seconded by Supervisor Henrickson, the May 19, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Maresh moved, seconded by Supervisor Muench, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:13 p.m.

Jim Theyerl, Town of Manitowoc, addressed the Board regarding employee wages and fuel allowances. He asked supervisors to reduce fuel allowances.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 7:16 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey and Sheriff Rob Hermann presented a Certificate of Appreciation to Dave Dvorak for 23 years of service with the Sheriff's Department.

Chairperson Brey read a Certificate of Appreciation for Mike Demske for 33 years of service with Planning and Park.

Chairperson Brey and Nutrition Program Coordinator Cathy Ley presented a Certificate of Appreciation to Patricia Cummings for 21 years of service. Cathy complimented Patricia on her job

performance. Patricia stated that she loved her work and the one hundred volunteers that she directed always made her look good.

County Executive Bob Ziegelbauer reported that significant progress has been made to change the direction of employee health insurance costs and employees now have some of the best coverage for lower cost to the County. The \$2.5 million deficit in Human Services was a consequence of additional, but necessary services provided to people. He stated that we have a responsibility to tax payers to not put more burden on them. With State revenues shrinking, the budget problems will not go away. He will be meeting with leaders of the unions this week to discuss possible solutions. He answered supervisors questions.

APPOINTMENTS BY CHAIRPERSON

Chairperson Brey recommended the appointment of Kevin Schmidt for Supervisory District 2. Supervisor Behnke moved, seconded by Supervisor Bauknecht to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Supervisor Kevin Schmidt to the Personnel Committee. Supervisor Vogt moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Supervisor Rick Henrickson to the Safety Net Accountability Panel to complete Supervisor Ralph Kozlowski's term expiring April 2010. Supervisor Behnke moved, seconded by Supervisor Muench to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Supervisor Paul Tittl to the Wisconsin Counties Utility Tax Association Board to complete Supervisor Ralph Kozlowski's term expiring April 2010. Supervisor Konen moved, seconded by Supervisor Maresh to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Bob Ziegelbauer's appointments of Thomas Keil for a three year term expiring July 2012 and Connie Gulash to complete a vacancy expiring July 2011 on the Aging and Disability Resource Center Governing Board. Supervisor Schneider moved, seconded by Supervisor Wagner to approve the appointment. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer's appointments of Marian Schneider and Charles Nate to the Board of Adjustment for three year terms expiring July 2012. Supervisor Muench moved, seconded by Supervisor Janowski to approve the appointments. Supervisor Heyroth requested to divide the appointment so that they could vote on each appointment separately. Discussion followed. Upon vote, the appointment of Marian Schneider was confirmed by unanimous consent. Upon discussion and vote, the appointment of Charles Nate was confirmed by a voice vote of 22 ayes and 2 noes. Supervisors Heyroth and Korinek voted no, all other supervisors vote aye.

Chairperson Brey presented County Executive Bob Ziegelbauer's appointment of Robert Christian to the Kiel Public Library Board of Trustees for a three year term expiring July 1, 2012. Supervisor Behnke moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer's appointments of Ken Stubbe and alternates Dan Pawlitzke and David Less to the Northeast Wisconsin Regional Economic Partnership for one year term expiring July 2010. Supervisor Muench moved, seconded by Supervisor Markwardt to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey presented County Executive Bob Ziegelbauer's appointment of Supervisor Mary Muench to the Planning and Park Commission for a seven year term expiring July 2016. Supervisor Mueller moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging and Disability Resource Center Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Tittl gave a brief report.

Supervisor Tittl moved, seconded by Supervisor Janowski, to enact Ordinance 1 (2009/2010-26) Amending Manitowoc County Code Chapter 7 (Public Health). Upon vote, the motion carried unanimously.

No. 2009/2010 - 26

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 7
(Public Health)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Chapter 7 contains the Public Health Ordinance; and

2
3 WHEREAS, substantial changes have taken place to the state statutes and to the mission and
4 operation of the Manitowoc County Health Department since the original Public Health Ordinance
5 was adopted; and

6
7 WHEREAS, the Health Department Director, the Public Health Nurse Manager, and the
8 Corporation Counsel have met and prepared a proposed revision to the Public Health Ordinance; and

9
10 WHEREAS, the Board of Health has reviewed the proposed revision of the Public Health
11 Ordinance and recommends that it be adopted;

13 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
14 ordain as follows:

15
16 Manitowoc County Code Chapter 7 is amended to read as follows:

17
18 PUBLIC HEALTH

19
20 Part I. General Provisions.

- 21
22 7.01 Title.
23 7.02 Purpose.
24 7.03 Authority.
25 7.04 Jurisdiction.
26 7.05 Abrogation.
27 7.06 Laws, Rules, and Regulations Adopted by Reference.
28 7.07 Uniformity with State Regulations.
29 7.08 Interpretation.
30 7.09 Severability
31 7.10 Fees.

32
33 Part II. Management of Health Department.

- 34
35 7.11 County Executive.
36 7.12 Board of Health.
37 7.13 Health Department.
38 7.14 Health Officer.
39 7.15 Donations and Gifts.

40
41 Part III. Public Health Code.

- 42
43 7.16 Communicable Disease Control.
44 7.17 Human Health Hazards.
45 7.18 Unfit Dwellings.
46 7.19 Lead Poisoning and Lead Exposure Control.
47 7.20 Beaches.

48
49 Part IV: Food, Lodging, and Other Establishments.

- 50
51 7.21 Permit and License Requirements.
52 7.22 Expiration and Renewal.
53 7.23 Permit Display Requirement.
54 7.24 Permit Suspension and Revocation.
55 7.25 Restaurant Plan Requirement.

7.26 Non-Profit Food Stands.

Part V. Cigarettes and Tobacco Products.

7.27 Restrictions on Sale or Gift of Cigarettes or Tobacco Products.

7.28 Purchase or Possession of Cigarettes or Tobacco Products by Person under 18 Prohibited.

Part VI. Animals.

7.29 Dog Licenses.

7.30 Pound Designated.

7.31 Dog License Fund

7.32 Rabies Vaccination and Control.

7.33 Hybridized Canines.

Part VII. Administration, Violations, and Penalties.

7.34 Administration.

7.35 Violations.

7.36 Penalties.

Appendix A: Fee Schedule.

Part I. General Provisions.

7.01 Title. This ordinance may be referred to as the Public Health Ordinance.

7.02 Purpose. The purpose of this ordinance is to protect and promote the public health and provide for the safety and general welfare of the people and communities in the county by implementing a public health system to protect residents and transients and to prevent the spread of diseases. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for violation of this chapter.

7.03 Authority. This ordinance is adopted under authority granted by Wis. Stat. chs. 251, 252, and 254 and regulations and rules set forth in the Wisconsin Administrative Code.

7.04 Jurisdiction. This ordinance applies, and the jurisdiction of the health department extends, to all areas of the county.

7.05 Abrogation. This ordinance is not intended to abrogate, annul, impair, interfere, or repeal any existing ordinance, license, regulation, rule, or permit previously adopted or issued pursuant to law.

7.06 Laws, Rules, and Regulations Adopted by Reference. The provisions of Wis. Stats. chs.

251, and 254; Wis. Stat. § 95.21; Wis. Admin. Code chs. DHS 172, 173, 175, 178, 192, 195, 196, 197, and 198; Wis. Admin. Code chs. Comm. 26 and 90 are adopted and incorporated into this code by reference.

7.07. Uniformity with State Regulation. This ordinance is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder and set forth in the Wisconsin Administrative Code, except that any provision of this ordinance that is more restrictive is controlling whenever permitted by state law.

7.08 Interpretation. The provisions of this ordinance are to be interpreted to be minimum requirements and shall be broadly and liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes, and nothing in this ordinance may be interpreted to be more lenient than any provision contained in the Wisconsin Statutes or any regulation or rule promulgated thereunder and set forth in the Wisconsin Administrative Code.

7.09 Severability. The provisions of this ordinance are severable and the invalidity of any part of this ordinance will not affect the validity or effectiveness of the remainder of the ordinance.

7.10 Fees. (1) The county board shall establish the fee for any license, other than a dog license, and for any permit issued pursuant to this ordinance by resolution at or prior to the county board's annual budget meeting.

(2) The county board may establish the fee for conducting inspections or investigations and for providing education, technical assistance, and training to establishments by resolution at any time.

(3) The health department fee schedule will be attached to this ordinance as an appendix and a copy will be on file at the health department.

Part II. Management of Health Department.

7.11 County Executive. The county executive shall appoint a local health officer in accordance with the requirements of Wis. Stat. § 251.06. The appointment is subject to confirmation by the county board. The county executive shall assume the powers and duties over the management and operation of the health department as stated in Wis. Stat. § 251.04.

7.12. Board of Health. Pursuant to Wis. Stat. § 251.04(9), the board of health is the policy-making body with authority to determine the broad outlines and principles governing the administration of the health department. As authorized by Wis. Stat. §§ 251.02(2)(b), (3m), (3r), and (3t), the board of health may adopt such regulations, for its own guidance and for the governance of the health department, as it considers necessary to protect and improve public health. These regulations may be no less stringent than, and may not conflict with, state statutes and rules of the department.

144 7.13 Health Department. (1) The health department shall perform the duties of a Level III local
145 health department as specified in Wis. Stat. § 251.05.

146
147 (2) The health department is authorized to act as the agent of, enter into contracts with, issue
148 licenses and permits for, and perform investigations, inspections, sampling, testing, and other
149 services for the Wisconsin Department of Health Services, the Wisconsin Department of Natural
150 Resources, and other government agencies in order to serve the purpose of this ordinance.

151
152 7.14 Health Officer. (a) The health officer shall have charge of the health department.

153
154 (b) The health officer or his or her designee shall perform duties assigned by the county
155 executive, specified in this ordinance, or prescribed by Wis. Stat. §§ 251.06(3), 252.03, 252.05,
156 252.06, 252.07, 252.11, 254.59, and 254.593.

157
158 7.15 Donations and Gifts. The health officer may accept cash or non-cash donations to the
159 county for the purpose of carrying out the provisions of this ordinance or for the benefit of the health
160 department if the donation has a value of less than \$1,000. Any cash or non-cash donation with a
161 value of \$1,000 or more may only be accepted by resolution of the county board.

162
163 Part III. Public Health Code.

164
165 7.16 Communicable Disease Control. The provisions of Wis. Stat. ch. 252 and Wis. Admin.
166 Code § HFS 145, including any amendments thereto, are adopted by reference.

167
168 7.17 Human Health Hazards. (1) “Human health hazard” means any activity, condition, or
169 substance that is known to have the potential to cause acute or chronic illness, to endanger life, to
170 generate or spread infectious diseases, or to otherwise injuriously affect the health of the public.

171
172 (2) It is unlawful for any person to cause, permit, or maintain a human health hazard anywhere
173 within the county.

174
175 (3) The health officer shall follow the procedures set forth in Wis. Stat. § 254.59 if he or she
176 finds a human health hazard.

177
178 7.18 Unfit Dwellings. (1) “Dwelling” means any structure or part of a structure that is used
179 or intended to be used for human habitation, including any land surrounding the structure that is
180 reasonably necessary for its use and any appurtenances belonging to the structure or usually enjoyed
181 with it.

182
183 (2) The health officer may declare any dwelling that is dilapidated, unsafe, or unsanitary to be
184 a human health hazard and issue such orders and take such actions as may be necessary, including,
185 but not limited to, requiring that all persons vacate the dwelling within a specified time and requiring
186 that repairs be made within a specified time or that the dwelling be razed. The health officer shall

187 post a placard on the unfit dwelling that contains the words: “Unfit For Human Habitation,
188 Occupancy, Or Use.” No dwelling that has been placarded may be used for human habitation until
189 the health officer determines that the dwelling is fit for human habitation. No person may deface or
190 remove the placard without the health officer’s written authorization.

191
192 7.19 Lead Poisoning and Lead Exposure Control. (1) Purpose. The purpose of this ordinance
193 is to reduce exposure to lead hazards and to eliminate lead poisoning whenever possible, especially
194 among children under 6 years of age.

195
196 (2) Definitions. The terms used in this ordinance have the meaning specified in Wis. Stat. §
197 254.11 and any rules or regulations adopted pursuant to that statute, except where a different
198 meaning is stated below:

199
200 “Dwelling” means any building that contains one or more dwelling units.

201
202 “Dwelling unit” means a structure or that part of a structure used as a home, residence, or
203 sleeping place by one person or by 2 or more persons maintaining a common household, to the
204 exclusion of all others.

205
206 “Premises” means a dwelling; a dwelling unit; a structure adjacent to the dwelling unit of a
207 lead poisoned child; a place where a person cares for, teaches, trains, or supervises any child under
208 6 years of age; an educational or child care facility, including attached structures and the real
209 property upon which the facility stands, that provides services to children under 6 years of age; any
210 other classes of buildings and facilities, including attached structures and real property upon which
211 the buildings or facilities stand, that pose a significant risk of contributing to the lead poisoning or
212 lead exposure of children under 6 years of age; and any parcel of land that poses a significant risk
213 of contributing to the lead poisoning or lead exposure of children under 6 years of age.

214
215 (3) Rules Adopted by Reference. Any rule promulgated by the Wisconsin Department of
216 Health Services regarding lead poisoning and lead exposure is adopted and incorporated by
217 reference.

218
219 (4) Prohibited Acts. (a) No person may create or allow any lead hazard to exist in any
220 premises, dwelling, or dwelling unit.

221
222 (b) No person may remove lead-bearing paint or other lead-bearing surface coatings using any
223 of the following methods:

224
225 1. Abrasive blasting or sandblasting without a HEPA local vacuum exhaust tool, unless
226 granted special permission by the Wisconsin Department of Natural Resources.

227
228 2. Dry scraping, except for limited surface areas.
229

230 3. Hand sanding unless the sandpaper is designed to be and is used under wet
231 conditions.

232
233 4. Heat guns above 1,100° F.

234
235 5. Open flame burning or torching, including propane fueled heat grids.

236
237 6. Machine grinding or sanding without a HEPA exhaust filter, HEPA local vacuum
238 exhaust tool, or other engineering controls to capture lead dust.

239
240 7. Methylene chloride paint removal products.

241
242 8. Uncontained hydroblasting or high pressure wash, unless granted special permission
243 by the Wisconsin Department of Natural Resources.

244
245 (5) Lead Hazard Identification. (a) Lead hazard identification is required whenever any child
246 under the age of 6 who is or has been an occupant of a premises, dwelling, or dwelling unit is found
247 to have an elevated blood lead level and the premises, dwelling, or dwelling unit is a potential source
248 contributing to the elevated blood lead level.

249
250 (b) The health department will conduct a lead risk assessment of the premises, dwelling, or
251 dwelling unit to identify, evaluate, and determine the need for corrective action of any lead hazards.
252 The health department may remove samples or objects for laboratory analysis to determine the
253 presence of a lead hazard.

254
255 (c) The health department shall make a reasonable effort to provide prior notice of the lead risk
256 assessment to the owner of the premises, dwelling, or dwelling unit. If the owner refuses admission,
257 the health department may seek an inspection warrant.

258
259 (d) The health department shall provide the owner with notice of any lead hazard that is found.

260
261 (6) Lead Hazard Reduction Plan Required. (a) The owner of a dwelling or premises shall
262 submit a lead hazard reduction plan to the health department within 30 days of being notified of the
263 existence of a lead hazard or being ordered to abate a lead hazard.

264
265 (b) The plan must outline the scope of the work to be performed, indicate who will perform
266 the work, provide a time line for completion of the work, describe the lead hazard abatement and any
267 interim control measures to be implemented, and explain how waste will be removed from the
268 premises and where it will be deposited.

269
270 (c) The health department shall maintain a list of certified lead risk assessors and certified lead
271 abatement contractors, which will be made available upon request.

273 (7) Plan Approval Required. (a) The health department shall review the lead hazard reduction
274 plan and may approve it in whole or in part. The health department may modify the provisions of
275 the plan as appropriate.

276
277 (b) No person may perform work under a lead hazard reduction plan unless the plan has been
278 approved by the health department.

279
280 (c) All work must be performed in strict conformance with the lead hazard reduction plan, and
281 any changes in the plan must be approved by the health department.

282
283 (8) Warning Required. (a) If the owner does not submit a lead hazard reduction plan to the
284 health department with 30 days of notification of a lead hazard, the health officer shall post a placard
285 on the premises, dwelling, or dwelling unit that contains the words:

286
287 WARNING
288 LEAD POISONING HAZARD
289 DANGER TO CHILDREN

290
291 The placard must be at least eight inches by ten inches in size. The placard will be posted at each
292 entrance to a dwelling unit that contains a lead hazard and that is located in a multi-unit premises and
293 at each outside access point or entrance to any other premises.

294
295 (b) No person may remove the placard unless the premises, dwelling, or dwelling unit has been
296 declared lead safe.

297
298 (c) No person may deface the placard.

299
300 (9) Lead hazard reduction standards. (a) Lead hazard abatement must effectively reduce lead
301 hazards by containment, encapsulation, removal, or replacement.

302
303 (b) Lead hazard reduction activity includes proper preparation, cleanup, disposal, and clearance
304 inspection activities associated with such measures.

305
306 (c) Lead hazard reduction activity must be completed in a manner that does not increase any
307 lead dust hazard and that does not introduce any new lead hazard in the environment.

308
309 (e) Any person who performs lead hazard abatement work shall meet the certification
310 requirements of Wis. Admin. Code § HFS 163.

311
312 (10) Inspection. The health officer may inspect the premises at any time during the
313 performance of lead hazard reduction activity to verify compliance with this ordinance and that the
314 work is being performed in accordance with the plan.

(11) Clearance Inspection. (a) The owner must notify the health department in writing within 72 hours after the completion of the lead hazard reduction activity that the activity has been completed in compliance with the lead hazard reduction plan.

(b) The health department shall conduct a clearance inspection within 30 days of being notified of the completion of lead hazard reduction activity. The health department shall make a reasonable effort to provide prior notice of the clearance inspection to the owner. If the owner refuses admission, the health department may seek an inspection warrant.

(c) The clearance inspection will be conducted in accordance with the U.S. Department of Housing and Urban Development's GUIDELINES FOR THE EVALUATION AND CONTROL OF LEAD-BASED PAINT HAZARDS IN HOUSING, Chapter 15: Clearance (June 1995), except that the clearance standard, based on dust wipe sampling, is:

1. 40 ug/ft² for a floor.
2. 250 ug/ft² for an interior window sill.
3. 400 ug/ft² for a window well, window trough, and exterior concrete or other rough surface.

(d) The health officer shall provide the owner with a written clearance report. The report will either state that the premises meets clearance standards and is lead-safe or identify any lead hazard that is found.

7.20 Beaches. Pursuant to Wis. Stat. § 254.46, the health department shall close or restrict swimming, diving, and recreational bathing if a human health hazard exists in any area used for those purposes on a body of water and on associated land and shall require the posting of the area.

Part IV: Food, Lodging, and Other Establishments.

7.21 Permit and License Requirements. (1) No person may operate a bed and breakfast establishment, campground, camping resort, educational camp, food vending machine, hotel, mobile home park, motel, non-profit food stand, piercing establishment, public swimming pool, recreational camp, restaurant, tattoo and piercing establishment, tattoo establishment, temporary restaurant, tourist rooming house, vacation rental, vending machine commissary, without a permit or license from the health department.

(2) A person must apply for a permit in writing on a form provided by the health department. The application must include the name and address of the applicant, the name and address of the proposed operator, the location of the proposed establishment, and such other information as the health department may require. The health department shall approve or deny the application within 30 days of receipt of a complete application.

(3) A permit may be issued conditioned on the correction of existing violations of this ordinance within a specified time. If the violations are not corrected within that time, the permit will become void.

(4) The health department may deny a permit to any person that it has found to be uncooperative or a habitual violator of this ordinance.

(5) No permit may be issued without a pre-inspection of the premises by the health department.

(6) No permit may be issued until all application fees have been paid.

(7) A permit is not transferable from one location to another, except that a temporary permit may be transferred to another location with the prior approval of the health department.

(8) A permit is not transferrable from one person to another, except that the permit for a food establishment or vending machine operator may be transferred to an immediate family member if the operation of the food establishment or vending machine is transferred to the immediate family member. For the purpose of this ordinance, a parent, child, step-child, grandchild, sibling, or step-sibling is considered an immediate family member.

(9) The health department may order the closure of any establishment operating without a current permit or license.

7.22. Expiration and Renewal. (a) A permit or license issued by the health department expires on June 30 following the date of issuance, except that a permit or license issued on or after April 1 will expire on June 30 of the following year.

(b) A permit or license issued by the health department may be renewed by submitting a renewal application, the permit or license fee, any state administrative fees that are due, and any applicable late renewal fee to the health department.

(c) If the renewal application is mailed on or before the expiration date, the expiration date of the permit or license being renewed will be extended for 30 days from the date of the postmark to allow time for the application to be processed.

7.23 Permit Display Requirement. An establishment that is required to obtain a permit pursuant to this ordinance must display the current permit in a conspicuous public place at all times.

7.24 Permit Suspension and Revocation. (1) The health department may temporarily suspend any permit issued pursuant to this ordinance because of a violation of any provision of this ordinance or any rule adopted by this ordinance if it determines that there is an immediate threat to public health.

(2) The health department may revoke any permit issued pursuant to this ordinance because of repeated violations of this ordinance or the rules adopted by this ordinance.

7.25 Restaurant Plan Requirement. (1) No person may construct or alter a restaurant without a plan that has been approved by the health department unless the person has secured a waiver of the plan requirement. The health department may grant a waiver of the plan requirement for minor alterations to a restaurant, such as the replacement of equipment.

(2) A written plan or request for waiver must be submitted to the health department for approval prior to any construction or alteration taking place. The plan or request must describe the amount and character of the proposed work and must include a floor plan; equipment plan and specifications; wall, floor, and ceiling finish specifications; and food service kitchen ventilation plan. The plan review fee must be paid when the plan is submitted, but no fee is required for a waiver request.

(3) No person may add to, delete from, or otherwise modify an approved plan unless the proposed addition, deletion, or modification has been approved by the health department.

(4) No person may construct or alter a restaurant in a manner that deviates from the approved plan.

7.26 Non-Profit Food Stands. A non-profit organization, such as a church, civic, fraternal, patriotic, religious, service, or youth organization, that occasionally prepares, serves, or sells food to transients or the general public is required to have a permit issued by the health department. If the non-profit organization operates a food stand on 4 or more calendar days in a permit year, it is required to have a state temporary restaurant license in addition to a permit issued by the health department. If a non-profit organization obtains a state temporary restaurant license for a permitted food stand, the permit fee will be credited toward the license fee.

Part V. Cigarettes and Tobacco Products.

7.27 Restrictions on Sale or Gift of Cigarettes or Tobacco Products. The provisions of Wis. Stat. § 134.66 relating to restrictions on the sale or gift of cigarettes or tobacco products, including any amendments thereto, are adopted by reference.

7.28 Purchase or Possession of Cigarettes or Tobacco Products by Person under 18 Prohibited. (1) The provisions of Wis. Stat. § 254.92 relating to the purchase or possession of cigarettes or tobacco products by persons under 18, including any amendments thereto, are adopted by reference.

(2) This ordinance does not apply within any city, town, or village that has enacted or enacts an ordinance under Wis. Stat. § 254.92.

Part VI. Animals.

7.29 Dog Licenses. (1) Requirement. Pursuant to Wis. Stat. § 174.05, the owner of a dog that is more than 5 months of age on January 1 or that becomes 5 months of age within the license year must annually pay the dog license tax and obtain a dog license. The tax must be paid to the treasurer of the city, town, or village in which the owner resides.

(2) Tax. The dog license tax is \$5 for a neutered male or spayed female and \$10 for an unneutered male or unspayed female, or one-half these amounts if the dog becomes 5 months of age after July 1.

(3) Multiple Dog License Option. Pursuant to Wis. Stat. § 174.053, any person who keeps more than one dog may, instead of paying the dog license tax for each dog, apply for a multiple dog license. The multiple dog license tax is \$35 for 12 or fewer dogs, plus an additional \$3 for each dog in excess of 12.

(4) Late Payment Fee. A late payment fee of \$5 must be paid if the dog license tax is not paid before April 1 for a dog that is more than 5 months of age on January 1, before a dog reaches 5 months of age during the year, or within 30 days of acquiring an unlicensed dog that is required to be licensed.

(5) All dog license tax revenues shall be disbursed by the collecting official in accordance with Wis. Stat. ch. 174.

7.30 Pound Designated. The health officer may designate Lakeshore Humane Society, Inc., a non-profit corporation located at 1551 North Eighth Street, Manitowoc, Wisconsin 54220, or any other organization as the county pound for dogs and other distrained animals. The health officer may designate other organizations to serve as a county pound in specific cases if the organization that has been designated as the county pound is unable to provide services.

7.31 Dog License Fund. (1) The dog license taxes paid to the county treasurer will be kept in a separate account that will be known as the “dog license fund.”

(2) The county treasurer shall pay into the state treasury 5% of the minimum tax as provided for under Wis. Stat. § 174.05(2) of all dog license taxes that have been received by the county treasurer.

(3) The county may pay the following expenses out of the dog license fund: expenses necessarily incurred by the county in purchasing and providing books, forms, and other supplies required in administering the dog license law; expenses incurred by the county under Wis. Stat. § 95.21(4)(b) and (8); and expenses incurred by the county pound or by a humane society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs.

(4) The amount remaining in the fund after deducting expenses paid pursuant to sub. (3) will be available for and may be used as far as necessary for paying claims allowed by the county to the

owners of domestic animals because of damages done by dogs during the license year for which the taxes were paid.

(5) The county treasurer shall, on March 1 of the succeeding year, pay any surplus in excess of \$1,000 that remains from the dog license taxes of any license year to the pound or pounds designated pursuant to sec. 7.30.

7.32 Rabies Vaccination and Control. (1) State Law Adopted. The provisions of Wis. Stat. § 95.21, Rabies Control Program; Wis. Stat. § 173.13, Taking Custody of Animals; and Wis. Stat. § 173.13, Disposition of Animals, are adopted by reference and made part of this Code.

(2) No person may transfer a rabies vaccination tag from one dog to another.

(3) No person may dispose of, euthanize, hide, sell, transfer, or in any other way prevent an animal that has bitten a person from being observed and held until released from observation by a licensed veterinarian.

(4) Impoundment of Non-Vaccinated Dogs. (a) An officer may impound any dog that does not have the required rabies vaccination tag. The officer shall provide written notice to the dog's owner, if known, within 24 hours of impoundment. The notice may be provided in person or by mail to the owner's last known post office address.

(b) An officer may order the impoundment of any dog that does not have the required rabies vaccination tag. The officer shall provide a written order to the dog's owner in person or by mail to the owner's last known post office address.

(c) No person may refuse to surrender a dog to an officer for impoundment, and no person may fail or refuse to comply with an order to impound a dog.

(d) No dog that has been impounded may be released without proof that it has been vaccinated against rabies.

(e) The owner shall pay all costs associated with the impoundment.

(f) A dog that has been impounded for more than 7 days may be disposed of in accordance with the provisions of Wis. Stat. § 173.23 or 174.13.

7.33 Hybridized Canines. (1) As used in this ordinance:

"Canine" means all members of the family *canidae*, except foxes.

"Coyote" means *canis latrans*.

531 “Dingo” means *canis dingo*.

532
533 “Domesticated dog” means *canis familiaris*.

534
535 “Jackal” means *canis aureus*.

536
537 “Wolf” means both *canis lupus* and *canis niger*.

538
539 “Wolf/dog” or “wolf/dog hybrid” means a crossbreed resulting from the mating of a
540 domesticated dog and a wolf, coyote, dingo, or jackal; from the mating of a domesticated dog and
541 a wolf/dog hybrid; or from the mating of a wolf/dog hybrid and another wolf/dog hybrid.

542
543 (2) All of the provisions of this ordinance relating to dogs, with the exception of the provisions
544 relating to the quarantine of animals that have bitten a person, apply to wolf/dog hybrids. If a
545 wolf/dog hybrid or an animal that is believed to be a wolf/dog hybrid bites a person, the animal will
546 be sacrificed pursuant to Wis. Stat. § 95.21(4)(b) in accordance with the memorandum of Dr. Lisa
547 Lembke, Rabies Control Program Coordinator, State of Wisconsin, Department of Agriculture,
548 Trade and Consumer Protection dated July 14, 1992.

549
550 Part VII. Administration, Violations, and Penalties.

551
552 7.34. Administration. (1) This ordinance will be administered by the health officer and the
553 health department, which shall:

554
555 (a) Keep an accurate record of all permit and license applications, permits and licenses issued,
556 inspections conducted, and other official actions taken by the health department.

557
558 (b) Investigate complaints relating to compliance with this ordinance.

559
560 (c) Perform any other duties specified in this ordinance.

561
562 (2) Inspection Authority. (a) The health officer may inspect premises, secure samples or
563 specimens, examine and copy relevant records, and obtain photographic or other evidence necessary
564 to enforce this ordinance.

565
566 (b) The health officer may, upon notice to the owner or operator, request permission to inspect,
567 at a reasonable time and date, any premises to determine compliance with this ordinance. If
568 permission is not given, entry onto the premises may be gained pursuant to Wis. Stat. § 66.0119.
569 The health officer may suspend a permit or license if permission to enter the premises is denied.

570
571 (3) Compliance Orders. If the health officer determines that a premises subject to this
572 ordinance is in noncompliance with any provision of this ordinance, the health officer may issue a
573 written notice of noncompliance to the owner or operator stating the conditions of non-compliance,

directing the action required to come into compliance, the amount of time within which compliance is required, and the consequences and penalties for noncompliance. The notice of noncompliance may include the suspension of a permit or license or an order to cease operations pending compliance.

(4) Revocation Authority. The health officer may revoke a permit or license for substantial noncompliance with any provision of this ordinance, violation of a condition contained in a permit or license, or failure to comply with the action requirement contained in a notice of noncompliance.

(5) Coordination with State Agencies. (a) If a violation of sec. 7.17 violates a state-enforced administrative code, the health officer may first refer the matter to the appropriate state agency for abatement, correction, or enforcement.

(b) The health officer may take action to abate or remove the human health hazard and the cost of abatement or removal may be collected from the owner, occupant, or person causing, permitting, or maintaining the human health hazard, or may be charged against the premises and, upon certification of the local health officer, assessed as are other special taxes in accordance with Wis. Stat. § 254.59(5).

(6) Citation Authority. The health officer or any law enforcement officer may issue a citation for any violation of this ordinance.

(7) Legal Referral. The health officer may refer a violation of this ordinance to Corporation Counsel for legal action, including an action seeking injunctive relief.

(8) The enforcement provisions of this ordinance are not exclusive or mutually exclusive, and nothing in this ordinance may be construed to prevent the county from using any lawful means to enforce this ordinance.

7.35. Violations. (1) It is unlawful for any person to violate any provision of this ordinance, to operate without a permit or license required by this ordinance, or to violate any condition contained in a permit or license issued pursuant to this ordinance.

(2) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this ordinance

(3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist an order issued pursuant to this ordinance.

(4) A separate offense is deemed committed on each day that a violation occurs or continues.

(5) The failure of any employee, official, or officer of the County to perform any official duty imposed by this code will not subject the employee, official, or officer to the penalty imposed for violation of this code unless a penalty is specifically provided.

7.36 Penalties. (1) A person will, upon conviction for a violation of any provision of this ordinance, forfeit not less than \$25 nor more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation, except where a different penalty is expressly provided.

(2) A person will, upon conviction for a violation of sec. 7.19(8)(b) or (b) of this ordinance, forfeit not less than \$25 nor more than \$50 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

(3) A person will, upon conviction for a violation of a provision of Wis. Stat. § 134.66(2)(a), (am), (cm), or (e) as adopted by reference by sec. 7.27 of this ordinance, forfeit not less than \$25 nor more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

(4) A person will, upon the second conviction within a 12-month period for a violation of a provision of Wis. Stat. § 134.66(2)(a), (am), (cm), or (e) as adopted by reference by sec. 7.27 of this ordinance, forfeit not less than \$200 nor more than \$500 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

(5) A person will, upon conviction for a violation of a provision of Wis. Stat. § 134.66(2)(b) as adopted by reference by sec. 7.27 of this ordinance, forfeit \$25 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

(6) A person will, upon conviction for a violation of sec. 7.33 of this ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense, together with any applicable assessment, cost, surcharge, and the cost of prosecution for each violation.

(7) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days for each offense. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.

(8) A person, upon conviction for a violation of any provision of this ordinance, may be ordered to take such action as is necessary to abate the offense within a specified time.

This ordinance is effective June 30, 2009.

Dated this 16th day of June 2009.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Expo Board: Supervisor Behnke gave a brief report.

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Maresh, to adopt Resolution 2 (2009/2010-27) Authorizing Participation in United Way Campaign. Upon vote, the motion carried unanimously.

No. 2009/2010 - 27

RESOLUTION AUTHORIZING PARTICIPATION IN UNITED WAY CAMPAIGN

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is committed to improving the quality of life for all of its
2 citizens and recognizes that private, not-for-profit organizations make a significant contribution to
3 the quality of life in Manitowoc County; and
4

5 WHEREAS, United Way Manitowoc County, Inc. conducts an annual campaign that gives
6 employees an opportunity to support charitable causes through a payroll giver's plan and to support
7 more than two dozen different organizations in Manitowoc County that insure basic needs are met,
8 increase self-sufficiency, nurture children and youth, promote health and healing, and strengthen
9 families; and
10

11 WHEREAS, Manitowoc County has determined that a single, combined campaign such as the
12 United Way is the most efficient and effective way to provide its employees with an opportunity to
13 contribute to charitable organizations;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 designates United Way Manitowoc County, Inc. as the organization authorized to offer an
17 opportunity to enroll in a payroll giver's plan to Manitowoc County employees, officers, and officials
18 from now through December 31, 2009, with payroll deductions to be made during the 2010 calendar
19 year; and
20

21 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes
22 and encourages the voluntary participation of its employees, officers, and officials in the United Way
23 campaign.

Dated this 16th day of June 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Bundy reported that Resolution 3 Designating Additional Airport Fuel Farm Area and Ordinance 4 Amending Manitowoc County Code Section 6.15 (6) (Airport Safety and Security-Fuel Tank Size and Fuel Flowage Fees) were tabled at their meeting and referred back to the Airport Advisory Committee for comment.

Human Services Board: Supervisor Bauknecht reported that their next meeting will be June 24.

Lakeland Long Term Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report.

Planning and Park Commission: Ordinances 5, 6, 7, 8, and 9 were combined by unanimous consent. Supervisor Mueller moved, seconded by Supervisor Muench, to enact Ordinance 5 (2009/2010-28) Amending Zoning Map (Len Harrington), Ordinance 6 (2009/2010-29) Amending Zoning Map (John and Vicki Kittel), Ordinance 7 (2009/2010-30) Amending Zoning Map (Mark Murray), Ordinance 8 (2009/2010-31) Amending Zoning Map (Marsh Murray), and Ordinance 9 (2009/2010-32) Amending Zoning Map (Paul Natzke). Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 28

**ORDINANCE AMENDING ZONING MAP
(Len Harrington)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows with respect to two parcels of land located in Section 6, T19N-R21E, Town of Rockland:
10

11 Parcel No. 1, commencing at the center of said Section 6; thence southerly
12 approximately 1394 feet; thence easterly approximately 50 feet to the ordinary high
13 water mark of Long Lake which is the point of real beginning; thence continue easterly
14 approximately 200 feet; thence southwesterly approximately 240 feet; thence westerly
15 approximately 346 feet; thence northeasterly along the east shore of Long Lake
16 approximately 300 feet to the point of real beginning; said parcel contains approximately
17 2.72 acres of land, shall be and is hereby rezoned from C1 Conservancy to A1
18 Agriculture;

19
20 and

21
22 Parcel No. 2, commencing at the S¼ corner of said Section 6; thence northerly
23 approximately 390 feet; thence westerly approximately 320 feet which is the point of
24 real beginning; thence southwesterly approximately 282 feet to the ordinary high water
25 mark of Long Lake; thence northwesterly along the east shore of Long Lake
26 approximately 585 feet; thence northeasterly along the east shore of Long Lake
27 approximately 242 feet; thence southeasterly approximately 689 feet to the point of real
28 beginning; said parcel containing approximately 4.25 acres of land, shall be and is
29 hereby rezoned from C1 Conservancy to A1 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

No. 2009/2010 - 29

**ORDINANCE AMENDING ZONING MAP
(John and Vicki Kittel)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NW¼, SE¼, Section 25, T21N-R22E, Town of
12 Cooperstown, commencing at the Center of said Section 25; thence southerly along the
13 centerline of Hostak Road approximately 615 feet; thence easterly approximately 33 feet
14 to the east r/w of Hostak Road which is the point of real beginning; thence continue
15 easterly approximately 300 feet; thence southerly approximately 164 feet; thence
16 westerly approximately 300 feet; thence northerly along the east r/w of Hostak Road
17 approximately 164 feet to the point of real beginning; said parcel containing
18 approximately 1.13 acre of land, shall be and is hereby rezoned from A3 Agriculture to
19 A1 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

No. 2009/2010 - 30

ORDINANCE AMENDING ZONING MAP
(Mark Murray)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and an
5 examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain as
9 follows:
10

11 A parcel of land located in the SE¼, SW¼, Section 2, T21N-R24E, Town of Two
12 Creeks, commencing at the SW corner of said Section 2; thence easterly along the
13 centerline of E Zander Road approximately 1320 feet; thence northerly approximately
14 442 feet which is the point of real beginning; thence continue northerly approximately
15 87.05 feet; thence northeasterly along the south r/w of STH 42 approximately 560 feet;
16 thence easterly approximately 300.69 feet; thence southerly approximately 471.72 feet;
17 thence westerly approximately 713.64 feet to the point of real beginning; said parcel
18 containing approximately 5.90 acres of land, shall be and is hereby rezoned from A3
19 Agriculture to A2 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the Planning and Park Commission.

APPROVED: Bob Ziegelbauer, County Executive.

No. 2009/2010 - 31

**ORDINANCE AMENDING ZONING MAP
(Marsh Murray)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the SE¹/₄, SW¹/₄, Section 2, T21N-R24E, Town of Two
12 Creeks, commencing at the SW corner of said Section 2; thence easterly along the
13 centerline of E Zander Road approximately 1320 feet; thence northerly approximately
14 528.71 feet to the south r/w of STH 42; thence northeasterly along the south r/w of STH
15 42 approximately 560 feet which is the point of real beginning; thence continue
16 northeasterly along the south r/w of STH 42 approximately 599.23 feet; thence easterly
17 approximately 402.66 feet; thence southerly approximately 411.20 feet; thence westerly
18 approximately 844.19 feet to the point of real beginning; said parcel containing
19 approximately 5.89 acres of land, shall be and is hereby rezoned from A3 Agriculture
20 to A2 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

**ORDINANCE AMENDING ZONING MAP
(Paul Natzke)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on May 18, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NE¼, NE¼, Section 6, T20N-R21E, Town of Maple
12 Grove, commencing at the NE corner of said Section 6; thence southerly along the
13 centerline of Oakwood Road approximately 33 feet; thence westerly approximately 33
14 feet to the west r/w of Oakwood Road which is the point of real beginning; thence
15 southerly along the west r/w of Oakwood Road approximately 677.97 feet; thence
16 northwesterly approximately 505.17 feet; thence northerly approximately 380.15 feet;
17 thence easterly along the south r/w of Man-Cal Road approximately 546.40 feet to the
18 point of real beginning; said parcel containing approximately 5.07 acres of land, shall
19 be and is hereby rezoned from A3 Agriculture to A2 Agriculture.

Dated this 16th day of June 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Bauknecht to
adopt Resolution 10 (2009/2010-33) Terminating Joint Dispatch Agreements and Stating Intent
to Enter into New Dispatch Agreements. Upon vote, the motion carried unanimously.

**RESOLUTION TERMINATING JOINT DISPATCH AGREEMENTS AND
STATING INTENT TO ENTER INTO NEW DISPATCH AGREEMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County entered into Joint Dispatch Agreements with the Cities of
2 Kiel, Manitowoc, and Two Rivers that were effective May 5, 2004 and that have initial terms ending
3 on December 31, 2009; and
4

5 WHEREAS, the Joint Dispatch Agreements provide for automatic 5-year renewals unless a
6 party gives written notice of termination at least 6 calendar months prior to the last day of the current
7 term; and
8

9 WHEREAS, Manitowoc County believes that the Joint Dispatch Center provides a vital public
10 service and that the Joint Dispatch Center helps to avoid the duplication of services, personnel,
11 facilities, and equipment; and
12

13 WHEREAS, Manitowoc County has concluded that the existing Joint Dispatch Agreements
14 need to be revised to address funding, governance, operational, legal, policy, and structural issues,
15 including the county's construction of a new Joint Dispatch Center; and
16

17 WHEREAS, Manitowoc County will continue to operate the Joint Dispatch Center and
18 intends to enter into new Joint Dispatch Agreements;
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
21 withdraws from the current Joint Dispatch Agreements with the Cities of Kiel, Manitowoc, and Two
22 Rivers when they expire, but intends to enter into new Joint Dispatch Agreements; and
23

24 BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this
25 resolution on or before June 20, 2009 by certified mail, return receipt requested, to the City
26 Administrator, City of Kiel, 621 6th Street, Kiel, WI 53042; Chief of Police, City of Manitowoc, 910
27 Jay Street, Manitowoc, WI 54220; Greg Buckley, City Manager, City of Two Rivers, 1717 East Park
28 Street, Two Rivers, WI 54241; and the City Clerk for each municipality.

Dated this 16th day of June 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 11 (2009/2010-34) Commending Clean Sweep Program Volunteers and Staff. Upon vote, the motion carried unanimously.

No. 2009/2010 - 34

**RESOLUTION COMMENDING CLEAN SWEEP
PROGRAM VOLUNTEERS AND STAFF**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County held a “Clean Sweep” household hazardous waste collection
2 at the Manitowoc County Highway Department Building on Highway 310 on May 16, 2009; and
3

4 WHEREAS, this year’s Clean Sweep program serviced a total of 428 households from
5 Manitowoc County; and
6

7 WHEREAS, the success of Manitowoc County’s Clean Sweep program is due in large part to
8 the efforts of the volunteers and county staff who work on the collection days; and
9

10 WHEREAS, the efforts of the volunteers and county staff saved Manitowoc County more than
11 \$3,000 compared to what the same work would cost if it had been performed by a contractor, as is
12 done in most other Wisconsin Clean Sweep programs;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
15 commends the volunteers and county staff on their effort and fine work in making this year’s
16 Manitowoc County Clean Sweep programs a success.

Dated this 16th day of June 2009.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Safety Net Accountability Panel: Chairperson Brey gave a brief report.

Transportation Coordinating Committee: Supervisor Mueller gave a brief report. Their next meeting will be July 29.

Miscellaneous: Chairperson Brey moved, seconded by Supervisor Heyroth to adopt Resolution 12 (2009/2010-35) Opposing 2009 Assembly Bill 256 (Regulation of Wind Energy Systems).

Upon discussion and vote, the motion carried unanimously.

RESOLUTION OPPOSING 2009 ASSEMBLY BILL 256
(Regulation of Wind Energy Systems)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin policy on renewable energy resources states that, to the extent that it
2 is cost-effective and technically feasible, all new installed capacity for electric generation in the state
3 be based on renewable energy resources, including hydroelectric, wood, wind, solar, refuse,
4 agricultural, and biomass energy resources;

5
6 WHEREAS, wind energy systems are an important component of Wisconsin's renewable
7 energy resources and have a significant impact on those communities in which they are located; and

8
9 WHEREAS, Wisconsin law currently permits local governments to place restrictions on the
10 installation of wind energy systems *only* if the restriction serves to preserve or protect the public
11 health or safety; does not significantly increase the cost of the system or significantly decrease its
12 efficiency; or allows for an alternative system of comparable cost and efficiency; and

13
14 WHEREAS, only a few areas in the state are suitable for the installation of large, commercial
15 wind energy systems; the local governments in those areas are in the best position to evaluate and
16 respond to local conditions affecting public health and safety; and those local governments, including
17 Manitowoc County, have engaged in a careful and thorough examination of the impact of large wind
18 energy systems on public health and safety and have spent considerable time and resources in
19 crafting local ordinances that adequately and legitimately protect public health and safety; and

20
21 WHEREAS, Assembly Bill 256 proposes to strip local governments of the ability to regulate
22 wind energy systems to preserve or protect public health and safety; and

23
24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
25 strongly opposes Assembly Bill 256 and strongly urges that Assembly Bill 256 not be enacted; and

26
27 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
28 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
29 Speaker of the Wisconsin Assembly, each legislator in the Wisconsin Senate and Assembly who
30 represents constituents from Manitowoc County; and the Wisconsin Counties Association.

Dated this 16th day of June 2009.

Respectfully submitted by James N. Brey, County Board Chair.

Supervisor Janowski moved, seconded by Supervisor Behnke to adopt Resolution 13 (2009/2010-36) Approving Town of Newton Zoning Ordinance (Richard and Cynthia Breunig). Upon vote, the motion carried unanimously.

No. 2009/2010 - 36

**RESOLUTION APPROVING TOWN OF NEWTON ZONING ORDINANCE
(Richard and Cynthia Breunig)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a zoning ordinance under Wis. Stat. § 59.69; and

2
3 WHEREAS, the Town of Newton has adopted a new zoning ordinance in accordance with
4 Wis. Stat. § 60.62; and

5
6 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances are subject to county
7 board approval in counties that have adopted a zoning ordinance under Wis. Stat. § 59.69; and

8
9 WHEREAS, the Town of Newton has submitted its new zoning ordinance to the county board
10 for approval;

11
12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 approves the zoning ordinance that was adopted by the Town Board of the Town of Newton for
14 Richard and Cynthia Breunig on June 10, 2009.

Dated this 16th day of June 2009.

Respectfully submitted by Joe Janowski, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson invited supervisors to the annual jail inspection on July 14.

Supervisor Schneider moved to adjourn, seconded by Supervisor Tittl and the motion was adopted by acclamation. The meeting adjourned at 8:47 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

July 21, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 21st day of July, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:00 P.M.

Supervisor Heyroth gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner.

On motion by Supervisor Markwardt, seconded by Supervisor Henrickson, the June 16, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Bauknecht moved, seconded by Supervisor Gauger, to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey read a Certificate of Appreciation Marilyn Forbes for 12 years of service.

Comptroller Todd Reckelberg introduced Michael Konecny, External Auditor from Schenk Business Solutions, who summarized results of the 2008 Comprehensive Annual Financial Report and indicated that there are no significant deficiencies. He answered supervisors' questions.

Public Works Director Jeff Beyer gave a report on the radio and antenna project and an update on the Courthouse steps project and jail project. He answered supervisors' questions.

Corporation Counsel Steve Rollins gave a report on the District II Court of Appeals decision to overturn Calumet County's Wind Energy System Ordinance and the Status of the Navitas Project. He stated that while Calumet County and Manitowoc County have a similar Wind Tower Ordinance, Manitowoc County issues a conditional use permit that requires a hearing before the Board of Adjustment. He also reported that Navitas will not act on the proposed project for forty-nine wind towers in Manitowoc County. He answered supervisors' questions.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 8:30 p.m.

Jim Theyerl, Town of Manitowoc, addressed the Board regarding permanent layoffs of approximately one half of the Highway Department employees, which he noted could eliminate the necessary service of road repairs and snow removal. He asked supervisors to address the issue of fuel allowances before laying off employees.

Two Rivers City Manager Greg Buckley, City of Two Rivers, supported by public safety and elected officials of the cities of Two Rivers, Manitowoc, and Kiel, addressed the Board concerning lack of communication between the County and municipalities regarding the resolution before the Board authorizing construction of a new \$15 million communication system. He respectfully asked the Board to table the resolution until joint dispatch agreements are signed with the cities, and consultation and review of the Request for Proposal have taken place.

Two Rivers Fire Chief Kevin Timm, Two Rivers, asked the Board to table the resolution authorizing the construction project of the joint dispatch center until a third party consultant can review the project.

EMS Association President Kevin Siehr, Two Rivers, stated that he was concerned with the lack of communication between the County and EMS associations regarding the proposed radio system project. He did not receive emails regarding the project.

Vice-President of the Two Rivers City Council, Lee Brocher, questioned the fiscal impact of the proposed radio system project on the City of Two Rivers and urged supervisors to table the resolution before them.

President of AFSCME Local 986 Kevin Johnson, City of Two Rivers, spoke in opposition to the layoff of highway employees. He stated that the highway department provides service with one group of employees. The impact of the decision to eliminate one half of the department will affect the whole community. He requested that the highway department have, not the current one employee, but two employees bidding on outside jobs.

Heath Miller, a Highway Department employee, Whitelaw, spoke in opposition to the cutting of positions at the Highway Department. He referred to Manitowoc County's Vision Statement, stating that the Highway Department takes pride and honor in providing service to the community. He requested the opportunity for the employees to meet with officials to discuss the issues and possible solutions.

Rita Metzger, Manitowoc, asked the Board to meet and work with the Highway Department bargaining unit to avoid the employee layoffs.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 9:10 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointment of Tim Salutz to the Loan Review Board to complete Phil Maples term expiring April 2012. Supervisor Muench moved, seconded by Supervisor Markwardt, to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Miscellaneous: Public Works Committee, Finance Committee, Public Safety Committee, and Highway Committee: Supervisor Behnke moved, seconded by Supervisor Schneider to adopt Resolution 7 Authorizing Construction Project (Joint Dispatch Center and Information Systems). Discussion followed.

Supervisor Panosh moved, seconded by Supervisor Henrickson, to amend Resolution 7 Authorizing Construction Project (Joint Dispatch Center and Information Systems) with the deletion of lines 94 through 99.

Upon discussion and vote, the motion failed with 4 ayes and 21 noes. Supervisors Bauknecht, Bundy, Henrickson, and Panosh voted aye; all other supervisors voted no.

Discussion followed on the main motion.

Supervisor Hansen moved, seconded by Supervisor Heyroth, to table Resolution 7 Authorizing Construction Project (Joint Dispatch Center and Information Systems) until the August 18th County Board meeting. Upon discussion and vote, the motion carried with 16 ayes and 9 noes. Supervisors Behnke, Brey, Gauger, Janowski, Mueller, Muench, Panosh, Schneider, and Vogt voted no; all other supervisors voted aye.

Aging and Disability Resource Center Board: Supervisor Wagner gave a brief report.

Supervisor Wagner moved, seconded by Supervisor Bauknecht, to adopt Resolution 1 (2009/2010-37) Authorizing Grant Application (American Recovery and Reinvestment Act Funds). Upon vote, the motion carried unanimously.

No. 2009/2010 - 37

RESOLUTION AUTHORIZING GRANT APPLICATION (American Recovery and Reinvestment Act Funds)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. (Agency) has been
2 authorized to make grants available to private nonprofit corporations and local public bodies from
3 funds received through the American Recovery and Reinvestment Act of 2009; and

4
5 WHEREAS, the Agency has allocated \$31,472 to Manitowoc County for its congregate and

home-delivered meal programs; and

WHEREAS, the Aging and Disability Resource Center Board believes that this grant would significantly improve the ability of Manitowoc County to meet the nutritional needs of its elderly citizens and recommends that it be authorized to apply for and accept this grant; and

WHEREAS, the Aging and Disability Resource Center Board recommends that the 2009 budget be amended to allow for the increased revenue and to authorize a corresponding increase in expenditures as shown below:

Revenue or Expense	Account Number	Description	Amount
Revenue	46100.43566.27	Congregate Meals	\$22,149
Expense	46100.52940	Congregate Meals	22,149
Revenue	46250.43566.27	Home-delivered Meals	9,323
Expense	46250.52940	Home-delivered Meals	9,323;

NOW, THEREFORE, BE IT RESOLVED that the Aging and Disability Resource Center is authorized to apply for these funds, that the 2009 budget is amended by the amount of the funds received, and the Comptroller/Auditor is directed to record such information in the official books of the County for the year ending December 31, 2009.

Dated this 21st day of July 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses by \$31,472.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Schneider, to adopt Resolution 2 (2009/2010-38) Amending 2009 budget (Aging and Disability Resource Center). Upon vote, the motion carried unanimously.

**RESOLUTION AMENDING 2009 BUDGET
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. (Agency) has changed the formula allocating Federal and State funds between the Agency and the Manitowoc County Aging and Disability Resource Center for services provided under the Older Americans Act; and

WHEREAS, the Aging and Disability Resource Center Board has reviewed the impact of the changes and recommends approval of the following modifications to the 2009 Budget:

Revenue or Expense	Account Number	Description	Amount
Revenue	46325.43566.05	Contracted Services	\$ 616
Expenses	46325.52396	Contracted Services	616
Revenue	46100.43566.01	Congregate Meals	437
Expenses	46100.52940	Contracted Food	437
Revenue	46250.34566.03	Home-delivered meals	5,435
Expenses	46250.52940	Contracted Food	5,435
Revenue	46430.43566.14	Family Caregiver Support Grant	240
Expenses	46430.52999	Contracted Services	240

NOW, THEREFORE, BE IT RESOLVED that the 2009 Budget is amended by the amounts stated above and that the Comptroller/Auditor is directed to record such information as may be required in the official books of the County for the year ending December 31, 2009.

Dated this 21st day of July 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses by \$6,728.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Maresh, to adopt Resolution 3 (2009/2010-39) Authorizing FEMA Grant Application. Upon vote, the motion carried unanimously.

No. 2009/2010 - 39

RESOLUTION AUTHORIZING FEMA GRANT APPLICATION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the United Way of America allocates Federal Emergency Management Agency (FEMA) funding to counties in this district and has allocated \$2,000 to Manitowoc County for nutrition services provided for individuals under the age of 60; and

WHEREAS, the Aging and Disability Resource Center Board recommends that the County Board amend the 2009 budget to allow for the increased revenue and to authorize a corresponding increase in expenditures resulting from the allocation as shown below:

Revenue or Expense	Account Number	Description	Amount
Revenue	46250.43566.16	Home-Delivered Meals	\$2,000
Expense	46250.52940	Contracted Food	\$2,000;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors authorizes the Aging and Disability Resource Center to apply for these funds, that the 2009 budget is amended by the amount of the funds received, and that the Comptroller/Auditor is directed to record such information in the official books of the County for the year ending December 31, 2009 as may be required.

Dated this 21st day of July 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses by equal amounts not to exceed \$2,000.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Brey announced that the WCA Convention is September 13-15 and the County Board meeting for the month of September will be September 22.

Highway Committee: Supervisor Bundy moved, seconded by Supervisor Markwardt, to adopt Resolution 3a (2009/2010-40) Designating Additional Airport Fuel Farm Area. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 40

**RESOLUTION DESIGNATING ADDITIONAL
AIRPORT FUEL FARM AREA**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has included the replacement of the existing fuel tanks and
2 installation of a self-service fueling system at the Manitowoc County Airport as part of its airport
3 improvement plan; and
4

5 WHEREAS, the Highway Commissioner has advised that installation of new fuel tanks and
6 a self-service fueling system will require that the location of the fuel farm area be changed because
7 the present fuel farm is located on land leased to Lakeshore Aviation and because the present
8 location has been identified as an ideal site for the location of a future corporate hangar; and
9

10 WHEREAS, the Airport Advisory Committee agrees that the present fuel farm location should
11 be reserved for a future corporate hangar and strongly supports the installation of a self-service fuel
12 system; and
13

14 WHEREAS, the Airport Advisory Committee recommends against the additional fuel farm
15 location that was previously identified by a consultant, has agreed that an area recommended by the
16 Airport Manager would provide an excellent location; and has recommended that the Highway
17 Committee should consider the designation of any additional area identified by an engineering
18 consultant during implementation of the county's airport improvement plan; and
19

20 WHEREAS, designation of an additional fuel farm area will expedite the installation of a new
21 fuel system and allow for uninterrupted fuel service during construction; and
22

23 WHEREAS, it is understood that actual placement of any fuel system within the designated
24 area requires a permit from the Highway Department and is subject to all applicable Federal and
25 State regulation and rules;
26

27 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board designates the
28 following described area as an additional fuel farm area at the Manitowoc County Airport:
29

30 Commencing at the southeast corner of section 12, T19N, R23E, thence S 86° 56' 14" W
31 655.62 feet to the point of beginning; thence N 01° 02' 47" W 80.85 feet; thence N 11°
32 25' 21" W 1,324.43 feet; thence S 42° 00' 40" W 286.38 feet; thence S 11° 34' 44" E
33 1,638.43 feet; thence N 80° 50' 12" E 121.44 feet; thence N 00° 54' 50" E 419.56 feet
34 to the point of beginning, said area comprising approximately 8.46 acres;
35

36 and

37
38 BE IT FURTHER RESOLVED that the Highway Committee may consider the designation
39 of another fuel farm area if recommended as the result of an engineering study conducted in
40 conjunction with the implementation of the airport improvement plan; and

41
42 BE IT FURTHER RESOLVED that any area designated as a fuel farm area is subject to any
43 regulations or rules prescribed by the Federal Aviation Administration, the Wisconsin Bureau of
44 Aeronautics, and any other Federal or state agency having subject matter jurisdiction over the
45 placement of fuel tanks; and

46
47 BE IT FURTHER RESOLVED that the Highway Commissioner is authorized to take such
48 action as may be necessary to secure any required state or federal approvals needed to incorporate
49 the additional fuel farm area into the Manitowoc County Airport master plan.

Dated this 21st day of July 2009.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Bundy moved, seconded by Supervisor Schmidt, to enact Ordinance 3b (2009/2010-41)
Amending Manitowoc County Code § 6.15(6) (Airport Safety and Security - Fuel Flowage Fees).
Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 41

ORDINANCE AMENDING MANITOWOC COUNTY CODE § 6.15(6)
(Airport Safety and Security - Fuel Flowage Fees)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, there is presently a discrepancy between the amount of the fuel flowage fee
2 specified in the Manitowoc County Code and the amount that the Fixed Base Operator collects for
3 jet fuel at the Manitowoc County Airport; and

4
5 WHEREAS, the Highway Commissioner has recommended that county code pertaining to fuel
6 flowage fees be amended to provide for a more flexible procedure for setting consistent fees that
7 better reflect operational costs incurred by the county to operate the airport; and
8

9 WHEREAS, the Corporation Counsel has recommended that the county code pertaining to fuel
10 flowage fees be amended to simplify the process while still providing for county board oversight of
11 any changes proposed by the Highway Committee;

12
13 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
14 as follows:

15
16 Manitowoc County Code sec. 6.15 (6)(b)3.f. is amended to read as follows:

17
18 f. Flowage Fee and Taxes. The highway committee may establish a per gallon fuel flowage
19 fee, subject to approval by county board resolution, that must be paid on or before the 10th day
20 following the last day of any month in which fuel is dispensed. A tank owner is responsible for the
21 timely payment of the fuel flowage fee and any taxes due on fuel dispensed from the tank. The tank
22 and its contents are security for any flowage fees and taxes due.

Dated this 21st day of July 2009.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Bundy answered supervisors' questions.

Human Services Board: Supervisor Rappe gave a brief report.

Lakeland Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Korinek gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report and answered supervisors questions.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Heyroth, to enact Ordinance 4 (2009/2010-42) Amending Zoning Map (Jeffrey Nichols). Upon vote, the motion carried unanimously.

No. 2009/2010 - 42

**ORDINANCE AMENDING ZONING MAP
(Jeffrey Nichols)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on June 22, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NE¼, NE¼, Section 17, T19N-R22E, Town of Cato,
12 commencing at the NE corner of said Section 17; thence southerly along the centerline
13 of Menchalville Road approximately 33 feet; thence westerly approximately 33 feet to
14 the west r/w of Menchalville Road; thence continue westerly along the south r/w of
15 Hilltop Road approximately 193 feet which is the point of real beginning; thence
16 continue westerly approximately 135 feet; thence southerly approximately 328 feet;
17 thence easterly approximately 328 feet; thence northerly along the west r/w of
18 Menchalville Road approximately 135 feet; thence westerly approximately 193 feet;
19 thence northerly approximately 193 feet to the point of real beginning; said parcel
20 containing approximately 2.0 acres of land, shall be and is hereby rezoned from A3
21 Agriculture to A1 Agriculture.

Dated this 21st day of July 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Panosh, to
adopt Resolution 5 (2009/2010-43) Authorizing Out-of-State-Travel (Joseph Keil). Upon vote,
the motion carried unanimously.

No. 2009/2010 - 43

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Joseph Keil)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, impaired driving continues to be one of the greatest and most persistent threats
2 to public safety; and
3

4 WHEREAS, the Drug Recognition Expert (DRE) Program has proven to be effective in
5 training officers to detect and remove impaired drivers from our roadways; and
6

7 WHEREAS, the 15th International Association of Chiefs of Police (IACP) DRE Training
8 Conference on Drugs, Alcohol, and Impaired Driving will present updates on drug trends, legal
9 issues, innovative technology, medical research, conditions that mimic drug use, and initiatives to
10 officers, trainers, prosecutors and other professionals; and
11

12 WHEREAS, Deputy Joseph Keil holds National Instructor Drug Recognition Expert Status
13 and this training will allow him to continue to provide other Sheriff's Department officers with
14 medical and scientific foundations of the various components of the DRE protocol; and
15

16 WHEREAS, the Wisconsin Department of Transportation, Bureau of Transportation Safety
17 will fund 100% of the cost of the training, airfare, lodging, and meals;
18

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
20 authorizes Joseph Keil to attend the 15th IACP DRE Training Conference on Drugs, Alcohol, and
21 Impaired Driving in Little Rock, Arkansas, August 7-11, 2009.

Dated this 21st day of July 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Wisconsin Department of Transportation will pay
all expenses estimated, which are estimated at \$900.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Muench, to adopt Resolution 6
(2009/2010-44) Accepting Donation for Munitions Equipment. Upon vote, the motion carried
unanimously.

No. 2009/2010 - 44

RESOLUTION ACCEPTING DONATION FOR MUNITIONS EQUIPMENT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Department's Special Operations Squad (SOS)
2 trains and equips its officers to respond to a variety of high-risk calls for service; and
3

4 WHEREAS, the SOS coordinates with Point Beach Nuclear Plant security forces to create a
5 team to respond to high-risk threats to the plant facility; and
6

7 WHEREAS, the Point Beach Nuclear Plant has donated \$3,000 to purchase munitions
8 equipment designed to enhance an effective, tactical response to threats and emergencies;
9

10 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
11 accepts a \$3,000 donation from the Point Beach Nuclear Plant to purchase munitions equipment; and
12

13 BE IT FURTHER RESOLVED that the revenue and expenditure line items in the 2009 budget
14 are amended by the amount of the donation received and that the Comptroller/Auditor is directed to
15 record such information in the official books of the County for the year ending December 31, 2009
16 as may be required.

Dated this 21st day of July 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues (21200.48500) and expenditures
(21200.58100) by equal amounts of \$3,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson gave a brief report.

Transportation Coordinating Committee: Supervisor Mueller announced that their next meeting
will be July 29.

Miscellaneous: Human Services Board and Personnel Committee: Supervisor Rappe moved,
seconded by Supervisor Henrickson, to adopt Resolution 8 (2009/2010-45) Creating Part-Time
Psychiatrist Position. Upon discussion and vote, the motion carried with 23 ayes and 2 noes.
Supervisors Heyroth and Tittl voted no; all other supervisors voted aye.

No. 2009/2010 - 45

RESOLUTION CREATING PART-TIME PSYCHIATRIST POSITION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Human Services Department is required to provide
2 psychiatric services; and
3

4 WHEREAS, it is less expensive to employ a part-time psychiatrist than to contract for
5 psychiatric services; and
6

7 WHEREAS, employing a part-time psychiatrist will allow the Human Services Department
8 to exercise greater control over the psychiatric services offered and will allow the Human Services
9 Department to engage in preventative, as well as remedial, services;

10
11 NOW, THEREFORE, BE IT RESOLVED that a .5 full-time-equivalent Psychiatrist position
12 is created in the Human Services Department; and

13
14 BE IT FURTHER RESOLVED that the Personnel Committee is authorized to negotiate the
15 wage and fringe benefit package for this position; and

16
17 BE IT FURTHER RESOLVED that the 2009 budget is amended accordingly and that the
18 Comptroller/Auditor is directed to record such information in the official books of the County for
19 the year ending December 31, 2009 as may be required.

Dated this 21st day of July 2009

Respectfully submitted by the Human Services Board and Personnel Committee.

FISCAL IMPACT: Providing contracted psychiatric services using a regular part-time
position reduces annual costs by approximately \$22,000. Expected 2009
savings are \$9,000 based on an August 1 implementation date.

APPROVED: Bob Ziegelbauer, County Executive.

Chairperson Brey announced that there will be a committee of the whole meeting next month.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Tittl and the motion was
adopted by acclamation. The meeting adjourned at 10:35 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

August 18, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 18th day of August, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:01 P.M.

Supervisor Muench gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Tittl, Vogt, and Wagner. Supervisor Schneider was excused.

On motion by Supervisor Gauger, seconded by Supervisor Henrickson, the July 21, 2009 meeting minutes were approved by unanimous vote.

On motion by Supervisor Bauknecht, seconded by Supervisor Markwardt, the August 13, 2009 Committee of the Whole meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Henrickson moved, seconded by Supervisor Schmidt, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

Heath Miller, Village of Whitelaw, addressed the Board regarding his disappointment with the leadership in the Highway Department. He spoke in opposition to the restructuring of the department.

City of Manitowoc Mayor Justin Nickels, City of Manitowoc, and Two Rivers City Manager Greg Buckley, City of Two Rivers, supported by Manitowoc Police Chief Tony Dick and Two Rivers Fire Chief Kevin Timm, spoke in appreciation of the County Board's action to table the Resolution Authorizing the Construction Project (Joint Dispatch Center and Information Systems) at the July meeting. This gave municipalities the opportunity to discuss the project with supervisors and county staff and have their questions answered. They withdrew their objections to the proposed new radio system.

Bob Marheine, Town of Newton, stated that he was concerned whether the proposed radio system will be compatible with communication systems in surrounding counties. He asked the Board to take care in spending the \$14 million for this project given the current economy.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 7:19 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Honoring the Sesquicentennial of the Town of Two Creeks to Town Chair Lee Engelbrecht. Mr. Engelbrecht stated that he is proud of the town's history and noted that in the past, it was a major shipping port.

Public Works Director Jeff Beyer reported that there will be a waste tire collection at the Recycling Center September 14-26. He gave an overview of the 2009 County Fair events that will take place on August 25-30.

UNFINISHED BUSINESS, INCLUDING ANY MOTIONS TO RECONSIDER ACTIONS TAKEN AT THE LAST MEETING

Discussion took place on Resolution (2009/2010-46) Authorizing Construction Project (Joint Dispatch Center and Information Systems). Upon vote, the resolution passed with 19 ayes and 5 noes. Supervisors Heyroth, Konen, Korinek, Rappe, and Wagner vote no; all other supervisors voted aye.

No. 2009/2010 - 46

**RESOLUTION AUTHORIZING CONSTRUCTION PROJECT
(Joint Dispatch Center and Information Systems)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has operated the Joint Dispatch Center since May 1994 to
2 provide emergency communication services for the Manitowoc County Sheriff's Department; the
3 Kiel, Manitowoc, and Two Rivers Police and Fire Departments; and the other public and volunteer
4 emergency service providers and fire departments in Manitowoc County; and
5

6 WHEREAS, the federal government has mandated a change in operational frequencies used
7 by the Joint Dispatch Center, has prohibited the sale of parts for the Joint Dispatch Center's
8 communication equipment effective January 1, 2011; and requires that the change in operational
9 frequencies must be completed by January 1, 2013; and
10

11 WHEREAS, the Joint Dispatch Center presently uses consoles that are nearly 30 years old,
12 that do not provide for interoperability between the various law enforcement and safety agencies in
13 the county, and that are incompatible with the equipment that will be needed to change operational
14 frequencies; and
15

16 WHEREAS, the existing communication infrastructure includes base stations, towers, and
17 antennae that are nearly 30 years old and that have reached the end of their life cycle; and
18

19 WHEREAS, a study performed by L. J. Koehnen, PE Consulting Engineers, in 2005 that
20 detailed the status and fitness of our existing antennae, base station equipment, and communications
21 center and identified changes that needed to be made; and
22

23 WHEREAS, a follow up study completed by Federal Engineering, Inc. completed in 2009
24 confirmed the results of the first study and laid out the groundwork for the design, construction, and
25 implementation of a new public safety communications system; and
26

27 WHEREAS, the recommended action to meet the identified needs and address the federal
28 mandates is to replace the dispatch consoles, radio, and antennae systems and to provide new
29 operational space for the Joint Dispatch Center to address all of the issues identified in the two
30 studies that had been completed and reported to the County Board of Supervisors; and
31

32 WHEREAS, the Office of Emergency Management has oversight authority for the Operation
33 of the Joint Dispatch Center and is responsible for the Emergency Operations Center; and
34

35 WHEREAS, the communication equipment, power supplies, backup equipment, support
36 systems, operation manuals, and other resource materials necessary for operation of the Joint
37 Dispatch Center and the Emergency Operations Center are substantially the same and need to be in
38 close proximity with each other; and
39

40 WHEREAS, security for the Joint Dispatch Center and the Emergency Operations Center are
41 of paramount importance and the operation of the Office of Emergency Management and the Joint
42 Dispatch Center are so inextricably intertwined that their location in the same building is essential
43 to the effective and efficient provision of the vital public safety services that they provide; and
44

45 WHEREAS, it is further recommended that the Information Systems Department be moved
46 from its current locations scattered throughout the courthouse into the same building as the Joint
47 Dispatch Center because the same security and support systems are needed to operate the Joint
48 Dispatch Center and the Information Systems Department;
49

50 WHEREAS, co-locating the Information Systems Department with the Joint Dispatch Center
51 will provide an opportunity to address other existing space and security issues in the Courthouse; and
52

53 WHEREAS, the scope of the Joint Dispatch Center and Information Systems project includes
54 replacement of or other alternatives to address the parking space that will be lost as a result of the
55 project; and
56

57 WHEREAS, the full scope of the project is presently under development, no proposals have
58 been received, and the estimated cost ranges for the various components of the project are estimated
59 as follows:
60

Radio and Tower Systems	\$7,600,000 – 10,700,000
Paging System	\$250,000 – 600,000
Mobile Data Terminal System	\$580,000 – 930,000
Interoperability Solutions	\$165,800 – 280,000
Warning Siren System	\$79,000 – 360,000
Portable & Mobile Radios	\$510,000 – 1,386,000
Building (JDC/Emergency Mgmt / IS)	\$2,686,342 – 3,968,112
Dispatch Equipment	\$630,000 – 1,253,000;

and

WHEREAS, the estimated cost ranges include all of the various options within each category and the county's selection of option will determine the cost for each category, but the total project cost will not exceed \$14,955,000; and

WHEREAS, the projected time table for the Joint Dispatch Center and Information Systems project is as follows:

Bid information available	Middle of July 2009
Bonding resolutions for the project	August and September 2009
Bids due	Middle of September 2009
Approval of radio and building bids	Middle of September 2009
Tower sites located and secured	Middle of March 2010
Building completed	July 2010
Completion of project	November 2010;

WHEREAS, the Public Works, Public Safety, and Finance Committees have studied the issues, examined the needs, reviewed the reports and recommended solutions, and recommend that the county board authorize the construction of a Joint Dispatch Center and Information Systems Building and the replacement of the radio equipment, antennae, and related equipment project at a cost not to exceed \$14,955,000; and

WHEREAS, the platform selected by Manitowoc County to provide emergency communications services to the Cities of Kiel, Manitowoc, and Two Rivers Fire and Police Departments and to the other public and volunteer emergency service providers and fire departments in Manitowoc County impacts the equipment that those providers must have and could create a major cost for those providers because they are responsible for the cost of the equipment that is compatible with the Joint Dispatch Center's radio and antenna system; and

WHEREAS, Manitowoc County has been working with a grant writer, and the Public Works Department has been working with the emergency service providers to locate grants and other funding sources for the equipment that will be needed, but has not yet been able to secure any additional funds for the County or the providers; and

106 WHEREAS, the Joint Dispatch Center and Information Systems project is a long-term capital
107 project that is appropriately funded by issuing bonds;
108

109 NOW, THEREFORE, BE IT RESOLVED that, contingent upon approval of the appropriate
110 bonding resolution to provide the necessary funds, the Manitowoc County Board of Supervisors
111 authorizes the construction of a Joint Dispatch Center and Information Systems construction project
112 at a cost not to exceed \$14,955,000; and
113

114 BE IT FURTHER RESOLVED that, contingent upon approval of the appropriate bonding
115 resolution to provide the necessary funds, the Public Works Director is authorized to execute such
116 contracts and perform such other administrative duties as may be necessary for the construction of
117 the Joint Dispatch Center and Information Systems project.

Dated this 21st day of July 2009.

Respectfully submitted by the Public Works Committee, Finance Committee, Public Safety
Committee and Highway Committee.

FISCAL IMPACT: This resolution does not have an immediate fiscal impact, but it does require
that the county board approve a bonding resolution within two months. The
fiscal impact of that action will depend on the amount borrowed and the
available interest rate.

APPROVED: Bob Ziegelbauer, County Executive.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointment of Anil Chudgar to the Aging and Disability
Resource Center Governing Board for a three year term expiring August 2012. Supervisor Mueller
moved, seconded by Supervisor Janowski, to approve the appointment. Upon vote, the appointment
was confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Mary Coenen and alternate Marcia Donlon to
the Local Emergency Planning Committee for a two year term expiring August 2011. Supervisor
Muench moved, seconded by Supervisor Korinek, to approve the appointment. Upon vote, the
appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging and Disability Resource Center Board: Supervisor Wagner gave a brief report.

Supervisor Wagner moved, seconded by Supervisor Bauknecht, to adopt Resolution 1 (2009/2010-
47) Authorizing New Freedom Grant Application. Upon vote, the motion carried unanimously.

RESOLUTION AUTHORIZING NEW FREEDOM GRANT APPLICATION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Transportation has grant funds available under the
2 federal Safe, Accountable, Flexible and Efficient Transportation Equity Act for the purpose of
3 coordinating rides and vehicles so that services can be utilized as fully as possible; and
4

5 WHEREAS, the county may apply for these grant funds through the New Freedom Program
6 and must provide a local match if the grant is awarded; and
7

8 WHEREAS, the Aging and Disability Resource Center Board recommends that the county
9 apply for and accept a grant in the amount of \$65,000 to continue the services of the mobility
10 manager and that the Aging and Disability Resource Center include the required local match of
11 \$13,000 in its proposed 2010 budget;
12

13 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
14 authorizes the Aging and Disability Resource Center to apply for and accept grant funds through the
15 New Freedom Program in an amount not to exceed \$65,000 and that the Aging and Disability
16 Resource Center include matching funds of \$13,000 in its proposed 2010 budget with the
17 understanding that the budget will need to be amended to reflect any grant funds that are awarded
18 for the year ending December 31, 2010.

Dated this 18th day of August 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Local match of \$13,000 to be included in ADRC's proposed 2010 budget
and the amount of any grant awarded will need to be added to the
approved 2010 budget by amendment.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Korinek, to adopt Resolution 2 (2009/2010-
48) Authorizing Supplemental Transportation Rural Assistance Program Grant Application.
Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING SUPPLEMENTAL TRANSPORTATION
RURAL ASSISTANCE PROGRAM GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Transportation has received funds under the federal
2 Safe, Accountable, Flexible and Efficient Transportation Equity Act to supplement or expand
3 existing rural and special public transportation services in Wisconsin; and
4

5 WHEREAS, Manitowoc County may apply for a supplemental transportation rural assistance
6 program grant that will cover 80% of the cost to provide additional transit and mobility services,
7 including coordination between specialized and public transportation in non-urbanized areas; and
8

9 WHEREAS, the Aging and Disability Resource Center Board recommends that the Aging and
10 Disability Resource Center be authorized to apply for and accept a grant in the amount of \$30,000
11 to lease transportation software to provide coordination between Medicaid, specialized, and public
12 transportation in Manitowoc County and that the Aging and Disability Resource Center include the
13 required local match of \$6,000 in its proposed 2010 budget;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 authorizes the Aging and Disability Resource Center to apply for and accept a supplemental
17 transportation rural assistance program grant in an amount not to exceed \$30,000 and that the Aging
18 and Disability Resource Center include matching funds of \$6,000 as part of its 2010 budget with the
19 understanding that the budget will need to be amended to reflect any grant funds that are awarded
20 for the year ending December 31, 2010.

Dated this 18th day of August 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Local match of \$6,000 to be included in ADRC's proposed 2010 budget and
the amount of any grant awarded will need to be added to the approved
2010 budget by amendment.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Tittl gave a brief report.

Executive Committee: Chairperson Brey announced that a meeting will be scheduled on September
1 to discuss a possible reduction in the number of supervisors on the Board.

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Tittl, to adopt Resolution 3 (2009/2010-49)
Denying Claim (D. T. Kendinger). Upon vote the motion carried unanimously.

**RESOLUTION DENYING CLAIM
(D.T. Keding)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, D. T. Keding has filed a malfeasance claim dated May 4, 2009 against the
2 Manitowoc County Sheriff's Department and others in connection with the department's
3 investigation of a complaint by Lakeshore Technical College about Mr. Keding; and
4

5 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to its
6 insurance carrier; and
7

8 WHEREAS, the county's insurance carrier has reviewed the claim and relevant records and
9 recommends that the claim be denied; and
10

11 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the claim
12 and recommend that the claim be denied;
13

14 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
15 that the claim is denied and that the Corporation Counsel and County Clerk are directed to provide
16 such notice of the denial of the claim as may be required.

Dated this 18th day of August 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Schmidt, to adopt Resolution 4 (2009/2010-50) Amending Web Site Privacy Policy. Upon vote, the motion carried unanimously.

RESOLUTION AMENDING WEB SITE PRIVACY POLICY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County collects information about properties located in the county
2 in the course of conducting its business, including the names of property owners, the addresses and
3 parcel numbers for the properties, assessments, easements, and tax history and payments; and
4

5 WHEREAS, Manitowoc County maintains an Internet web site that provides information
6 about property located in the county that is used by citizens and businesses that conduct business in
7 the county; and
8

9 WHEREAS, Manitowoc County adopted a policy in March 2002 that it would not directly
10 identify the names of property owners on its public access web system, but has been asked by
11 surveyors and real estate agencies to review its policy in light of the increasing reliance on Internet
12 resources by their business and the substantial number of other counties that make the names of
13 property owners available through the Internet; and
14

15 WHEREAS, the Information Systems Department has determined that 56 of the 66 Wisconsin
16 counties that provide web-based mapping services display the names of property owners and that
17 the majority of those counties permit name-based searches for property records; and
18

19 WHEREAS, the Finance Committee recommends that Manitowoc County amend its policy
20 as requested;
21

22 NOW, THEREFORE BE IT RESOLVED by the Manitowoc County Board of Supervisors
23 that Manitowoc County government may publish such property information on its public access web
24 site as it believes may be useful to its citizens, including the names of property owners, and to allow
25 for name-based searches.

Dated this 18th day of August 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No tax levy impact. Spends less than \$1,000 from the Land Records Fund.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: County Executive Bob Ziegelbauer gave a report on the Highway Department restructuring and the general fiscal situation of County Government. He answered supervisors' questions.

Human Services Board: Supervisor Rappe reported that their next meeting will be August 27.

Lakeland Care District: Chairperson Brey reported that their next meeting will be August 21.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report and answered supervisors questions.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Heyroth, to enact Ordinance 5 (2009/2010-51) Amending Zoning Map (Scott and Angela Anhalt), Ordinance 6 (2009/2010-52) Amending Zoning Map (Gerald Bellin Jr.), and Ordinance 7 (2009/2010-53) Amending Zoning Map (Mary Zimmermann). Upon vote, the motion carried unanimously.

No. 2009/2010 - 51

**ORDINANCE AMENDING ZONING MAP
(Scott and Angela Anhalt)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on July 27, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NE¼, NW¼, Section 4, T19N-R24E, Town of
12 Manitowoc, commencing at the north 1/4 corner of said Section 4; thence southerly
13 along the centerline of Mirro Drive approximately 33 feet; thence westerly along the
14 south r/w of CTH 310 approximately 775 feet which is the point of real beginning;
15 thence continue westerly along the south r/w of CTH 310 approximately 99.74 feet;
16 thence southwesterly approximately 290 feet; thence westerly approximately 164 feet;
17 thence southerly approximately 332 feet; thence easterly approximately 297 feet; thence
18 northerly approximately 660 feet to the point of real beginning; said parcel containing
19 approximately 3.14 acres of land, shall be and is hereby rezoned from A1 Agriculture
20 to A3 Agriculture.

Dated this 18th day of August 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

**ORDINANCE AMENDING ZONING MAP
(Gerald Bellin Jr.)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on July 27, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the SE¼, NW¼, Section 1, T19N-R22E, Town of Cato,
12 commencing at the Center of said Section 1; thence westerly approximately 590 feet
13 which is the point of real beginning; thence continue westerly approximately 120 feet;
14 thence northwesterly approximately 585 feet; thence easterly approximately 180 feet;
15 thence southerly approximately 575 feet to the point of real beginning; said parcel
16 containing approximately 2.0 acres of land, shall be and is hereby rezoned from A2
17 Agriculture to B1 Business.

Dated this 18th day of August 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

**ORDINANCE AMENDING ZONING MAP
(Mary Zimmermann)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on July 27, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

7
8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:

10
11 A parcel of land located in the SW¼, NE¼, Section 6, T18N-R22E, Town of Liberty,
12 commencing at the Center of said Section 6; thence northerly along the centerline of
13 Tompkins Road approximately 410 feet; thence easterly approximately 33 feet to the
14 east r/w of Tompkins Road which is the point of real beginning; thence continue easterly
15 approximately 360 feet; thence northerly approximately 360 feet; thence westerly
16 approximately 360 feet; thence southerly along the east r/w of Tompkins Road
17 approximately 360 feet to the point of real beginning; said parcel containing
18 approximately 2.98 acres of land, shall be and is hereby rezoned from A3 Agriculture
19 to A1 Agriculture.

Dated this 18th day of August 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Gauger, to enact Ordinance 8 (2009/2010-54) Amending Manitowoc County Code Chapter 8 (Corrections). Upon vote, the motion carried unanimously.

No. 2009/2010 - 54

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 8
(Corrections)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code sec. 8.15 (2)(e)3.a. pertaining to sand gravel, and rock
2 extraction operations contains an incorrect cross-reference to the setbacks ordinance; and
3

4 WHEREAS, Manitowoc County Code sec. 8.18 (2)(b)(3) incorrectly states that there is no
5 charge for a zoning permit;
6

7 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
8 as follows:

9 Manitowoc County Code sec. 8.15 (2)(e)3.a. is amended to change the cross-reference to the
10 setbacks ordinance from sec. "10.06" to sec. "10.14."

11
12 Manitowoc County Code sec. 8.18 (2)(b)3. is amended by striking the sentence that reads
13 "There shall be no charge for such zoning permit."

Dated this 18th day of August 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Henrickson, to adopt Resolution 9 (2009/2010-55) Authorizing Joint Dispatch Agreement. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 55

RESOLUTION AUTHORIZING JOINT DISPATCH AGREEMENT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County and the Cities of Kiel, Manitowoc, and Two Rivers entered
2 into a Public Safety Joint Services Agreement in May 1994 in order to consolidate their emergency
3 communications centers and to avoid the duplication of services, personnel, facilities, and
4 equipment, while continuing to provide quality and responsive dispatch services to citizens and
5 emergency service providers in Manitowoc County; and
6

7 WHEREAS, the Public Safety Joint Services Agreement was replaced by a Joint Dispatch
8 Agreement in 2004 that had an initial term of 5 years and provided for an automatic 5-year renewal
9 unless a party gave written notice of its intention to withdraw from the Joint Dispatch Agreement
10 before July 1, 2009; and
11

12 WHEREAS, Manitowoc County has notified the cities that the Joint Dispatch Agreement will
13 not be renewed at the end of its current term, but intends to continue operating the Joint Dispatch
14 Center in order to provide this vital public service; and
15

16 WHEREAS, Manitowoc County has proposed a new Joint Dispatch Agreement that addresses
17 funding, governance, operational, legal, policy, and structural issues that have been identified during
18 the past five years; met with the members of the Joint Dispatch Center Board, the mayors of Kiel and
19 Manitowoc, and the Two Rivers City Manager; revised the proposed new agreement to address
20 common concerns; and has provided a copy of the revised Joint Dispatch Agreement to the County

21 Board, the Joint Dispatch Center Board, the mayors of Kiel and Manitowoc, and the Two Rivers City
22 Manager; and
23

24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
25 authorizes the County Executive, the County Clerk, and such other county officials as may be
26 necessary to enter into the Joint Dispatch Agreement with each emergency service provider that
27 wants to receive emergency dispatch services through the Joint Dispatch Center and authorizes the
28 Public Safety Committee to approve any minor changes to the basic agreement that may be needed
29 to accommodate the needs of individual emergency service providers.

Dated this 18th day of August 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Transportation Coordinating Committee: Supervisor Mueller gave a brief report.

Announcements: Chairperson Brey announced that the Board will meet September 22, October 13,
and October 26.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Maresh and the motion was
adopted by acclamation. The meeting adjourned at 9:45 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

September 22, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 22nd day of September, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:00 P.M.

Supervisor Vogt gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 23 members present; Bauknecht, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Tittl, Vogt, and Wagner. Supervisors Behnke and Schneider were excused.

On motion by Supervisor Gauger, seconded by Supervisor Henrickson, the August 18, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Bauknecht moved, seconded by Supervisor Mueller, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

Lorne Forsythe, City of Manitowoc, and a student at the UW-Manitowoc, addressed the Board regarding his concern that the UW-Manitowoc facility does not have an adequate safety announcement system.

Randy Fields, City of Manitowoc, expressed concern that the proposed radio system may not be compatible between the Sheriff's Department and responding agencies. He noted that Manitowoc County was not on a list of entities who had applied for a grant from the Department of Homeland Security to fund the communication upgrade.

Michelle Frozena, City of Manitowoc, and a member of the Board of Health, stated that she is concerned about the potential Health Department layoffs in the light of the H1N1 epidemic. The staff is operating below optimal workforce at the present time. She asked the Board whether the County Executive's proposal could be applied to those Unions that had voted to accept it.

Carrie Redo, City of Two Rivers, and an employee in the Health Department, addressed the Board regarding the increased workload to immunize 50,000 citizens of Manitowoc County against the H1N1 epidemic. With the economic downturn, more services are needed and the caseloads have also increased at Human Services.

Lorne Forthsythe, City of Manitowoc, asked the Board to request that a contractor prepare an estimate for the installation of a two-way public address system in the UW-Manitowoc facility. No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 7:22 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey presented a Proclamation Honoring National 4-H Week to 4-H and Youth Development Director Kevin Palmer. Kevin introduced 4-H members who had participated in the American Spirit Trip. Dakota Downing explained how the trip experience help to develop her speaking skills. Adam Miles spoke on the leadership skills that he learned through the trip event. Justin Schwann gave an overview of the places visited during the excursion.

Chairperson Brey read a Proclamation Recognizing Fall Prevention Awareness Month.

Corporation Counsel Steve Rollins reported on the status of the discussion with the Lakeshore Humane Society. He gave an overview of the history of the relationship between Manitowoc County and the Lakeshore Humane Society that began in 1977 when the County designated Lakeshore Humane Society to be the pound for Manitowoc County. In 2008, the Lakeshore Humane Society has taken in approximately 350 dogs, 900 cats, and 20 other animals at a cost of \$150,000. They received payment of \$46,000 from the County dog license fund. Corporation Counsel explained the options available to the County to formalize a plan to address the issue of stray animals. He answered supervisors' questions.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Finance Committee: Comptroller Todd Reckelberg introduced financial consultant Bradley Viegut of R. W. Baird who presented two different options with which to proceed regarding the resolution to bond for the communications project. One choice would be the standard Tax Exempt long-term bond and a second option was a new Taxable Build American Bonds with a federal subsidy for 35 percent of the interest cost.

Supervisor Muench moved, seconded by Supervisor Diederich to adopt Resolution 1 (2009/2010-56) Initial Resolution Authorizing General Obligation Bonds or Promissory Notes Not to Exceed \$15,335,000 for 2009 Capital Projects and providing for the Issuance of Bond or Note Anticipation Notes. Upon discussion and vote, the motion carried with 20 ayes and 3 noes. Supervisors Heyroth, Korinek, and Wagner voted no; all other supervisors vote aye.

No. 2009/2010 - 56

INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS OR PROMISSORY NOTES NOT TO EXCEED \$15,335,000 FOR 2009 CAPITAL PROJECTS AND PROVIDING FOR THE ISSUANCE OF BOND OR NOTE ANTICIPATION NOTES

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County, Wisconsin is in need of an amount not to exceed
2 \$15,335,000 for the public purpose of financing 2009 capital projects, including a communications
3 project and a building to house the Joint Dispatch Center, Information Systems Department, Office
4 of Emergency Management, and Emergency Operations Center; and

5
6 WHEREAS, it is desirable to authorize the issuance of general obligation bonds or
7 promissory notes for such purpose pursuant to Wis. Stat. ch. 67;

8
9 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
10 that the County borrow an amount not to exceed \$15,335,000 by issuing its general obligation bonds
11 or promissory notes for the public purpose of financing 2009 capital projects ("Projects"), including
12 a communications project and a building to house the Joint Dispatch Center, Information Systems
13 Department, Office of Emergency Management, and Emergency Operations Center, and that there
14 be and hereby is levied on all the taxable property in the County a direct, annual tax in such years
15 and in such amounts as are sufficient to pay when due the principal and interest on such notes; and
16

17 BE IT FURTHER RESOLVED that the County may issue bond anticipation or note
18 anticipation notes in anticipation of the issuance of the general obligation bonds or promissory notes
19 to provide interim financing for the Projects; and
20

21 BE IT FURTHER RESOLVED that the County Board directs the Comptroller/Auditor and
22 R.W. Baird & Co., Inc. to make arrangements for financing the projects through the Build America
23 Bonds program.

Dated this 22nd day of September 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No fiscal impact. This resolution authorizes the issuance of bonds, but has
no fiscal impact until the county board adopts a resolution for the sale of
the first bond issue. That resolution will contain a fiscal note.

APPROVED: Bob Ziegelbauer, County Executive.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointment of Christine Kocourek to the Expo Board to
complete a vacancy expiring December 31, 2009, and for a three year term expiring December
31, 2012. Supervisor Vogt moved, seconded by Supervisor Muench, to approve the
appointment. Upon vote, the appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging and Disability Resource Center Board: Supervisor Wagner gave a brief report.

Supervisor Wagner moved, seconded by Supervisor Schneider to adopt Resolution 2 (2009/2010-57) Amending 2009 Budget (Aging and Disability Resource Center). Upon vote, the motion carried unanimously.

No. 2009/2010 - 57

**RESOLUTION AMENDING 2009 BUDGET
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. has allocated funds to the Aging and Disability Resource Center to provide services in the State Pharmaceutical Assistance Program (SPAP) using transitional grants approved by the Centers for Medicare and Medicaid Services; and

WHEREAS, the Aging and Disability Resource Center governing board has reviewed the impact of these changes and recommends approval of the following modifications to the 2009 Budget:

Revenue or Expense	Account Number	Description	Amount
Revenue	46480.43566.28	SPAP Part D	\$ 9,892
Expenses	46480.51000	Benefit Specialist	\$ 9,892;

NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors that the 2009 Budget is amended by the amounts stated above and that the Comptroller/Auditor is directed to record such information as may be required in the official books of the County for the year ending December 31, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increase revenues and expenditure by \$9,892.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Tittl gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

Finance Committee: Supervisor Muench reported that their next meeting will be October 5.

Supervisor Muench moved, seconded by Supervisor Hansen to enact Ordinance 3 (2009/2010-58) Amending Manitowoc County Code Section 4.13 (1) (Marriage License and Domestic partnership Fees). Upon vote the motion carried unanimously.

No. 2009/2010 - 58

**ORDINANCE AMENDING MANITOWOC COUNTY CODE SECTION 4.13 (1)
(Marriage License and Domestic Partnership Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code sec. 4.13(1) establishes fees associated with marriage
2 license applications; and
3

4 WHEREAS, a recent change in state law created domestic partnerships, requires that the
5 county clerk receive a fee for each declaration of domestic partnership and each certificate of
6 termination of domestic partnership issued by the clerk, and specifies that the fee must be the same
7 as the fee received for issuing a marriage license; and
8

9 WHEREAS, since Manitowoc County set the fee for issuing a marriage license in January
10 1993, the county clerk's operation costs have increased because of new requirements for background
11 checks, the tightening of standards for vital records, and an increase in the number of couples who
12 apply without having made the proper preparations; and
13

14 WHEREAS, it is in the interest of the county to ensure that parties entering into a marriage
15 comply with applicable laws and are not married to other individuals, to deter hasty marriages, and
16 to avoid unnecessarily burdening the family court system;
17

18 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
19 as follows:
20

21 Manitowoc County Code sec. 4.13(1)(a) is amended to read as follows:
22

23 (a) The fee to issue a marriage license is \$80.
24

25 Manitowoc County Code sec. 4.13(1)(b) is amended to read as follows:
26

27 (b) The fee to waive the 5-day waiting period to issue a marriage license is \$25.
28

29 Manitowoc County Code sec. 4.13(1)(c) is created to read as follows:
30

31 (c) The fee to issue a declaration of domestic partnership or a certificate of termination of
32 domestic partnership is \$80.
33

34 Manitowoc County Code sec. 4.13(1)(d) is created to read as follows:

35 (d) The fee to waive the 5-day waiting period to issue a declaration of domestic partnership
36 is \$10.

37
38 This ordinance is effective upon publication.

Dated this 22nd day of September 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Estimated increased revenue of \$8,000.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Bundy gave a brief report and answered supervisors' questions.

Human Services Board: Supervisor Rappe gave a brief report and announced that their meeting will be September 24.

Lakeland Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Maresh gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Muench to enact Ordinance 4 (2009/2010-59) Amending Zoning Map (Garry Gates). Upon vote, the motion carried unanimously.

No. 2009/2010 - 59

**ORDINANCE AMENDING ZONING MAP
(Garry Gates)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:

10
11 A parcel of land located in the NE¼, SE¼, Section 21, T19N-R23E, Town of
12 Manitowoc Rapids, commencing at the E¼ Corner of said Section 21; thence southerly
13 along the centerline of North Alverno Road approximately 456 feet; thence westerly
14 approximately 33 feet to the west r/w of North Alverno Road which is the point of real
15 beginning; thence continue westerly approximately 575 feet; thence southerly
16 approximately 200 feet; thence easterly approximately 575 feet; thence northerly along
17 the west r/w of North Alverno Road approximately 200 feet to the point of real
18 beginning; said parcel containing approximately 2.64 acres of land, shall be and is
19 hereby rezoned from GA General Agriculture to A1 Agriculture.

Dated this 22nd day of September 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Bauknecht to enact Ordinance 5
(2009/2010-60) Amending Zoning Map (John and Sandra Reynolds). Upon discussion and vote,
the motion carried unanimously.

No. 2009/2010 - 60

**ORDINANCE AMENDING ZONING MAP
(John and Sandra Reynolds)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:

10
11 A parcel of land located in the NW¼, NW¼, Section 10, T21N-R24E, Town of Two
12 Creeks, commencing at the NW Corner of said Section 10; thence easterly along the
13 centerline of E Zander Road approximately 446.96 feet; thence southerly approximately

14 33.00 feet to the south r/w of E Zander Road which is the point of real beginning;
15 thence continue southerly approximately 618.14 feet; thence easterly approximately
16 446.74 feet; thence northerly approximately 620.40 feet; thence westerly along the south
17 r/w of E Zander Road approximately 446.96 feet to the point of real beginning; said
18 parcel containing approximately 6.78 acres of land, shall be and is hereby rezoned from
19 A3 Agriculture to A2 Agriculture.

Dated this 22nd day of September 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Janowski to enact Ordinance 6 (2009/2010-61) Amending Zoning Map (Guy and Kathy Schuette). Upon vote, the motion carried unanimously.

No. 2009/2010 - 61

**ORDINANCE AMENDING ZONING MAP
(Guy and Kathy Schuette)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NE¹/₄, NW¹/₄, Section 18, T19N-R24E, Town of
12 Manitowoc, commencing at the N¹/₄ Corner of said Section 18; thence westerly
13 approximately 34.05 feet to the west r/w of North 18th Street which is the point of real
14 beginning; thence continue westerly approximately 367.80 feet; thence southerly
15 approximately 225.75 feet; thence southeasterly approximately 465.15 feet; thence
16 northerly along the west r/w of North 18th Street approximately 522.47 feet to the point
17 of real beginning; said parcel containing approximately 3.05 acres of land, shall be and
18 is hereby rezoned from I1 Industrial to B1 Business.

Dated this 22nd day of September 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Heyroth to enact Ordinance 7 (2009/2010-62) Amending Zoning Map (Howard and Suzanne Zimmermann). Upon vote, the motion carried unanimously.

No. 2009/2010 - 62

**ORDINANCE AMENDING ZONING MAP
(Howard and Suzanne Zimmermann)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
9 as follows:
10

11 A parcel of land located in the NE¹/₄, SE¹/₄, Section 24, T19N-R22E, Town of Cato,
12 commencing at the E¹/₄ Corner of said Section 24 which is the point of real beginning;
13 thence southerly approximately 559.87 feet; thence westerly approximately 367.83 feet;
14 thence northerly along the east r/w of CTH JJ approximately 589.00 feet; thence
15 easterly approximately 57.22 feet to the point of real beginning; said parcel containing
16 approximately 3.0 acres of land, shall be and is hereby rezoned from A2 Agriculture to
17 A1 Agriculture.

Dated this 22nd day of September 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Gauger to enact Ordinance 8 (2009/2010-63) Creating Manitowoc County Code § 6.217 (Launching and Loading Watercraft). Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 63

**ORDINANCE CREATING MANITOWOC COUNTY CODE § 6.217
(Launching and Loading Watercraft)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the practice of power launching and power loading watercraft damages boat
2 landings; and
3

4 WHEREAS, the damage to boat landings caused by power launching and power loading boats
5 has resulted in accidents, caused damage to boats, required expensive repairs to public and private
6 property, and produced claims against Manitowoc County; and
7

8 WHEREAS, the Manitowoc County Fish and Game Protection Association has asked that
9 Manitowoc County adopt an ordinance to address this problem; and
10

11 WHEREAS, the Planning and Park Commission has reviewed the request and recommends
12 that the county adopt such an ordinance;
13

14 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
15 as follows:
16

17 Manitowoc County Code section 6.217 is created to read as follows:
18

19 **6.217. Launching and Loading Watercraft.**
20

21 **(1) Power Launching and Loading Prohibited.** It is unlawful to launch or load a watercraft
22 at a public landing by using the watercraft's main, auxiliary, or trolling motor to move the watercraft
23 onto or off of its trailer or any other device used to transport the watercraft. A person may use ropes,
24 straps, winches, or similar devices to launch or load the watercraft.
25

26 **(2) Speed Limit.** A person operating a watercraft must operate the watercraft at the "slow-
27 no-wake" speed while at, approaching, or leaving a public landing. "Slow-no-wake" means that
28 speed at which a boat moves as slowly as possible while still maintaining steerage control.
29

30 **(3) Penalties.** (a) A person will, upon a conviction for a violation of sub. (1), forfeit \$100,
31 together with the costs of prosecution, for a first offense.
32

33 (b) A person will, upon conviction for a violation of sub. (1), forfeit \$250, together with the

34 costs of prosecution, for a second offense.

35
36 (c) A person will, upon conviction for a violation of sub. (1), forfeit \$500, together with the
37 costs of prosecution, for a third and any subsequent offense.

38
39 (d) A person will, upon a conviction for a violation of sub. (2), forfeit \$50, together with the
40 costs of prosecution.

41
42 (e) A person will, upon conviction for a second violation of sub. (2) within a 24 month period,
43 forfeit \$100, together with the costs of prosecution.

This ordinance is effective September 28, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller announced that their next meeting will be September 28.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Schmidt to adopt Resolution 9 (2009/2010-64) Accepting Grant for In-Car Video Systems. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 64

RESOLUTION ACCEPTING GRANT FOR IN-CAR VIDEO SYSTEMS

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the American Recovery and Reinvestment Act of 2009 provides federal stimulus
2 money to qualifying local governments for law enforcement technology enhancement programs; and
3

4 WHEREAS, the City of Manitowoc submitted a grant application in June 2009 that contained
5 a provision stipulating that \$29,259 be paid to Manitowoc County to fund in-car video systems for
6 Sheriff's Department squad cars and that has now been approved; and
7

8 WHEREAS, in-car video systems will provide real-time recording of events and incidents for
9 use in training and legal proceedings, and jurisdictions that use in-car video systems have
10 experienced increased officer accountability, improved evidence collection, higher conviction rates,
11 and a reduction of liability in civil actions;

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 authorizes the Manitowoc County Sheriff's Department to accept \$29,259 in grant funding to
14 purchase in-car video systems; and
15

16 BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in the
17 2009 budget are amended by the amount of the grant received and that the Comptroller/Auditor is
18 directed to record such information in the official books of the County for the year ending
19 December 31, 2009 as may be required.

Dated this 22nd day of September 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues (21200.43601) and expenditures
(21200.58100) by equal amounts of \$29,259.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Muench to adopt Resolution 10
(2009/2010-65) Amending 2009 Budget (Emergency Management). Upon discussion and vote,
the motion carried unanimously.

No. 2009/2010 - 65

**RESOLUTION AMENDING 2009 BUDGET
(Emergency Management)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Emergency Management is reimbursed by Florida Power &
2 Light Company for annual expenditures attributed to nuclear plant emergency preparedness; and
3

4 WHEREAS, Florida Power & Light Company has increased the 2009 reimbursement
5 allocation by \$33,420;
6

7 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
8 that the Emergency Management Department is authorized to accept the increased reimbursement,
9 that the 2009 budget is amended to increase appropriate revenue and expenditure line items by the
10 amount of the increased reimbursement, and that the Comptroller/Auditor is directed to record such
11 information in the official books of the County for the year ending December 31, 2009 as may be
12 required.

Dated this 22nd day of September 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases the 2009 Emergency Management Nuclear Preparedness budgeted revenues and expenditures by \$33,420.

APPROVED: Bob Ziegelbauer, County Executive.
Supervisor Henrickson moved, seconded by Supervisor Janowski, to adopt Resolution 11 (2009/2010-66) Proclaiming September as Juror Appreciation Month. Upon vote, the motion carried unanimously.

No. 2009/2010 - 66

**RESOLUTION PROCLAIMING SEPTEMBER
AS JUROR APPRECIATION MONTH**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the right to a trial by jury is one of the core values of the American judicial
2 system, service by citizens as jurors is indispensable to the judicial system, and the privilege and
3 duty of serving as a juror is as fundamental to democracy as the right to vote; and
4

5 WHEREAS, the Wisconsin State Court System, partnering with the State Bar of Wisconsin,
6 has established September as Juror Appreciation Month to set aside a time to publicly recognize the
7 contribution of those who are summoned and serve as jurors; to improve communication with jurors
8 and employers, to disseminate a positive message about jury service, and to reinforce public
9 confidence in the justice system; and
10

11 WHEREAS, the Manitowoc County Board of Supervisors supports the goal of educating the
12 public about jury duty and the importance of jury service, applauds the efforts of jurors who fulfill
13 their civic duty, and believes that all jurors should be treated with respect and in a way so that their
14 service is not unduly burdensome;
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
17 joins with the Manitowoc County Circuit Court in honoring the service and commitment of citizens
18 who are summoned and serve as jurors in Manitowoc County; and
19

20 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors joins with
21 the Manitowoc County Circuit Court in extending sincere thanks and appreciation to all employers
22 who pay employees their normal wages while they serve as jurors, thus preventing financial
23 hardship and fostering community strength.

Dated this 22nd day of September 2009.

Respectfully submitted by the Public Safety Committee.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Rappe to enact Ordinance 12 (2009/2010-67) Creating Manitowoc County Code 6.185 (Social Host Ordinance). Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Heyroth voted no; all other supervisors voted aye.

No. 2009/2010 - 67

**ORDINANCE CREATING MANITOWOC COUNTY CODE SEC. 6.285
(Social Host Ordinance)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, alcohol is an addictive drug that, when used irresponsibly, can have drastic
2 effects on the person who uses it and those who are affected by the actions of the irresponsible user;
3 and
4

5 WHEREAS, events and gatherings held on private or public property where alcohol is
6 possessed or consumed by persons under the age of twenty-one are harmful to those persons and
7 constitute a potential threat to public health requiring prevention or abatement; and
8

9 WHEREAS, events or gatherings involving underage possession and consumption often occur
10 outside the presence of parents, but there are also times when a parent is present, condones the
11 activity, and may even provide the alcohol; and
12

13 WHEREAS, prohibiting underage consumption protects underage persons and the general
14 public from injuries related to alcohol consumption, such as alcohol overdoses or alcohol-related
15 traffic collisions; and
16

17 WHEREAS, a deterrent effect can be created by holding any person who hosts an event or
18 gathering where underage possession or consumption occurs responsible;
19

20 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
21 as follows:
22

23 Manitowoc County Code sec. 6.285 is created to read as follows:
24

25 6.285 SOCIAL HOST ORDINANCE. (1) This ordinance may be referred to as the Social
26 Host Ordinance.
27

28 (2) The purpose of this ordinance is to discourage underage possession and consumption of
29 alcohol, even if done within the confines of a private residence, and to hold any person who hosts
30 an event or gathering where persons under 21 years of age possess or consume alcohol responsible
31 regardless of whether the person hosting the event or gathering supplied the alcohol.

32 (3) DEFINITIONS. For purposes of this section, the following terms have the following
33 meanings:

34
35 “Allow” or “host” means to aid, conduct, entertain, organize, supervise, control, or
36 permit an event or gathering.

37
38 “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey,
39 rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from
40 whatever source or by whatever process produced.

41
42 “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid
43 containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more
44 of alcohol by volume and which is fit for beverage purposes either alone or when diluted,
45 mixed or combined with other substances.

46
47 “Control” means having the authority or power, or both, to direct, manage, oversee, or
48 restrict the affairs, assets, or business of a person or entity.

49
50 “Event” or “gathering” means any group of three or more persons who have assembled
51 or gathered together for a social occasion or other activity.

52
53 “Parent” means a person having legal custody of a juvenile as a natural, adoptive, or
54 step parent; a legal guardian; or a person to whom legal custody has been given by court order.

55
56 “Present” means at hand or in attendance.

57
58 “Public or private property” includes, but is not limited to, any apartment,
59 condominium, dwelling unit, farm, field, hall, hotel room, home, land, meeting room, motel
60 room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis
61 and whether leased, owned, rented, or used with or without permission or compensation.

62
63 “Underage person” is any individual under 21 years of age.

64
65 (4) PROHIBITED ACTS.

66
67 (a) It is unlawful for any person to allow or host an event or gathering at or on any private or
68 public property where alcohol or alcoholic beverages are present when the person knows that an
69 underage person will possess or consume any alcohol or alcoholic beverage if the person fails to take
70 reasonable steps to prevent possession or consumption by any underage person, even if the person
71 who allows or hosts the event or gathering is not present at the event or gathering.

72
73 (b) It is unlawful for any person to intentionally advise, aid, conspire with, counsel, hire, or
74 otherwise procure another person to commit a prohibited act.

75
76 (5) EXCEPTIONS.

77 (a) This ordinance does not apply to a person who procures for or dispenses, gives, or sells
78 alcohol or any alcoholic beverage to an underage person if the underage person is in the direct
79 company of the underage person's parent, guardian, or spouse and the parent, guardian, or spouse
80 has attained the legal drinking age, has consented to the underage person possessing or consuming
81 the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.

82
83 (b) This ordinance does not apply to legally protected religious observances.
84

85 (c) This ordinance does not apply to an underage person who is lawfully in possession of
86 alcohol or alcoholic beverages during the course and scope of employment.
87

88 (6) PENALTIES. (a) A person will, upon conviction for a violation of any provision of this
89 ordinance, forfeit not less than \$1,000 nor more than \$5,000 for each offense, together with any
90 applicable assessment, cost, surcharge, and the cost of prosecution.
91

92 (b) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who
93 fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but
94 the period of confinement may not exceed 30 days for each offense. In determining whether a
95 person has the ability to pay, all items of income and all assets may be considered regardless of
96 whether the income and assets are subject to garnishment, lien, or attachment by creditors.

This ordinance is effective October 3, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Vogt moved, seconded by Supervisor Konen to adopt
Resolution 13 (2009/2010-68). Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 68

**RESOLUTION APPROVING POLICIES AND PROCEDURES
FOR COURTHOUSE GROUNDS USE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Courthouse serves as the seat of county government; is
2 the repository for the county's official records; houses departments that have confidential civil,
3 criminal, juvenile, legal, medical, mental health, and personnel records; and is on the National
4 Register of Historic Places; and

5 WHEREAS, Manitowoc County is presently involved in litigation regarding the use of the
6 exterior courthouse grounds, and the Public Works Committee believes that it is in the county's
7 interest to adopt written policies and procedures regarding use of the courthouse grounds in order
8 to avoid or minimize the potential for future litigation; and
9

10 WHEREAS, the Executive Committee has reviewed proposed policies and procedures for use
11 of the courthouse grounds and recommended certain revisions; and
12

13 WHEREAS, the Public Works Committee has reviewed the revised policies and procedures
14 for use of the courthouse grounds, has provided a copy of the revised policies and procedures to the
15 county board, and recommends that they be adopted;
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
18 adopts the proposed Manitowoc County Courthouse, Policies and Procedures (Courthouse Grounds
19 Use).

Dated this 22nd day of September 2009.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact. Revenues should equal expenses.

APPROVED: Bob Ziegelbauer, County Executive.

Safety Net Accountability Panel: Supervisor Henrickson gave a brief report.

Miscellaneous: Supervisor Janowski moved, seconded by Supervisor Vogt to adopt Resolution
14 (2009/2010-69) Approving Town of Centerville Zoning Ordinance (Chapter 9 Zoning and
Land Ordinance Amendment). Upon vote, the motion carried unanimously.

No. 2009/2010 - 69

**RESOLUTION APPROVING TOWN OF CENTERVILLE ZONING ORDINANCE
(Chapter 9 Zoning and Land Use Ordinance Amendment)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a zoning ordinance under Wis. Stat. § 59.69; and
2

3 WHEREAS, the Town of Centerville has adopted a new zoning ordinance in accordance with
4 Wis. Stat. § 60.62; and
5

6 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances are subject to county
7 board approval in counties that have adopted a zoning ordinance under Wis. Stat. § 59.69; and
8

9 WHEREAS, the Town of Centerville has submitted its new zoning ordinance to the county
10 board for approval;

11
12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 approves the changes to the Town of Centerville Zoning Ordinance Chapter 9 that were adopted by
14 the Town Board of the Town of Centerville on August 11, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by Kevin L. Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Tittl to adopt Resolution 15 (2009/2010-70) Amending Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems). Upon vote, the motion carried with 22 ayes and 1 no. Supervisor Heyroth voted no; all other supervisors voted aye.

No. 2009/2010 - 70

**RESOLUTION AMENDING RESOLUTION
AUTHORIZING CONSTRUCTION PROJECT
(Joint Dispatch Center and Information Systems)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board adopted a Resolution Authorizing Construction
2 Project (Joint Dispatch Center and Information Systems) on August 18, 2009 following a series of
3 meetings between representatives of Manitowoc County and the cities of Kiel, Two Rivers, and
4 Manitowoc and other public and volunteer emergency service providers and fire departments in
5 Manitowoc County; and

6
7 WHEREAS, the meetings resulted in an agreement to add certain language to the Resolution
8 Authorizing Construction Project that was first submitted to the county board in July, but the
9 changes were inadvertently omitted from the resolution considered by the county board in August;

10
11 NOW, THEREFORE, BE IT RESOLVED that the Resolution Authorizing Construction
12 Project (Joint Dispatch Center and Information Systems) that was adopted by the Manitowoc County
13 Board of Supervisors on August 18, 2009 is amended by inserting the following text as lines 101
14 through 105 and renumbering the subsequent lines:

15
16 WHEREAS, any platform selected by Manitowoc County and used to provide
17 emergency communication services needs to include fully integrated gateways that

18 support the VHF frequencies currently being used by the Cities of Kiel, Manitowoc, and
19 Two Rivers Fire and Police Departments, the other public and volunteer emergency
20 service providers and fire departments in Manitowoc County, and the Wisconsin
21 Statewide Communication System; and

Dated this 22nd day of September 2009.

Respectfully submitted by James N. Brey, County Board Chair.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Markwardt to adopt Resolution 16 (2009/2010-71) Supporting 2009 Assembly Bill 309. Upon vote the motion carried unanimously.

No. 2009/2010 - 71

RESOLUTION SUPPORTING 2009 ASSEMBLY BILL 309

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, nuclear power plants produce spent fuel that must be carefully stored and
2 carefully reprocessed in order to protect the public health and safety; and
3

4 WHEREAS, spent fuel is initially stored in water pools and then is moved to dry cask storage;
5

6 WHEREAS, dry cask storage is a practical method for the temporary storage of spent fuel
7 until the fuel can be reprocessed or moved to a national repository for spent fuel; and
8

9 WHEREAS, the federal government has dismantled all of the spent fuel reprocessing facilities
10 and has not developed a national depository for spent fuel, which means that onsite dry cask storage
11 of spent fuel is likely to continue for the foreseeable future; and
12

13 WHEREAS, Assembly Bill 309 proposes that a public utility that stores spent fuel from a
14 nuclear power plant and uses dry cask storage shall make payments to compensate each municipality
15 and county in which spent fuel is stored;
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
18 supports 2009 Assembly Bill 309 and that the County Clerk is directed to send a copy of this
19 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
20 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
21 represents constituents from Manitowoc County.

Dated this 22nd day of September 2009.

Respectfully submitted by the Executive Committee.

Supervisor Henrickson moved, seconded by Supervisor Diedrich to adopt Resolution 17 (2009/2010-72) Support 2009 SB 273 and 2009 AB 401. Orion's Executive Vice President Michael Potts spoke in support of the resolution. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 72

RESOLUTION SUPPORTING 2009 SB 273 AND 2009 AB 401

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin's Renewable Portfolio Standard (RPS) does not allow Wisconsin
2 utilities to take full advantage of Wisconsin's renewable energy potential; and
3

4 WHEREAS, companion bills Senate Bill 273 and Assembly Bill 401 provides for the creation
5 of renewable resource credits by electric providers and grants rule-making authority to allow
6 Wisconsin utilities to employ direct use renewable energy to meet their RPS obligations; and
7

8 WHEREAS, direct use renewable energy is the purest form of renewable energy available
9 and direct use renewable energy applications, such as solar water heating and solar light pipe
10 technology, displace electricity generated from fossil fuels, reduce greenhouse gas emissions that
11 harm the environment, and allow Wisconsin businesses and ratepayers to save significant amounts
12 of money; and
13

14 WHEREAS, direct use renewable energy will help create "green" manufacturing jobs in
15 Wisconsin and put hundreds of Wisconsin construction workers, roofers, and electricians to work
16 installing direct use renewable energy systems;
17

18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
19 supports and encourages adoption of Senate Bill 273 and Assembly Bill 401 to provide an energy
20 plan for Wisconsin that reduces the need to generate energy from dirty fossil fuels, replaces those
21 dirty fossil fuels with clean, renewable energy sources, and creates hundreds of good-paying jobs
22 in the process; and
23

24 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
25 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
26 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
27 represents constituents from Manitowoc County.

Dated this 22nd day of September 2009.

Respectfully submitted by James N. Brey, County Board Chair.

Supervisor Bauknecht moved, seconded by Supervisor Markwardt to enact Ordinance 18 (2009/2010-73) Amending Manitowoc County Code Chapter (Citations). Upon vote, the motion carried unanimously.

No. 2009/2010 - 73

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 22
(Citations)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code authorizes the use of citations for certain ordinance
2 violations; and
3

4 WHEREAS, the Corporation Counsel has reviewed the citation ordinance and recommended
5 changes to simplify the ordinance and improve the procedures for enforcing the ordinance; and
6

7 WHEREAS, the Executive Committee has reviewed the proposed changes and recommends
8 that the changes be made;
9

10 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
11 as follows:
12

13 Manitowoc County Code Chapter 22 is revised to read as follows:
14

15 **22.01 Title.**
16

17 This ordinance may be referred to as the Citations Ordinance.
18

19 **22.02 Purpose.**
20

21 The purpose of this ordinance is to provide for greater economy and efficiency in the
22 enforcement of county ordinances and to guarantee the consistency and fairness of
23 enforcement procedures.
24

25 **22.03 Authority.**
26

27 The use of a citation for violations of any ordinance, including ordinances for which a
28 statutory counterpart exists, is adopted and authorized pursuant to Wis. Stat. § 66.0113.
29

30 **22.04 Content.**

31 A citation will contain the information required by Wis. Stat. § 66.0113(2).
32

33 **22.05 Issuance.**
34

35 (1) Any law enforcement officer may issue a citation for the violation of any ordinance.
36

37 (2) The following officials are authorized to issue citations to enforce ordinances that
38 are directly related to their official responsibilities:
39

- 40 (a) County Clerk.
- 41 (b) Health Department Director.
- 42 (c) Highway Commissioner.
- 43 (d) Public Works Director.
- 44 (e) Planning and Zoning Director.
- 45 (f) Soil and Water Conservation Department Director.
- 46 (g) Zoning Code Administrator.
- 47

48 (3) Officials authorized to issue citations pursuant to sub. (2) may delegate the authority
49 to issue citations to employees, provided that the delegation is in writing and a copy of
50 the written delegation is filed with the county clerk. Any delegation of authority to
51 issue citations may be revoked in the same manner by which it was conferred.
52

53 (4) A citation may be served in the same manner as the service of a summons under
54 Wis. Stat. § 801.11 or by mailing a copy to the violator's last known address.
55

56 **22.06 Filing.**
57

58 The person issuing a citation shall file a copy with the clerk of the court within five days
59 of issuance and provide a copy to the corporation counsel or district attorney, or both.
60

61 **22.07 Jurisdiction.**
62

63 (1) Issuance of a citation by a person authorized to do so is deemed adequate process
64 to give the appropriate court subject matter jurisdiction over the offense for the purpose
65 of receiving cash deposits and for the purpose of acting on the violator's options and the
66 procedure on default set forth in Wis. Stat. §§ 66.0113(3)(b) and (c).
67

68 (2) Issuance and filing of a citation does not constitute commencement of an action and
69 does not violate Wis. Stat. § 946.68.
70

71 **22.08 Cash Deposits.**
72

73 (1) Except as provided in subs. (2) through (4), the cash deposit required for a violation
74 is the minimum forfeiture specified for that violation, plus any assessments, costs, or
75 fees authorized by state law. The cash deposit for an ordinance violation for which no

forfeiture is specified is \$25, plus any assessments, costs, or fees authorized by state law. The assessments, costs, or fees authorized by state law include, but are not limited to the circuit court fee, court support services fee, crime laboratories and drug law enforcement assessment, domestic abuse assessment, jail assessment, justice information system fee, and penalty assessment.

(2) The cash deposit required for a repeat violation is twice the minimum forfeiture specified for a violation, plus any additional assessments, costs, or fees authorized by state law. The cash deposit for the repeat violation of an ordinance for which no forfeiture or no minimum forfeiture is specified is \$50, plus any assessments, costs, or fees authorized by state law. A repeat violation exists if the person issued a citation has been convicted of violating the same ordinance within the twelve-month period prior to the date of the current citation.

(3) The cash deposit required for a citation issued to a minor, including any assessments, costs, or fees authorized by state law, may not exceed the maximum penalty provided in Wis. Stat. ch. 48, and costs and penalties will not be assessed against a minor unless required by state law.

(4) The cash deposit required for a nonmoving traffic violation or a violation of an ordinance for which state law controls is the minimum forfeiture specified for that violation, without adding any assessments, costs, or fees authorized by state law.

22.09 Schedule of Cash Deposits.

(1) The corporation counsel shall prepare and provide the county clerk with a schedule of the cash deposit required for each violation. The corporation counsel is authorized to revise the schedule of cash deposits to reflect any changes in the county code or in the assessments, costs, fees, or penalties authorized by state law.

(2) The county clerk shall maintain a copy of each schedule of deposits. The county clerk will attach a copy of the most recent schedule of deposits as an appendix to this chapter.

22.10 Payment of and Receipt for Deposits.

Cash deposits made pursuant to this chapter may be paid using cash, check, money order, or a third-party credit card processing service to the clerk of the circuit court. The clerk shall issue a receipt for all cash deposits.

22.11 Violator's Options and Procedure on Default.

A violator's options and the procedures on default as set forth in Wis. Stat. § 66.0113(3) are adopted and incorporated herein by reference.

121 **22.12 Penalties and Other Enforcement Provisions.**

122
123 (1) A violation that occurs on consecutive days is a continuing violation, and a separate
124 offense is deemed committed on each day on which a violation occurs or continues.

125
126 (2) A person who causes physical damages to or destroys any public property is liable
127 for the cost of repairing or replacing the damaged or destroyed property.

128
129 (3) The parent or parents with custody of a minor child may be held liable for damages
130 to property, the cost of repairing or replacing property or removing the marking,
131 drawing, writing, or etching from property, the value of unrecovered stolen property,
132 or for personal injury attributable to a willful, malicious, or wanton act of the child as
133 provided for in Wis. Stat. § 895.035.

134
135 (4) A person who is in default of payment of a forfeiture or any assessment, cost, or fee
136 ordered by the court for a violation of an ordinance may be imprisoned in the county jail
137 until the forfeiture, assessment, cost, and fee are paid, except that the period of
138 imprisonment may not exceed 30 days. Imprisonment does not discharge the forfeiture
139 or any assessment, cost, or fee, and the court may issue an execution against the
140 person's property for the forfeiture and any assessment, cost, or fee after the person has
141 been released from custody. The court may also issue an execution against the person's
142 property for the amount of the forfeiture and any assessments, costs, and fees without
143 first ordering imprisonment.

144
145 **22.13 Nonexclusivity.**

146
147 (1) Adoption of this chapter does not preclude the county board from adopting any other
148 ordinance or providing for the enforcement of any other law or ordinance relating to the
149 same or any other matter.

150
151 (2) Issuance of a citation under this chapter does not preclude proceeding under any
152 other ordinance or law relating to the same or any other matter.

153
154 (3) Proceeding under any other ordinance or law relating to the same or any other matter
155 does not preclude the issuance of a citation under this chapter.

156
157 **22.14 Severability.**

158
159 The provisions of this ordinance are severable, and the invalidity of any section,
160 subdivision, paragraph, or other part of this ordinance will not affect the validity or
161 effectiveness of the remainder of the ordinance that can be given effect without the
162 invalid part.

163
164 This ordinance is effective October 3, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Announcement: Chairperson Brey announced that there will be a meeting on October 15 and October 26.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Markwardt and the motion was adopted by acclamation. The meeting adjourned at 9:03 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

October 15, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 15th day of October, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:07 P.M.

Supervisor Korinek gave the invocation followed by the Pledge of Allegiance to the Flag, which was recited by the entire assemblage.

Roll call: 21 members present; Bauknecht, Behnke, Brey, Diedrich, Dufek, Gauger, Hansen, Henrickson, Heyroth, Janowski, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schneider, Tittl, Vogt, and Wagner. Supervisors Bundy, Gerroll, Konen, and Schmidt were excused. Supervisor Maresh arrived at 7:55 p.m.

On motion by Supervisor Gauger, seconded by Supervisor Markwardt, the September 22, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Bauknecht moved, seconded by Supervisor Henrickson, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:10 p.m. No present wished to speak, therefore Chairperson Brey declared public input closed at 7:10 p.m.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Finance Committee: Supervisor Muench moved, seconded by Supervisor Schneider to adopt Resolution 3 (2009/2010 – 74) Committing to Family Care Program. Upon vote, the motion carried unanimously.

No. 2009/2010 - 74

RESOLUTION COMMITTING TO FAMILY CARE PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

- 1 WHEREAS, the Manitowoc County Board enacted Resolution No. 2009/2010-5 creating a
- 2 Long-term Care District to provide the Family Care program; and

3 WHEREAS, 2007 Wisconsin Act 20 provides that the annual contribution of a county
4 offering the Family Care program will be no more than the actual amount that county spent on long
5 term care services for the Family Care target populations in 2006 and, if that amount exceeds 22
6 percent of a county's Basic County Allocation, the annual contribution required will be decreased
7 to 22 percent of the county's Basic County Allocation over a five-year period; and
8

9 WHEREAS, the Wisconsin Department of Health Services is required to provide the
10 Wisconsin Legislature's Joint Finance Committee with a resolution from each county that
11 participates in the Family Care program that confirms the county's participation, agrees to contribute
12 the local funds required by 2007 Wisconsin Act 20, and states how the county proposes to use any
13 savings realized as a result of its transition to Family Care;
14

15 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
16 that Manitowoc County has agreed to participate in the Family Care program; and
17

18 BE IT FURTHER RESOLVED that Manitowoc County commits to an ongoing tax levy to
19 provide the local funds required by 2007 Wisconsin Act 20 for the Family Care program, with an
20 initial annual contribution of \$1,158,798.30 that will be reduced to \$869,048.40 over the next five
21 years; and
22

23 BE IT FURTHER RESOLVED that Manitowoc County proposes to use any savings
24 generated by its participation in the Family Care program to fund county human services programs.

Dated this 15th day of October 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Requires an ongoing tax levy of \$1,158,798.30 that will be allocated
annually by the county board between Family Care and other human
services programs in accordance with statutory and program requirements.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Hansen to adopt Resolution 5 (2009/2010 –
75) Authorizing Out-of-State Travel (Liz Johnson). Upon vote, the motion passed 19-1 with
Supervisor Tittl voting no, and all other supervisors voting aye.

No. 2009/2010 - 75

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Liz Johnson)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Information Systems Department maintains and supports critical hardware
2 and software systems that assist law enforcement agencies, fire departments, and emergency medical
3 service providers in providing critical care and support services to the citizens of Manitowoc
4 County; and

5
6 WHEREAS, the software systems supporting this environment are in a state of constant
7 change and the Information Systems Department must stay current with software changes; and

8
9 WHEREAS, Manitowoc County is a seated member of the MSP Corrections Advisory Group
10 that provides guidance to New World Systems in the continuing development of the Corrections
11 Management portion of the Aegis System, and the county can influence the development of the
12 system through its participation in the Advisory Group;

13
14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
15 authorizes Aegis Administrator Liz Johnson to attend the three-day MSP Corrections Advisory
16 Group Meeting that will be held in Troy, Michigan from November 2-5, 2009.

Dated this 15th day of October 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs, not to exceed \$1,300, are included in the
approved Information Systems budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Tittl to adopt Resolution 6 (2009/2010 – 76)
Authorizing the Issuance and Sale of \$5,000,000 Note Anticipation Notes. Upon a presentation
by Brad Viegut of Quarles & Brady, LLP., discussion and vote, the motion passed 19-1 with
Supervisor Korinek voting no, and all other supervisors voting aye.

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$5,000,000
NOTE ANTICIPATION NOTES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, on September 22, 2009, the County Board of Supervisors of Manitowoc
2 County, Wisconsin (the "County") adopted Resolution No. 2009/2010-56 (the "Initial
3 Resolution"), an initial resolution authorizing the issuance of general obligation bonds or
4 promissory notes (the "Securities") in an amount not to exceed \$15,335,000 for the public
5 purpose of financing 2009 capital projects, including a communications project and a building to
6 house the Joint Dispatch Center, Information Systems Department, Office of Emergency
7 Management, and Emergency Operations Center (the "Projects");

8
9 WHEREAS, the County is presently in need of the sum of \$5,000,000 to finance a
10 portion of the cost of the Projects;

11
12 WHEREAS, the Initial Resolution also provided for the County to issue bond or note
13 anticipation notes in anticipation of the issuance of the Securities to provide interim financing for
14 the Projects;

15
16 WHEREAS, the Securities have not yet been issued or sold;

17
18 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary,
19 desirable and in the best interest of the County to authorize the issuance and sale of note
20 anticipation notes pursuant to Section 67.12(1)(b), Wisconsin Statutes (the "Notes"), in
21 anticipation of receiving the proceeds from the issuance and sale of the Securities, to provide
22 interim financing to pay a portion of the cost of the Projects;

23
24 WHEREAS, none of the proceeds of the Notes shall be used to fund operating expenses
25 of the general fund of the County or to fund operating expenses of any special revenue fund of
26 the County that is supported by property taxes; and

27
28 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary,
29 desirable and in the best interest of the County to sell the Notes to Robert W. Baird & Co.
30 Incorporated (the "Purchaser"), pursuant to the terms and conditions of its note purchase
31 proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

32
33 NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the
34 County that:

35
36 Section 1. The Securities. The County hereby declares its intention and covenants to
37 issue the Securities pursuant to the Initial Resolution and the provisions of Chapter 67,

Wisconsin Statutes, in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying costs of the Projects.

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying a portion of the cost of the Projects, there shall be borrowed pursuant to Section 67.12(1)(b), Wisconsin Statutes, the principal sum of FIVE MILLION DOLLARS (\$5,000,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of the County, the Notes aggregating the principal amount of FIVE MILLION DOLLARS (\$5,000,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated "Note Anticipation Notes"; shall be issued in the aggregate principal amount of \$5,000,000; shall be dated November 5, 2009; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate and mature on October 1, 2010 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule"). Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2010. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

Section 4. Redemption Provisions. The Notes shall not be subject to optional redemption.

Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 6. Security. The Notes shall in no event be a general obligation of the County and do not constitute an indebtedness of the County nor a charge against its general credit or taxing power. No lien is created upon the Projects or any other property of the County as a result of the issuance of the Notes. The Notes shall be payable only from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due, and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds are hereby declared to constitute a special trust fund, hereby created and established, to be held by the County Clerk and expended solely for the payment of the principal of and interest on the Notes until paid. The County hereby agrees that, in the event such monies are not sufficient to pay the principal of and interest on the Notes when due, if necessary, the County will pay such deficiency out of its annual general tax levy or other available funds of the County; provided, however, that such payment shall be subject to annual budgetary appropriations therefor and any applicable levy limits; and provided further, that neither this Resolution nor any such payment shall be construed as constituting an obligation of the County to make any such appropriation or any further payments.

84 Section 7. Segregated Debt Service Fund Account.

85
86 (A) Creation and Deposits. There be and there hereby is established in the
87 treasury of the County a separate and distinct fund account designated as the "Debt Service Fund
88 Account for \$5,000,000 Note Anticipation Notes, dated November 5, 2009" (the "Debt Service
89 Fund Account"), and such account shall be maintained until the indebtedness evidenced by the
90 Notes is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt
91 Service Fund Account (i) all accrued interest received by the County at the time of delivery of
92 and payment for the Notes; (ii) any proceeds of the Notes representing capitalized interest on the
93 Notes or other funds appropriated by the County for payment of interest on the Notes, as needed
94 to pay the interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of
95 the County issued to pay principal of or interest on the Notes); (iv) such other sums, including
96 tax monies, as may be necessary at any time to pay principal of and interest on the Notes when
97 due and which are appropriated by the County Board of Supervisors for that purpose; and
98 (v) surplus monies in the Borrowed Money Fund as specified in Section 9 hereof.
99

100 (B) Use and Investment. No money shall be withdrawn from the Debt Service
101 Fund Account and appropriated for any purpose other than the payment of principal of and
102 interest on the Notes until all such principal and interest has been paid in full and the Notes
103 canceled; provided that such monies may be invested in permitted municipal investments under
104 the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments
105 shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the
106 sole purpose of paying the principal of and interest on the Notes and shall be maintained for such
107 purpose until the Notes are fully paid or otherwise extinguished, and shall at all times be invested
108 in a manner that conforms with the provisions of the Internal Revenue Code of 1986, as amended
109 (the "Code"), and any applicable Treasury Regulations (the "Regulations").
110

111 (C) Remaining Monies. When all of the Notes have been paid in full and
112 canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service
113 Fund Account shall be transferred and deposited in the general fund of the County, unless the
114 County Board of Supervisors directs otherwise.
115

116 Section 8. Covenants of the County. The County hereby covenants with the owners of
117 the Notes as follows:
118

119 (A) It shall issue and sell the Securities as soon as practicable, as necessary to
120 provide for payment of the Notes;
121

122 (B) It shall segregate the proceeds derived from the sale of the Securities into
123 the special trust fund herein created and established and shall permit such special trust fund to be
124 used for no purpose other than the payment of principal of and interest on the Notes until paid.
125 After the payment of principal of and interest on the Notes in full, said special trust fund may be
126 used for such other purposes as the County Board of Supervisors may direct in accordance with
127 law; and,
128

(C) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$5,000,000 authorized for the issuance of the Securities to provide for payment of the Notes shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the County upon the delivery of the Notes to the Purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the County Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the County and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 11. Compliance with Federal Tax Laws. (a) The County represents and covenants that the Projects financed by the Notes and their ownership, management and use will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

175
176 Section 12. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby
177 designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code,
178 relating to the ability of financial institutions to deduct from income for federal income tax
179 purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.
180

181 Section 13. Execution of the Notes; Closing; Professional Services. The Notes shall be
182 issued in printed form, executed on behalf of the County by the manual or facsimile signatures of
183 the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined
184 below), sealed with its official or corporate seal, if any, or a facsimile thereof and delivered to
185 the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to
186 the date of delivery (the "Closing"). The facsimile signature of either of the officers executing
187 the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless
188 the County has contracted with a fiscal agent to authenticate the Notes, at least one of the
189 signatures appearing on each Note shall be a manual signature. In the event that either of the
190 officers whose signatures appear on the Notes shall cease to be such officers before the Closing,
191 such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as
192 if they had remained in office until the Closing. The aforesaid officers are hereby authorized and
193 directed to do all acts and execute and deliver the Notes and all such documents, certificates and
194 acknowledgements as may be necessary and convenient to effectuate the Closing. The County
195 hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements
196 and contracts in conjunction with the Notes, including but not limited to agreements and
197 contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate
198 calculation services. Any such contract heretofore entered into in conjunction with the issuance
199 of the Notes is hereby ratified and approved in all respects.
200

201 Section 14. Payment of the Notes; Fiscal Agent. The principal of and interest on the
202 Notes shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin
203 which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of
204 Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement
205 between the County and the Fiscal Agent shall be substantially in the form attached hereto as
206 Exhibit D and incorporated herein by this reference.
207

208 Section 15. Persons Treated as Owners; Transfer of Notes. The County shall cause
209 books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The
210 person in whose name any Note shall be registered shall be deemed and regarded as the absolute
211 owner thereof for all purposes and payment of either principal or interest on any Note shall be
212 made only to the registered owner thereof. All such payments shall be valid and effectual to
213 satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.
214

215 Any Note may be transferred by the registered owner thereof by surrender of the Note at
216 the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment
217 duly executed by the registered owner or his attorney duly authorized in writing. Upon such
218 transfer, the Chairperson and County Clerk shall execute and deliver in the name of the
219 transferee or transferees a new Note or Notes of a like aggregate principal amount, series and
220 maturity and the Fiscal Agent shall record the name of each transferee in the registration book.

No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 16. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

Section 17. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 18. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 19. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County's Undertaking.

Section 20. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct

266 statement of every step or proceeding had or taken in the course of authorizing and issuing the
267 Notes in the Record Book.
268

269 Section 21. Bond Insurance. If the Purchaser of the Notes determines to obtain
270 municipal bond insurance with respect to the Notes, the officers of the County are authorized to
271 take all actions necessary to obtain such municipal bond insurance. The Chairperson and County
272 Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably
273 request and which are acceptable to the Chairperson and County Clerk including provisions
274 regarding restrictions on investment of Note proceeds, the payment procedure under the
275 municipal bond insurance policy, the rights of the bond insurer in the event of default and
276 payment of the Notes by the bond insurer and notices to be given to the bond insurer. In
277 addition, any reference required by the bond insurer to the municipal bond insurance policy shall
278 be made in the form of Note provided herein.
279

280 Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions,
281 rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the
282 provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so
283 conflict. In the event that any one or more provisions hereof shall for any reason be held to be
284 illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The
285 foregoing shall take effect immediately upon adoption and approval in the manner provided by
286 law.

Dated this 15th day of October 2009.

Respectfully submitted by the
Finance Committee

Mary Muench, Chair

FISCAL IMPACT:

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

EXHIBIT A

Note Purchase Proposal

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

October 15, 2009

Mr. James N. Brey, Chairperson
and Members of the County Board of Supervisors
Manitowoc County
1010 South 8th Street
Manitowoc, WI 54220-5392

Dear Mr. Brey and Members of the County Board of Supervisors:

For all or none of your issue of \$5,000,000.00 Note Anticipation Notes dated November 5, 2009, we offer to pay \$5,041,400.00 plus accrued interest, if any, from the dated date to the date of delivery. The purchase price equals par amount of \$5,000,000.00, *plus* the reoffering premium of \$53,900.00, *less* underwriter's discount of \$12,500.00. Interest on the said Notes shall be payable commencing April 1, 2010 and at maturity on October 1, 2010.

The Notes shall mature and bear interest as set forth on the attached Debt Service Schedule.

The Notes shall not be subject to call and prior redemption.

This offer is subject to the receipt of the unqualified legal opinion of Quarles & Brady LLP, Milwaukee, Wisconsin, Bond Counsel. The Purchaser will retain \$1,200.00 for the Printing and Distribution of the Official Statement. The County shall pay all other costs of issuance.

Continuing Disclosure. This offer to purchase is subject to the County's covenant and agreement to take all steps necessary to assist us in complying with SEC Rule 15c2-12, as amended (the "Rule") (subject to any applicable exemptions in the Rule).

It is intended that the Notes will be exchanged for the purchase price on November 5, 2009.

Sincerely,

Bradley D. Viegut
Director
Robert W. Baird & Co.
(800) 792-2473 ext. 7540

The foregoing offer is hereby accepted on this 15th day of October 2009, by Manitowoc County and by Members of the County Board of Supervisors and in recognition therefore is signed by the officers empowered and authorized to make such acceptance.

Chairperson

Acting County Clerk

Robert W. Baird & Co.
777 East Wisconsin Avenue
Milwaukee WI 53202-5391
Main 414-765-3500
Toll Free 800 RW BAIRD

www.rwbaird.com

Manitowoc County**\$5,000,000 - Final Pricing**

Note Anticipation Notes

Dated/Close: November 5, 2009 Noncallable

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Total
11/05/2009	-	-	-	-	-
04/01/2010	-	-	40,555.56	40,555.56	-
10/01/2010	5,000,000.00	2.000%	50,000.00	5,050,000.00	5,090,555.56
Total	\$5,000,000.00	-	\$90,555.56	\$5,090,555.56	-

EXHIBIT B

Debt Service Schedule

To be provided by Robert W. Baird & Co. Incorporated and incorporated into the Resolution.

(See Attached)

Manitowoc County

\$5,000,000 - Final Pricing

Note Anticipation Notes

Dated/Close: November 5, 2009 Noncallable

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	Total
11/05/2009	-	-	-	-	-
04/01/2010	-	-	40,555.56	40,555.56	-
10/01/2010	5,000,000.00	2.000%	50,000.00	5,050,000.00	5,090,555.56
Total	\$5,000,000.00	-	\$90,555.56	\$5,090,555.56	-

Yield Statistics

Bond Year Dollars	\$4,527.78
Average Life	0.906 Years
Average Coupon	2.0000001%

Net Interest Cost (NIC)	1.0856443%
True Interest Cost (TIC)	1.0791616%
Bond Yield for Arbitrage Purposes	0.8031875%
All Inclusive Cost (AIC)	1.3911865%

IRS Form 8038

Net Interest Cost	0.8009366%
Weighted Average Maturity	0.906 Years

EXHIBIT C

(Form of Note)

REGISTERED	UNITED STATES OF AMERICA	DOLLARS
	STATE OF WISCONSIN	
	MANITOWOC COUNTY	
NO. R-__		\$5,000,000
	NOTE ANTICIPATION NOTE	

MATURITY DATE:	ORIGINAL DATE OF ISSUE:	INTEREST RATE:	CUSIP:
October 1, 2010	November 5, 2009	_____%	_____

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: FIVE MILLION DOLLARS
(\$5,000,000)

FOR VALUE RECEIVED, Manitowoc County, Wisconsin (the "County"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns) on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2010 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding the semi-annual interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

This Note is one of an issue of Notes aggregating the principal amount of \$5,000,000, all of which are of like tenor, except as to denomination, issued by the County pursuant to the provisions of Section 67.12(1)(b), Wisconsin Statutes, in anticipation of the sale of general obligation promissory notes (the "Securities"), to provide interim financing to pay a portion of the cost of 2009 capital projects, including a communications project and a building to house the Joint Dispatch Center, Information Systems Department, Office of Emergency Management, and Emergency Operations Center (the "Projects"), all as authorized by resolutions of the County Board of Supervisors duly adopted by said governing body at meetings held on September 22, 2009 and October 15, 2009 (collectively, the "Authorizing Resolution"). Said resolutions are recorded in the official minutes of the County Board of Supervisors for said dates.

This Note shall be payable only from (a) any proceeds of the Notes set aside for payment of interest on the Notes as it becomes due, and (b) proceeds to be derived from the issuance and sale of the Securities, which proceeds have been declared to constitute a special trust fund, to be held by the County Clerk and expended solely for the payment of the principal of and interest on the Notes until paid. The County has authorized and covenanted to issue the Securities pursuant to the Authorizing Resolution. **THE NOTES ARE NOT A GENERAL OBLIGATION OF THE COUNTY AND DO NOT CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION OR PROVISION NOR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. NO LIEN IS CREATED UPON THE PROJECTS OR ANY OTHER PROPERTY OF THE COUNTY AS A RESULT OF THE ISSUANCE OF THE NOTES.**

This Note is not subject to optional redemption.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time. The County has covenanted to issue and sell the Securities, the sale of which this Note anticipates, as soon as practicable and to set aside the proceeds of the Securities into a special trust fund for the payment of the principal of and interest on this Note.

This Note has been designated by the County Board of Supervisors as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the County kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the County appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, upon surrender of this Note together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the County for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any

transfer of the Notes after the Record Date. The Fiscal Agent and County may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, Manitowoc County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Chairperson and County Clerk and to be sealed with its official or corporate seal, if any, all as of November 5, 2009.

MANITOWOC COUNTY, WISCONSIN

By: _____
James N. Brey
Chairperson

(SEAL)

By: _____
Jamie J. Aulik
County Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints _____, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(e.g. Bank, Trust Company
or Securities Firm)

COPY

(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

(Authorized Officer)

EXHIBIT D

FISCAL AGENCY AGREEMENT

THIS AGREEMENT, made as of the 5th day of November, 2009 between Manitowoc County, Wisconsin (the "Municipality"), and Associated Trust Company, National Association, Green Bay, Wisconsin (the "Fiscal Agent").

WITNESSETH:

WHEREAS, the Municipality has duly authorized the issuance of its \$5,000,000 Note Anticipation Notes, dated November 5, 2009 (the "Obligations") pursuant to the applicable provisions of the Wisconsin Statutes and the resolutions adopted by the Municipality on September 22, 2009 and October 15, 2009 (collectively, the "Resolution"); and

WHEREAS, the Municipality is issuing the Obligations in registered form pursuant to Section 149 of the Internal Revenue Code of 1986, as amended, and applicable Treasury Regulations promulgated thereunder; and

WHEREAS, pursuant to the Resolution and Section 67.10(2), Wisconsin Statutes the Municipality has authorized the appointment of the Fiscal Agent as agent for the Municipality for any or all of the following responsibilities: payment of principal and interest on, registering, transferring and authenticating the Obligations as well as other applicable responsibilities permitted by Section 67.10(2), Wisconsin Statutes.

NOW, THEREFORE, the Municipality and the Fiscal Agent hereby agree as follows:

I. APPOINTMENT

The Fiscal Agent is hereby appointed agent for the Municipality with respect to the Obligations for the purpose of performing such of the responsibilities stated in Section 67.10(2), Wisconsin Statutes as are delegated herein or as may be otherwise specifically delegated in writing to the Fiscal Agent by the Municipality.

II. INVESTMENT RESPONSIBILITY

The Fiscal Agent shall not be under any obligation to invest funds held for the payment of interest or principal on the Obligations.

III. PAYMENTS

At least one business day before each interest payment date (commencing with the interest payment date of April 1, 2010 and continuing thereafter until the principal of and interest on the Obligations should have been fully paid or prepaid in accordance with their terms) the Municipality shall pay to the Fiscal Agent, in good funds immediately available to the Fiscal Agent on the interest payment date, a sum equal to the amount payable as principal of, premium, if any, and interest on the Obligations on such interest payment date. Said interest and/or

principal payment dates and amounts are outlined on Schedule A which is attached hereto and incorporated herein by this reference.

IV. CANCELLATION

In every case of the surrender of any Obligation for the purpose of payment, the Fiscal Agent shall cancel and destroy the same and deliver to the Municipality a certificate regarding such cancellation. The Fiscal Agent shall be permitted to microfilm or otherwise photocopy and record said Obligations.

V. REGISTRATION BOOK

The Fiscal Agent shall maintain in the name of the Municipality a Registration Book containing the names and addresses of all owners of the Obligations and the following information as to each Obligation: its number, date, purpose, amount, rate of interest and when payable. The Fiscal Agent shall keep confidential said information in accordance with applicable banking and governmental regulations.

VI. INTEREST PAYMENT

Payment of each installment of interest on each Obligation shall be made to the registered owner of such Obligation whose name shall appear on the Registration Book at the close of business on the 15th day of the calendar month next preceding the interest payment date and shall be paid by check or draft of the Fiscal Agent mailed to such registered owner at his address as it appears in such Registration Book or at such other address as may be furnished in writing by such registered owner to the Fiscal Agent.

VII. PAYMENT OF PRINCIPAL AND NOTICE OF REDEMPTION

(a) Principal Payments. Principal shall be paid to the registered owner of an Obligation upon surrender of the Obligation on or after its maturity or redemption date.

(b) Official Notice of Redemption. In the event the Municipality exercises its option to redeem any of the Obligations, the Municipality shall, at least 35 days prior to the redemption date, direct the Fiscal Agent to give official notice of such redemption by sending an official notice thereof by registered or certified mail, facsimile transmission, overnight express delivery or electronic transmission at least 30 days prior to the date fixed for redemption to the registered owner of each Obligation to be redeemed in whole or in part at the address shown in the Registration Book. Such official notice of redemption shall be dated and shall state (i) the redemption date and price; (ii) an identification of the Obligations to be redeemed, including the date of original issue of the Obligations; (iii) that on the redemption date the redemption price will become due and payable upon each such Obligation or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and (iv) the place where such Obligations are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Fiscal Agent.

(c) Additional Notice of Redemption. In addition to the official notice of redemption provided in (b) above, further notice of any redemption shall be given by the Fiscal Agent on behalf of the Municipality to the Municipal Securities Rulemaking Board and The Depository

Trust Company of New York, New York but neither a defect in this additional notice nor any failure to give all or any portion of such additional notice shall in any manner defeat the effectiveness of a call for redemption.

Each further notice of redemption given hereunder shall be sent at least 30 days before the redemption date by registered or certified mail, overnight delivery service, facsimile transmission or email transmission and shall contain the information required above for an official notice of redemption.

(d) Redemption of Obligations. The Obligations to be redeemed shall be selected by the Municipality and, within any maturity, shall be selected by lot by the Depository described in Section VIII hereof. The Obligations or portions of Obligations to be redeemed shall, on the redemption dates, become due and payable at the redemption price therein specified, and from and after such date such Obligations or portions of Obligations shall cease to bear interest. Upon surrender of such Obligations for redemption in accordance with the official notice of redemption, such Obligations shall be paid by the Fiscal Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Obligation, there shall be prepared for the registered owner a new Obligation or Obligations of the same maturity in the amount of the unpaid principal. Each check or other transfer of funds issued in payment of the redemption price of Obligations being redeemed shall bear the CUSIP number identifying, by issue and maturity, the Obligations being redeemed with the proceeds of such check or other transfer.

VIII. UTILIZATION OF THE DEPOSITORY TRUST COMPANY

The Depository Trust Company's Book-Entry-Only System is to be utilized for the Obligations. The Fiscal Agent, as agent for the Municipality, agrees to comply with the provisions of The Depository Trust Company's Operational Arrangements, as they may be amended from time to time referenced in the Blanket Issuer Letter of Representations executed by the Municipality. The provisions of the Operational Arrangements and this Section VIII supersede and control any and all representations in this Agreement.

IX. OBLIGATION TRANSFER AND EXCHANGE

The Fiscal Agent shall transfer Obligations upon presentation of a written assignment duly executed by the registered owner or by such owner's duly authorized representative. Upon such a transfer, new registered Obligation(s) of the same maturity, in authorized denomination or denominations in the same aggregate principal amount for each maturity shall be issued to the transferee in exchange therefor, and the name of such transferee shall be entered as the new registered owner in the Registration Book. No Obligation may be registered to bearer. The Fiscal Agent may exchange Obligations of the issue for a like aggregate principal amount of Obligations of the same maturity in authorized whole multiples of \$5,000.

The Obligations shall be numbered R-1 and upward. Upon any transfer or exchange, the Obligation or Obligations issued shall bear the next highest consecutive unused number or numbers.

The Municipality shall cooperate in any such transfer, and the appropriate officers of the Municipality are authorized to execute any new Obligation or Obligations necessary to effect any such transfer.

X. STATEMENTS

The Fiscal Agent shall furnish the Municipality with an accounting of interest and funds upon reasonable request.

XI. FEES

The Municipality agrees to pay the Fiscal Agent fees for its services hereunder in the amounts set forth on Schedule B hereto.

XII. MISCELLANEOUS

(a) Nonpresentment of Checks. In the event the check or draft mailed by the Fiscal Agent to the registered owner is not presented for payment within five years of its date, then the monies representing such nonpayment shall be returned to the Municipality or to such board, officer or body as may then be entitled by law to receive the same together with the name of the registered owner of the Obligation and the last mailing address of record and the Fiscal Agent shall no longer be responsible for the same.

(b) Resignation and Removal of Predecessor Fiscal Agent. (i) Fiscal Agent may at any time resign by giving not less than 60 days' written notice to Municipality. Upon receiving such notice of resignation, Municipality shall promptly appoint a successor fiscal agent by an instrument in writing executed by order of its governing body. If no successor fiscal agent shall have been so appointed and have accepted appointment within 60 days after such notice of resignation, the resigning fiscal agent may petition any court of competent jurisdiction for the appointment of a successor fiscal agent. Such court may thereupon, after such notice, if any, as it may deem proper and prescribes, appoint a successor fiscal agent. The resignation of the fiscal agent shall take effect only upon appointment of a successor fiscal agent and such successor fiscal agent's acceptance of such appointment.

(ii) The Fiscal Agent may also be removed by the Municipality at any time upon not less than 60 days' written notice. Such removal shall take effect upon the appointment of a successor fiscal agent and such successor fiscal agent's acceptance of such appointment.

(iii) Any successor fiscal agent shall execute, acknowledge and deliver to Municipality and to its predecessor fiscal agent an instrument accepting such appointment hereunder, and thereupon the resignation or removal of the predecessor fiscal agent shall become effective and such successor fiscal agent, without any further act, deed or conveyance, shall become vested with all the rights, powers, trusts, duties and obligations of its predecessor, with like effect as if originally named as fiscal agent herein; but nevertheless, on written request of Municipality, or on the request of the successor, the fiscal agent ceasing to act shall execute and deliver an instrument transferring to such successor fiscal agent, all the rights, powers, and trusts of the fiscal agent so ceasing to act. Upon the request of any such successor fiscal agent, Municipality shall execute any and all instruments in writing for more fully and certainly vesting

in and confirming to such successor fiscal agent all such rights, powers and duties. Any predecessor fiscal agent shall pay over to its successor fiscal agent any funds of the Municipality.

(iv) Any corporation, association or agency into which the Fiscal Agent may be converted or merged, or with which it may be consolidated, or to which it may sell or transfer its corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, ipso facto, shall be and become successor fiscal agent under this Agreement and vested with all the trusts, powers, discretions, immunities and privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

(v) Any successor fiscal agent shall be qualified pursuant to Sec. 67.10(2), Wisconsin Statutes, as amended.

(c) Termination. This Agreement shall terminate on the earlier of (i) the payment in full of all of the principal and interest on the Obligations to the registered owners of the Obligations or (ii) five years after (aa) the last principal payment on the Obligations is due (whether by maturity or earlier redemption) or (bb) the Municipality's responsibilities for payment of the Obligations are fully discharged, whichever is later. The parties realize that any funds hereunder as shall remain upon termination shall, except as may otherwise by law, be turned over to the Municipality after deduction of any unpaid fees and disbursements of Fiscal Agent or, if required by law, to such officer, board or body as may then be entitled by law to receive the same. Termination of this Agreement shall not, of itself, have any effect on Municipality's obligation to pay the outstanding Obligations in full in accordance with the terms thereof.

(d) Execution in Counterparts. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties have executed this Agreement, being duly authorized so to do, each in the manner most appropriate to it, on the date first above written.

MANITOWOC COUNTY, WISCONSIN

By _____
James N. Brey
Chairperson

(SEAL)

Jamie J. Aulik
County Clerk

COPY

ASSOCIATED TRUST COMPANY,
NATIONAL ASSOCIATION,
GREEN BAY, WISCONSIN
Fiscal Agent

(SEAL)

By _____
Title _____

Attest _____
Title _____

SCHEDULE A

**Debt Service Schedule
\$5,000,000 Note Anticipation Notes of Manitowoc County, Wisconsin
dated November 5, 2009**

(SEE ATTACHED)

COPY

SCHEDULE B

COPY

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Jim Brey and County Executive Bob Ziegelbauer presented a Proclamation Recognizing National Disability Employment Awareness Month to Judy Rank, Director of the Aging and Disability Resource Center. Ms. Rank commented that Manitowoc County is fortunate to have many businesses in Manitowoc County employing those with disabilities.

Chairperson Jim Brey and County Executive Bob Ziegelbauer presented a Proclamation Proclaiming Money Smart Week, October 10-17, 2009 to Susan Novak. Chairperson Brey commented that it is an excellent financial literacy program.

Chairperson Jim Brey and County Executive Bob Ziegelbauer presented a Proclamation Honoring Wisconsin State Fire Chief of the Year Bob Ferry. Chief Ferry thanked the County Board for the proclamation.

Chairperson Jim Brey gave a report on Manitowoc County's involvement with funds disbursed through the American Recovery and Reinvestment Act of 2009 (stimulus funds). Citing a report compiled by Comptroller Todd Reckelberg, he listed the grants received by Manitowoc County as well as the grants denied to county departments.

County Executive Bob Ziegelbauer gave a presentation on the proposed 2010 budget. Citing economic conditions that haven't been experienced since the Great Depression, he said that his budget holds the line on taxes and makes decisions that if they weren't made now, would be even more tough to make down the road. He cited the implementation of Family Care and having to lay off talented employees as some of the drastic changes in the 2010 budget. A question and answer session with supervisors followed.

COMMITTEE REPORTS, INCLUDING PETITIONS, RESOLUTIONS, AND ORDINANCES

Aging & Disability Resource Center Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Tittl gave a brief report. Supervisor Tittl moved, seconded by Supervisor Muench to adopt Resolution 1 (2009/2010-77) Amending 2009 Budget (Health Department). Upon vote, the motion passed unanimously.

No. 2009/2010 - 77

RESOLUTION AMENDING 2009 BUDGET (Health Department)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Health Department provides numerous
2 public health services to the residents of Manitowoc County that are funded by the return of federal
3 and state tax dollars through grants, and
4

5 WHEREAS, the Health Department can only include grant funds that it has
6 been scheduled or contracted to receive during the calendar year when it prepares its budget; and
7

8 WHEREAS, the Health Department learns of changes in grant funding after the
9 budget has been approved because federal and state grants are administered using a different fiscal
10 year than is used for the county budget; and
11

12 WHEREAS, the following changes in grant funding have taken place since the
13 2009 budget was approved:
14

15	MCH Block Grant	\$25
16	Prevention Block Grant	(\$18)
17	Public Health Preparedness	(\$684)
18	Tobacco Control	\$50,177
19	WIC	\$47,926;

20 and
21

22 WHEREAS, the Board of Health recommends that the Manitowoc County Board of
23 Supervisors amend the 2009 Annual Budget to incorporate these changes;
24

25 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
26 that the appropriate revenue and expense line items in the 2009 Annual Budget are amended to
27 incorporate the changes shown above and that the Comptroller/Auditor is directed to record such
28 information in the official books of the County for the year ending December 31, 2009 as may be
29 required.

Dated this 15th day of October 2009.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No tax levy impact. Changes revenue and expenses by equal
amounts for each listed program area.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Tittl moved, seconded by Supervisor Janowski to adopt Resolution 2 (2009/2010-78)
Authorizing Application for and Acceptance of Public Health Emergency Response Grant. Upon
discussion and vote, the motion passed unanimously.

No. 2009/2010 - 78

**RESOLUTION AUTHORIZING APPLICATION FOR AND
ACCEPTANCE OF PUBLIC HEALTH EMERGENCY RESPONSE GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the World Health Organization and the Centers for Disease Control and
2 Prevention have declared that the world is experiencing an influenza pandemic caused by the H1N1
3 virus; and
4

5 WHEREAS, the Manitowoc County Health Department is the lead agency responsible for
6 responding to the pandemic at the local level and has a plan to respond to this public health
7 emergency; and
8

9 WHEREAS, the federal government has distributed Public Health Emergency Response funds
10 to the states to support local health departments in responding to the H1N1 pandemic, and
11 Manitowoc County is eligible to receive \$190,636 in Public Health Emergency Response funds to
12 be expended between July 31, 2009 and July 30, 2010;
13

14 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
15 that the Health Department is authorized to apply for and accept such Public Health Emergency
16 Response Grant funds as may be available; and
17

18 BE IT FURTHER RESOLVED that appropriate revenue and expense lines in the 2009 budget
19 are amended by the amount of the grant funds received; that the Comptroller/Auditor is directed to
20 record such information in the official books of the County for the year ending December 31, 2009
21 as may be required; and that any unexpended funds may be carried over and included in the 2010
22 budget.

Dated this 15th day of October 2009.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No tax levy impact. Increases revenue and expenditures by equal
amounts during the 2009 and 2010 budget years.

APPROVED: Bob Ziegelbauer, County Executive.

Expo Board: Supervisor Behnke gave a brief report.

Human Services Board: Supervisor Rappe gave a brief report, discussion followed.

Lakeland Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Korinek
gave a brief report.

Personnel Committee: Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt
Resolution 7 (2009/2010 – 79) Establishing Nonrepresented Employee Compensation for 2010.
Upon discussion and vote, the motion passed 17-4 with Supervisors Diedrich, Hansen, Maresh, and
Tittl voting no, and all other Supervisors voting aye.

**RESOLUTION ESTABLISHING NONREPRESENTED
EMPLOYEE COMPENSATION FOR 2010**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code § 5.05 states that it is the policy of Manitowoc County to
2 compensate employees who are not represented by labor unions in a fair, equitable, and consistent
3 manner; and

4
5 WHEREAS, internal equity and the integrity of the nonrepresented compensation plan are
6 dependent upon maintaining existing differentials between the compensation of supervisory
7 personnel and supervised employees; and

8
9 WHEREAS, Manitowoc County employees represented by labor agreements will receive a 3%
10 wage increase effective January 1, 2010; and

11
12 WHEREAS, the difficult economic time that Manitowoc County is currently experiencing
13 presents a serious budgetary challenge that require difficult decisions and sacrifices; and

14
15 WHEREAS, while withholding an across-the-board increase for nonrepresented employees while
16 providing an increase to represented employees is not fair, equitable, or consistent; it is nonetheless
17 necessary; and

18
19 WHEREAS, this difficult decision is intended to address the immediate economic crisis and
20 should not be allowed to have a long-term impact on the county's overall compensation plan;

21
22 NOW, THEREFORE, BE IT RESOLVED that the nonrepresented wage schedule will not be
23 amended effective January 1, 2010; and

24
25 BE IT FURTHER RESOLVED that, in order to assure that the nonrepresented employee's
26 sacrifice is for only one year and limit the long-term impact on the wage schedule and the county's
27 compensation plan, the nonrepresented wage schedule will be increased by 3% effective at the end
28 of the day on December 31, 2010; and

29
30 BE IT FURTHER RESOLVED that the December 31, 2010 amendment to the wage schedule is
31 intended to remedy the disparity caused by withholding an across-the-board increase in 2010 and
32 is not intended to establish nonrepresented compensation for 2011.

Dated this 15th day of October 2009.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Reduces projected personnel costs for 2010 by approximately \$225,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 7b Establishing County Executive's Compensation. Discussion followed. Supervisor Hansen moved, seconded by Supervisor Diedrich to amend line 26 to read that the County Executive would receive the following amounts for compensation: 2010 - \$74,575, 2011 - \$75,693, 2012 - \$77,207, 2013 - \$79,137. Upon discussion and vote, the motion to amend the resolution passed 15-6 with Supervisors Behnke, Brey, Dufek, Janowski, Rappe, and Vogt voting no, and all other supervisors voting aye. Upon discussion and vote, the motion passed 18-3 to adopt Resolution 7b (2009/2010 – 80) Establishing County Executive's Compensation (As Amended) with Supervisors Behnke, Dufek, and Janowski voting no, all other supervisors voting aye.

No. 2009/2010 - 80

**RESOLUTION ESTABLISHING COUNTY EXECUTIVE'S COMPENSATION
(As Amended)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

WHEREAS, Wis. Stat. § 59.22 requires that the total annual compensation of certain elected officials, exclusive of reimbursements, must be established before the earliest time for filing nomination papers for office and that this compensation shall not be increased or decreased during the officer's term; and

WHEREAS, the Personnel Committee has reviewed the salary of the elective office of County Executive; and

WHEREAS, the difficult economic time that Manitowoc County is currently experiencing presents a serious budgetary challenge that requires difficult decisions and sacrifices; and

WHEREAS, the Personnel Committee recommends that the salary for the elective office of County Executive be reduced by 5% for 2010; and

WHEREAS, the Personnel Committee recommends that the salary for the elective office of County Executive be increased 1.50% effective January 1, 2011; 2.0% effective January 1, 2012; and 2.50% effective January 1, 2013; and

WHEREAS, the Personnel Committee recommends that the elected office of County Executive be offered the same fringe benefit package that is offered to non-represented employees;

NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors that the salary for the elected office of County Executive be set as follows:

2010	2011	2012	2013
\$74,575	\$75,693	\$77,207	\$79,137; and

28 BE IT FURTHER RESOLVED that the elective office of County Executive will be offered
29 the same fringe benefit package as is provided to non-represented employees; and
30

31 BE IT FURTHER RESOLVED that the salary established for the elective office of County
32 Executive will continue for ensuing terms unless changed by the county board in accordance with
33 Wisconsin law.

Dated this 15th day of October 2009.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:	5/2010>	2011	2012	2013	4/2014<	TERM
Wages	(\$2,944)	(\$2,807)	(\$1,293)	\$637	\$159	(\$6,248)
FICA	(\$225)	(\$ 215)	(\$ 99)	\$ 49	\$ 12	(\$ 478)
WRS	(\$350)	(\$ 334)	(\$ 154)	\$ 76	\$ 19	(\$ 743)
TOTAL	(\$3,519)	(\$3,356)	(\$1,546)	\$762	\$190	(\$7,469)

APPROVED: Bob Ziegelbauer, County Executive.

Planning & Park Commission: A motion was made by Supervisor Mueller, seconded by Supervisor Heyroth to adopt Resolution 8 (2009/2010 – 81) Adopting Report Denying Zoning Amendment Petition (Dale Bernhardt). Upon discussion and vote, the motion passed 19-0 with all supervisors voting aye, and Supervisor Korinek abstaining from voting.

No. 2009/2010 - 81

**RESOLUTION ADOPTING REPORT
DENYING ZONING AMENDMENT PETITION
(Dale Bernhardt)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a petition was submitted by Dale Bernhardt on January 14, 2004 to rezone an
2 approximately 74.60 acre parcel of land located in the SW¼, Section 25 and SE¼, Section 26,
3 T21N-R23E, Town of Gibson, from A3 Agriculture to A2 Agriculture; and
4

5 WHEREAS, the petition was referred to the Planning and Park Commission for a
6 recommendation and report; and
7

8 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
9 public hearing on February 24, 2009; postponed acting on the request; and held a public hearing on
10 September 28, 2009; and
11

12 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
13 and an examination of the facts, has recommended the petition be denied for the reasons stated in
14 the attached report;

15 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the county
16 of Manitowoc adopts the report of the Planning and Park Commission denying the attached petition
17 for amendment submitted by Dale Bernhardt.

Dated this 15th day of October 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

A motion was made by Supervisor Mueller, seconded by Supervisor Muench to adopt Resolution 9 (2009/2010 – 82) Adopting Report Denying Zoning Amendment Petition (Virginia Kress). Upon vote, the motion passed unanimously.

No. 2009/2010 - 82

**RESOLUTION ADOPTING REPORT
DENYING ZONING AMENDMENT PETITION
(Virginia Kress)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a petition was submitted by Virginia Kress on August 6, 2009 to rezone an
2 approximately 5.0 acre parcel of land located in the NW¼, NW¼, Section 1, T21N-R23E, Town of
3 Gibson, from A3 Agriculture to A2 Agriculture; and
4

5 WHEREAS, the petition was referred to the Planning and Park Commission for a
6 recommendation and report; and
7

8 WHEREAS, the Planning and Park Commission, after providing the required notice, held
9 a public hearing on September 28, 2009; and
10

11 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
12 and an examination of the facts, has recommended the petition be denied for the reasons stated in
13 the attached report;
14

15 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the county
16 of Manitowoc adopts the report of the Planning and Park Commission denying the attached petition
17 for amendment submitted by Virginia Kress.

Dated this 15th day of October 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None

APPROVED: Bob Ziegelbauer, County Executive.

A motion was made by Supervisor Mueller, seconded by Supervisor Heyroth to enact Ordinance 10 (2009/2010 – 83) Amending Zoning Map (D-J Farms Inc.). Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 83

**ORDINANCE AMENDING ZONING MAP
(D-J Farms Inc.)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on September 28, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
9 ordain as follows:
10

11 A parcel of land located in the NE¹/₄, NW¹/₄, Section 32, T21N-R23E, Town of Gibson,
12 commencing at the N¹/₄ Corner of said Section 32; thence southerly approximately 1,111
13 feet which is the point of real beginning; thence continue southerly approximately 209
14 feet; thence westerly approximately 209 feet; thence northerly approximately 209 feet;
15 thence easterly approximately 209 feet to the point of real beginning; said parcel
16 containing approximately 1.0 acres of land, shall be and is hereby rezoned from A3
17 Agriculture to A1 Agriculture.

Dated this 15th day of October 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None

APPROVED: Bob Ziegelbauer, County Executive.

A motion was made by Supervisor Mueller, seconded by Supervisor Muench to enact Ordinance 11 (2009/2010-84) Amending Zoning Map (Brian Laurent). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP
(Brian Laurent)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on September 28, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
5 and an examination of the facts, recommends that the petition be approved for the reasons stated in
6 the attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
9 ordain as follows:
10

11 A parcel of land located in the SE¼, SW¼, Section 4, T19N-R24E, Town of
12 Manitowoc, commencing at the S¼ Corner of said Section 4; thence westerly
13 approximately 475 feet which is the point of real beginning; thence continue westerly
14 approximately 498 feet; thence northerly approximately 187 feet; thence easterly
15 approximately 498 feet; thence southerly approximately 187 feet to the point of real
16 beginning; said parcel containing approximately 2.14 acres of land, shall be and is
17 hereby rezoned from A2 Agriculture to A1 Agriculture.

Dated this 15th day of October 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Public Works Committee: Supervisor Behnke gave a brief report. A motion was made by Supervisor Behnke, seconded by Supervisor Vogt to adopt Resolution 12 (2009/2010-85) Resolution Authorizing Application for Household and Agricultural Clean Sweep and Drug Collection Program Grants. Upon discussion and vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING APPLICATION
FOR HOUSEHOLD AND AGRICULTURAL CLEAN SWEEP AND DRUG
COLLECTION PROGRAM GRANTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board recognizes the benefits of programs to provide
2 for the proper storage and disposal of household and agricultural hazardous waste and unwanted
3 drugs and medications; and
4

5 WHEREAS, Manitowoc County's Clean Sweep and Drug Collection Programs are
6 intended to offer education and assistance to citizens in the identification, proper handling, and
7 disposal of household and agricultural hazardous waste and unwanted drugs and medications
8 through the distribution of public information materials, presentations to citizen groups, and
9 designated days for the collection and disposal of household and agricultural hazardous waste and
10 unwanted drugs and medications; and
11

12 WHEREAS, Manitowoc County has successfully organized and conducted Clean Sweep
13 and Drug Collection Programs in the past, has declared its intent to conduct annual Clean Sweep and
14 Drug Collection Programs subject to public response and the sufficient funding, is planning
15 collections for 2010, and can apply for state grants for the Household and Agricultural Clean Sweep
16 and Drug Collection programs; and
17

18 WHEREAS, Calumet, Fond du Lac, and Sheboygan Counties have also successfully
19 organized and conducted Clean Sweep and Drug Collection Programs in the past, have declared their
20 intent to conduct annual Clean Sweep and Drug Collection Programs subject to public response and
21 sufficient funding, are planning collections for 2010, and can apply for state grants for the
22 Household and Agricultural Clean Sweep and Drug Collection Programs; and
23

24 WHEREAS, Manitowoc, Calumet, Fond du Lac, and Sheboygan Counties have
25 successfully organized and conducted joint Clean Sweep and Drug Collection programs in the past,
26 realize the economic benefits and efficiencies that result from conducting joint programs, and want
27 to conduct joint programs again in 2010; and
28

29 WHEREAS, the Manitowoc County Public Works Director will serve as the Grant and
30 Program Coordinator, and staff from the other counties will provide assistance and support in their
31 areas of expertise; and
32

33 WHEREAS, Manitowoc, Calumet, Sheboygan, and Fond du Lac Counties, if awarded a
34 state grant for a joint Household and Agricultural Clean Sweep or Drug Collection Program, or both,
35 will carry out all activities described in the state grant application; will allow employees from the
36 Wisconsin Department of Natural Resources and the Wisconsin Department of Agriculture, Trade
37 and Consumer Protection access to inspect any Clean Sweep or Drug Collection Program site; and
38 will maintain records documenting all expenditures made during and for the Clean Sweep and Drug
39 Collection Programs; and
40

41 WHEREAS, Manitowoc, Calumet, Fond du Lac, and Sheboygan Counties will submit a
42 final report to the Wisconsin Department of Agriculture, Trade and Consumer Protection describing
43 all Clean Sweep and Drug Collection Program activities, achievements, and problems; comparing
44 the actual programs with the activities and objectives proposed in the application; providing samples

45 of information and education brochures, data on participation rates and waste quantities collected,
46 and documentation of project costs; and making appropriate recommendations;
47

48 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
49 Supervisors authorizes the Public Works Director to apply for and accept a state grant for the
50 purpose of conducting joint Manitowoc, Calumet, Fond du Lac, and Sheboygan County Household
51 and Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs during 2010; and
52

53 BE FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes
54 the Public Works Director to enter into Memorandums Of Understanding in order to conduct the
55 joint Household and Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs
56 during 2010.

Dated this 15th day of October 2009.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No fiscal impact in 2009. No tax levy impact in 2010 because appropriate revenue and expenditure line items in the 2010 budget will be amended by equal amounts that will not exceed the amount of any grant awarded.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous: A motion was made by Supervisor Behnke, seconded by Supervisor Vogt to adopt Resolution 13 (2009/2010 – 86) Supporting Assembly Bill 403/Senate Bill 282 (Local Government Property Insurance Fund Premiums). Upon discussion and vote the motion carried unanimously.

No. 2009/2010 - 86

**RESOLUTION SUPPORTING ASSEMBLY BILL 403/SENATE BILL 282
(Local Government Property Insurance Fund Premiums)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin law allows a local governmental unit, including a city, county, town,
2 village, or school district, to insure its property through the Local Government Property Insurance
3 Fund (property fund); and
4

5 WHEREAS, the local governmental unit pays premiums into the state treasury for the benefit
6 of the property fund; and
7

8 WHEREAS, the Local Government Property Insurance Fund presently has a surplus of \$40
9 million; and
10

11 WHEREAS, under Assembly Bill 403/Senate Bill 282, a local governmental unit's premium
12 for insuring property for October 1, 2009 through September 30, 2010 would be reduced by the

13 amount the local governmental unit paid in premiums to the Local Government Property Insurance
14 Fund to insure that property in 2008; and
15

16 WHEREAS, a local governmental unit would pay no premium and receive no refund if the
17 premium paid in 2008 was higher than the premium due beginning on October 1, 2009 and ending
18 on September 30, 2010; and
19

20 WHEREAS, it is estimated that enactment of Assembly Bill 403/Senate Bill 282 would save
21 Manitowoc County \$108,810;
22

23 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board supports
24 Assembly Bill 403/Senate Bill 282 and urges its enactment; and
25

26 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
27 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
28 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
29 represents constituents from Manitowoc County.

Dated this 15th day of October 2009.

Respectfully submitted by James N. Brey, County Board Chair.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Behnke and the motion was adopted by acclamation. The meeting adjourned at 9:05 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

October 26, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 26th day of October, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:01 P.M.

Supervisor Janowski gave the invocation, which was followed by a moment of silence for Richard Hallwachs, a former Manitowoc County employee. The Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 22 members present; Bauknecht, Behnke, Brey, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Schmidt, Schneider, Tittl, and Vogt. Supervisors Bundy, Rappe, and Wagner were excused.

On motion by Supervisor Gauger, seconded by Supervisor Henrickson, the October 15, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Behnke moved, seconded by Supervisor Schmidt, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open on the 2010 County Executive's Proposed Annual Budget at 7:06 p.m.

County Executive Bob Ziegelbauer provided a brief review of the Executive's 2010 Proposed Annual Budget explaining that the budget proposal continues to hold the line on property taxes. He stated that we are in a difficult time and difficult decisions must be made. The staff layoffs are on schedule and almost completed. He further noted we have a responsibility to taxpayers and that we cannot spend what we don't have.

No one present wished to speak, subsequently Chairperson Brey declared public input on the budget closed at 7:10 and opened public input to non-budget issues.

No one present wished to speak and Chairperson Brey declared public input closed.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Proclaiming October 28, 2009 as Human Resources Professional Day to Jane Birkholz, President of the Lakeshore Area Human Resource Association. Jane thanked everyone for the recognition.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Miscellaneous: Supervisor Bauknecht moved, seconded by Supervisor Vogt to adopt Resolution .1 (2009/2010-87) Establishing Compensation for County Board Supervisors for Term Beginning April 2010. Upon discussion and vote, the motion carried with 21 ayes and 1 no. Supervisor Schneider voted no; all other supervisors voted aye.

No. 2009/2010 - 87

**RESOLUTION ESTABLISHING COMPENSATION FOR
COUNTY BOARD MEMBERS FOR TERM BEGINNING APRIL 2010**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 59.10(1)(c) provides that the county board shall determine the
2 method of compensation for its members and Wis. Stat. § 59.22 provides that once set for a term,
3 the compensation paid to an elected official shall not be increased or decreased during the term; and
4

5 WHEREAS, the current salary for county board members was established on August 16,
6 2005 at \$250 per month for Supervisors and at \$375 per month for the County Board Chair; and
7

8 WHEREAS, reducing the salary paid to county board members by 5% for the first year of
9 the term acknowledges the difficult economic time that Manitowoc County is currently experiencing;
10

11 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
12 that the salary for Supervisors is set at \$237.50 per month effective April 2010 and at \$250 per
13 month effective April 2011; and
14

15 BE IT FURTHER RESOLVED that the salary for the County Board Chair is set at \$356.25
16 per month effective April 2010 and at \$375 per month effective April 2011; and
17

18 BE IT FURTHER RESOLVED that the established salary for county board members will
19 continue for ensuing terms unless changed by the county board in accordance with Wisconsin law.

Dated this 26th day of October 2009.

Respectfully submitted by James N. Brey, County Board Chair.

FISCAL IMPACT:	2010	2011	Total
Wages	(\$2,550)	(\$1,275)	(\$3,825)
FICA	(\$ 195)	(\$ 98)	(\$ 293)
<u>WRS</u>	<u>(\$ 18)</u>	<u>(\$ 9)</u>	<u>(\$ 27)</u>
Total	(\$2,763)	(\$1,382)	(\$4,145)

APPROVED: Bob Ziegelbauer, County Executive.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Hansen to adopt Resolution 1 (2009/2010-88) Canceling County Checks Not Presented Within Two Years of Issuance. Upon vote, the motion carried unanimously.

No. 2009/2010 - 88

**RESOLUTION CANCELING COUNTY CHECKS
NOT PRESENTED WITHIN TWO YEARS OF ISSUANCE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, some of the thousands of checks issued by Manitowoc County are not presented
2 for payment within two years of their date of issuance, and the County Treasurer is required to
3 account for these uncashed checks in the reserve to the County's checking account; and
4

5 WHEREAS, Wis. Stat. § 59.64(4e) provides that the County Board may, at its annual meeting,
6 cancel checks which have not been presented for payment within two years of their issuance;
7

8 WHEREAS, those checks shown on the attached lists were issued by Manitowoc County prior
9 to October 31, 2007 and were not presented for payment within two years of their issuance;
10

11 NOW, THEREFORE, BE IT RESOLVED the checks shown on the attached lists are hereby
12 canceled and without value; and
13

14 BE IT FURTHER RESOLVED that the payee of each canceled check may make application
15 to the County Board Chair and County Clerk to have a new check issued for the original amount,
16 without interest, and that the County Treasurer shall issue such a check within sixty days of written
17 notice of approval of such application by the County Board Chair and County Clerk.

Dated this 26th day of October 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Increases available cash balance in Account 100-001 by \$7,721.94.
Increases available cash balance in Account 160-485 by \$419.13.
Increases available cash balance in Account 126-770 by \$126.10.
The total increase in the available cash balances is \$8,267.17.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench reported that their next meeting will be November 9.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Konen to adopt Resolution 2 (2009/2010-89) Canceling Checks Not Presented Within Two Years of Issuance (Sheriff's Department). Upon vote, the motion carried unanimously.

**RESOLUTION CANCELING CHECKS
NOT PRESENTED WITHIN TWO YEARS OF ISSUANCE
(Sheriff's Department)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, some of the thousands of checks issued by Manitowoc County Sheriff's
2 Department from the Inmate Trust Account are not presented for payment within two years of their
3 date of issuance, and the Sheriff is required to account for these uncashed checks in the Sheriff's
4 Department checking account; and

5
6 WHEREAS, Wis. Stat. § 59.64(4)(e) provides that the County Board may, at its annual
7 meeting, cancel checks which have not been presented for payment within two years of their
8 issuance; and

9
10 WHEREAS, those checks shown on the attached list were issued by the Manitowoc County
11 Sheriff's Department prior to October 31, 2007 and were not presented for payment within two years
12 of their issuance;

13
14 NOW, THEREFORE, BE IT RESOLVED the checks shown on the attached list are hereby
15 canceled and without value; and

16
17 BE IT FURTHER RESOLVED that the payee of each canceled check may make application
18 to the County Board Chair and County Clerk to have a new check issued for the original amount,
19 without interest, and that the County Treasurer shall issue such a check within sixty days of written
20 notice of approval of such application by the County Board Chair and County Clerk.

Dated this 26th day of October 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Increases available cash balance in Account 100.23409 by \$1,118.94.

APPROVED: Bob Ziegelbauer, County Executive.

Announcement: Chairperson Brey announced that the next County Board meeting will be November 17.

Supervisor Maresh moved to adjourn, seconded by Supervisor Konen and the motion was adopted by acclamation. The meeting adjourned at 7:23 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN
Amended

November 17, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 17th day of November, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:00 P.M.

Supervisor Maresh gave the invocation, which was followed by a moment of silence for U.S. Army Staff Sergeant Amy Krueger. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen- arrived at 7:10 p.m., Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner. Supervisor Heyroth was excused.

On motion by Supervisor Gauger, seconded by Supervisor Behnke, the October 26, 2009 meeting minutes were approved by unanimous vote.

The Deputy County Clerk announced changes to the agenda. Supervisor Henrickson moved, seconded by Supervisor Markwardt, to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:10 p.m.

Randy Pelishek, Town of Cooperstown, addressed the Board regarding the ordinance to rezone a parcel of his property that was before the Board this evening. He stated that the property is not farmable land and asked supervisors to approve the ordinance amendment so that he can build his new home.

Mason Markwardt, Town of Cooperstown, spoke in opposition to the request to rezone the Pelishek property.

Russ Norman, Town of Cooperstown, stated that he is opposed to the rezone request of the Pelishek property that is before the Board.

Attorney Travis Glandt, City of Manitowoc, who represented Nancy Weber, respectfully requested the Board to deny the rezone request of the Pelishek property. He stated that the property does not meet the goals for the 20 year "Smart Growth Plan" and asked that the plan be followed.

William P. Enz, Town of Cooperstown and a member of the Town Board, spoke in favor of the rezone request of the Pelishek property. He acknowledged that the property has not been farmed in a long time and stated that the parcel fits the “Smart Growth Plan.”

Pam Kouba, Town of Cooperstown, spoke in opposition to the request to rezone the Pelishek parcel. She stated that this request has previously become before the Board was denied four times.

Fred Lemens, Town of Cooperstown and a member of the town board, addressed the Board regarding the rezone request of the Pelishek parcel. He stated that the request is in compliance with the 20 year Comprehensive plan and urged the Board to approve the request.

John Hager, Town of Cooperstown, spoke in support of the rezone request of the Pelishek parcel. He stated that the property was never farmland.

Bill Angoli, Town of Cooperstown, spoke in opposition to the rezone request of the Pelishek parcel and asked supervisors to deny the request.

Susan Kornely, Town of Cooperstown, addressed the Board regarding the rezone request of the Pelishek parcel and asked the supervisors to deny the request.

David Blakeslee, Town of Cooperstown, spoke in opposition to the rezone request of the John Hager parcel and urged the Board to deny the ordinance amendment.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed 7:45 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Public Works Department Director Jeff Beyer gave an update on the status of the building projects. He reported that the security upgrade is on schedule and under budget. The north and east entrances are open and the south entrance will be complete by Christmas. The roof project will be rescheduled for spring 2010 due to inclement weather. Seventeen bid proposals were received for the Communication Technology building project that will begin in March 2010. Selmer Company Construction was awarded the project. He answered supervisors questions.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointments of Louis Hovda, Jay Muchin, and Supervisor Norb Vogt to the Ethics Board for three terms expiring December 2012. Supervisor Muench moved, seconded by Supervisor Janowski, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey recommended the appointments of Vic Voigt, Rob Voss, Jody Beyer, and Mike Plate to the Expo Board for three year terms expiring December 31, 2012. Supervisor Behnke, seconded by Supervisor Schmidt, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey recommended the appointments of Harold Carlson and Tom Davis to the Human Services Board for 3 year terms expiring December 31, 2012. Supervisor Bauknecht moved,

seconded by Supervisor Henrickson, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey recommended the appointments of Supervisor Joe Janowski and alternate Supervisor Ed Rappe, Nancy Crowley, Jim Blaha and alternate Amy Wergin, Randy Neils, Chris Meyer, and Gerald Wiesner to the Local Emergency Planning Committee for two year terms expiring December 2011. Supervisor Henrickson moved, seconded by Supervisor Tittl, to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey recommended the appointments of Ruth Wichlacz, Brigid Bailly, Kathy Zucchi, and Derek Muench to the Wisconsin Works Steering Committee for three year terms expiring December 31, 2012. Supervisor Markwardt moved, seconded by Supervisor Gauger, to approve the appointments. Upon vote, the appointments were confirmed.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging & Disability Resource Center Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Tittl moved, seconded by Supervisor Muench, to adopt Resolution 2 (2009/2010-90) Adopting Health Department Fee Schedule (07/01/2010-06/30/2011). Upon vote, the motion carried unanimously.

No. 2009/2010 - 90

**RESOLUTION ADOPTING HEALTH DEPARTMENT FEE SCHEDULE
(07/01/2010 - 06/30/2011)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code requires that all fees for licenses (other than
2 animal licenses) and permits issued by the Health Department must be set by County Board
3 resolution; and
4

5 WHEREAS, the Board of Health believes that the Health Department Fee Schedule should
6 be revised and has provided a copy of the proposed Health Department Fee Schedule (07/01/2010 -
7 06/30/2011) to the County Board;
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
10 approves the proposed Health Department Fee Schedule (07/01/2010 - 06/30/2011), a copy of which
11 is to be included in Manitowoc County Code Chapter 7, Appendix A.

Dated this 17th day of November 2009.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Brey discussed county electronic mail and encouraged supervisors to use it.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Hansen to adopt Resolution 3 (2009/2010-91) Denying Claim (MRE of Manitowoc, LLC). Upon vote, the motion carried unanimously.

No. 2009/20010 - 91

**RESOLUTION DENYING CLAIM
(MRE of Manitowoc, LLC)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, MRE of Manitowoc, LLC, located at 2330 Menasha Avenue in Manitowoc,
2 Wisconsin, has filed a claim against Manitowoc County for damage allegedly caused to a storm
3 water sewer line coming from its property to the City of Manitowoc's storm sewer system during
4 the reconstruction of Menasha Avenue in 1999; and

5
6 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to its
7 insurance carrier; and

8
9 WHEREAS, the county's insurance carrier has reviewed the claim and relevant records and
10 recommends that the claim be denied; and

11
12 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the claim
13 and recommend that the claim be denied;

14
15 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
16 that the claim is denied and that the Corporation Counsel and County Clerk are directed to provide
17 such notice of the denial of the claim as may be required.

Dated this 17th day of November 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Markwardt, to adopt Resolution 4 Adopting 2010 Budget and Property Tax Levy. Discussion followed.

Amendment #1: Supervisor Muench moved, seconded by Supervisor Henrickson, to amend Resolution 4 to reduce the property tax levy and property insurance expense contained in the budget by \$51,000 and direct the Comptroller to make the necessary changes in the budget documents to carry out this motion. Upon discussion and vote, the motion carried with 21 ayes and 3 noes. Supervisors Dufek, Rappe, and Schneider voted no; all other supervisors vote aye.

Amendment #2: Supervisor Behnke moved, seconded by Supervisor Gauger, to amend the Finance Committee's recommended budget by increasing the tax levy \$600,000 for the Debt Service fund and removing the \$600,000 general fund transfer to the Debt Service fund. Upon discussion and vote, the motion carried with 15 ayes, and 9 noes. Supervisors Brey, Gerroll, Hansen, Korinek, Maresh, Muench, Panosh, Schmidt, and Tittl voted no; all other supervisors voted aye.

Amendment #3: Supervisor Schneider moved, seconded by Supervisor Rappe, to amend the Finance Committee's recommended budget by increasing the general fund tax levy by \$65,632.00 and increasing the authorized expenditures of the Planning & Zoning Department by the same amount Corporation (EDC program for 2010). Upon discussion and vote, the motion failed with 21 noes and 3 ayes. Supervisors Maresh, Rappe, and Schneider voted aye; all other supervisors voted no.

Supervisors then voted to adopt Resolution 4 (2009/2010-92) Adopting 2010 Budget and Property Tax Levy as amended. Upon vote, the motion carried with 19 ayes and 5 noes. Supervisors Hansen, Korinek, Maresh, Tittl, and Wagner voted no; all other supervisors vote aye.

No. 2009/2010 - 92

ENGROSSED COPY

RESOLUTION ADOPTING 2010 BUDGET AND PROPERTY TAX LEVY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a detailed copy of the County Executive's Proposed 2010 Annual Budget has
2 been made available to each county supervisor and to the general public; and
3

4 WHEREAS, the proposed budget was presented and explained to the County Board at its
5 meeting on October 15, 2009; and
6

7 WHEREAS, formal publication of a budget summary and announcement of a public hearing
8 was made in the Manitowoc Herald Times Reporter in accordance with Wis. Stat. § 65.90 and Wis.
9 Stat. Ch. 985; and
10

11 WHEREAS, a public hearing on the proposed budget was held and the proposed budget was
12 reviewed by the County Board at its Annual Meeting on October 26, 2009; and
13

14 WHEREAS, the Finance Committee reviewed the proposed budget at its November 9, 2009
15 meeting, made certain adjustments, and has recommended a 2010 Annual Budget for Manitowoc
16 County operations;

17
18 NOW, THEREFORE BE IT RESOLVED that the Manitowoc County Board of Supervisors
19 hereby adopts a Governmental Funds Budget and a service delivery Proprietary Funds Budget for
20 the calendar year beginning January 1, 2010 as indicated in the attached 2010 Annual Budget for
21 Manitowoc County and any attachments or addenda thereto; and

22
23 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
24 authorizes that the following sums of money be raised for the ensuing year:

26 State Special Charges – Charitable & Penal	\$ 945.27
27 County Aid Bridges (Wis. Stat. § 82.08)	206,157.20
28 Illegal Real Estate Taxes Charged Back (Prior Year)	268.97
29 <u>All Other County Taxes</u>	<u>28,256,762.04</u> \$28,805,592.04
30 Gross County Tax Levy	\$28,464,133.48; \$29,012,963.48

31
32 and

33
34 BE IT FURTHER RESOLVED that the County shall apportion the tax for Bridges under Wis.
35 Stat. § 82.08 on the taxable property of the participating districts; and

36
37 BE IT FURTHER RESOLVED that the County shall enter the amount of \$938,729.60 in the
38 Tax Apportionment, State Taxes for Forestry Mill Tax; and

39
40 BE IT FURTHER RESOLVED that the County shall enter the following amounts in the Tax
41 Apportionment, State Special Charges for Charitable and Penal Purposes:

43 County Mental Hospitals Winnebago Co. Proceeding	\$90.00
44 <u>State Institutions, Dane County Proceeding</u>	<u>\$855.27</u>
45 Total State Special Charge	\$945.27;

46
47 and

48
49 BE IT FURTHER RESOLVED the County Officials are hereby directed to reapportion the
50 illegal real estate taxes charged back in the amount of \$268.97; and

51
52 BE IT FURTHER RESOLVED that the budget in detail is made a part of the Tax Levy; and

53
54 BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make any
55 technical corrections to the budget that are necessary.

Dated this 17th day of November 2009.

Respectfully submitted by the Finance Committee.

Supervisor Muench gave a brief report.

Highway Committee: Supervisor Bundy gave a brief report.

Human Services Board: Supervisor Rappe gave a brief report.

Lakeland Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Schneider gave a brief report.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Bauknecht, to enact Ordinance 5 (2009/2010-93) Amending Zoning Map (John A. Hager). Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Henrickson voted no; all other supervisors vote aye.

No. 2009/2010 - 93

**ORDINANCE AMENDING ZONING MAP
(John A. Hager)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on October 26, 2009; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows:
10

11 A parcel of land located in the NE¼, NW¼, Section 3, T21N-R22E, Town of
12 Cooperstown, commencing at the NW Corner of said Section 3; thence easterly along
13 the centerline of Cooperstown Road approximately 1,320 feet; thence southerly
14 approximately 33 feet to the south r/w of Cooperstown Road which is the point of real
15 beginning; thence continue southerly approximately 177 feet; thence easterly
16 approximately 212 feet; thence northerly approximately 177 feet; thence westerly
17 approximately 210 feet to the point of real beginning; said parcel containing
18 approximately 1.0 acre of land, shall be and is hereby rezoned A3 Agriculture to the A1
19 Agriculture.

Dated this 17th day of November 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Muench, to enact Ordinance 6 (2009/2010-94) Amending Zoning Map (Peter Koeppel and Pattie Spaude). Upon vote, the motion carried with 23 ayes and 2 noes. Supervisors Rappe and Schneider voted no; all other supervisors voted aye.

No. 2009/2010 - 94

**ORDINANCE AMENDING ZONING MAP
(Peter Koeppel and Pattie Spaude)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on October 26, 2009 ; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows with respect to three parcels of land located in the SE¼, SW¼, Section 21, T20N-
10 R23E, Town of Kossuth:
11

12 Parcel No. 1, commencing at the S ¼ Corner of said Section 21 thence westerly along
13 the centerline of Reifs Mills Road approximately 1,113 feet; thence northerly
14 approximately 33 feet to the north r/w of Reifs Mills Road which is the point of real
15 beginning; thence continue northerly approximately 869 feet; thence westerly
16 approximately 208 feet; thence southerly approximately 869 feet; thence easterly along
17 the north r/w of Reifs Mills Road approximately 208 feet to the point of real beginning;
18 said parcel containing approximately 4.15 acres of land, shall be and is hereby rezoned
19 from PA Principal Agriculture to SE Small Estate;
20

21 Parcel No. 2, commencing at the S ¼ Corner of said Section 21 thence westerly along
22 the centerline of Reifs Mills Road approximately 415 feet; thence northerly
23 approximately 33 feet to the north r/w of Reifs Mills Road which is the point of real
24 beginning; thence continue northerly approximately 869 feet; thence westerly
25 approximately 698 feet; thence southerly approximately 869 feet; thence easterly along
26 the north r/w of Reifs Mills Road approximately 698 feet to the point of real beginning;
27 said parcel containing approximately 9.0 acres of land, shall be and is hereby rezoned
28 from PA Principal Agriculture to ES Estate; and
29

30 Parcel No. 3, commencing at the S¼ Corner of said Section 21 thence westerly along
31 the centerline of Reifs Mills Road approximately 315 feet; thence northerly

32 approximately 33 feet to the north r/w of Reifs Mills Road which is the point of real
33 beginning; thence continue northerly approximately 1150 feet; thence westerly
34 approximately 1015 feet; thence southerly approximately 281 feet; thence easterly
35 approximately 906 feet; thence southerly approximately 869 feet; thence easterly along
36 the north r/w of Reifs Mills Road approximately 100 feet to the point of real beginning;
37 said parcel containing approximately 16.0 acres of land, shall be and is hereby rezoned
38 from PA Principal Agriculture to GA General Agriculture.

Dated this 17th day of November 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Muench, to enact Ordinance 7 (2009/2010-95) Amending Zoning Map (Randy Pelishek). Upon discussion and vote, the motion carried with 20 ayes and 4 noes. Supervisors Gauger, Henrickson, Maresh, and Rappe voted no; all other supervisors voted aye.

No. 2009/2010 - 95

**ORDINANCE AMENDING ZONING MAP
(Randy Pelishek)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on October 26, 2009 ; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows:
10

11 A parcel of land located in the SE¼, NE¼, Section 25, T21N-R22E, Town of
12 Cooperstown, commencing at the E ¼ Corner of said Section 25; thence westerly along
13 the centerline of Pautz Road approximately 486.0 feet; thence northerly approximately
14 45.0 feet to the north r/w of Pautz Road which is point of real beginning; thence
15 westerly along the north r/w of Pautz Road approximately 163.0 feet; thence
16 northwesterly approximately 90.0 feet; thence northeasterly approximately 35.0 feet;
17 thence northwesterly approximately 153.0 feet; thence northeasterly approximately
18 170.0 feet to the west r/w of CTH R; thence southerly along the west r/w of CTH R

19 approximately 223.0 feet; thence southwesterly along the north r/w of Pautz road
20 approximately 63.0 feet to the point of real beginning; said parcel containing
21 approximately 1.0 acre of land, shall be and is hereby rezoned from A3 Agriculture to
22 A1 Agriculture.

Dated this 17th day of November 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Schneider, to adopt Resolution 8 (2009/2010-96) Accepting Homeland Security Grant. Upon vote, the motion carried unanimously.

No. 2009/2010 - 96

RESOLUTION ACCEPTING HOMELAND SECURITY GRANT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Homeland Security grant funds are being made available through the
2 Wisconsin Office of Justice Assistance to provide for mutual aid radio replacement; and
3

4 WHEREAS, the grant will provide \$306,841.38 that Manitowoc County will pass through to
5 participating law enforcement agencies, fire departments, emergency medical services providers, first
6 responders, public works departments, and other municipalities for radio equipment to assure that
7 they have the ability to access shared mutual aid frequencies during an emergency or crises; and
8

9 WHEREAS, the participating law enforcement agencies, fire departments, emergency medical
10 services providers, first responders, public works departments, and other municipalities will provide
11 a local match of \$158,934.76; and
12

13 WHEREAS, this grant will enhance the ability to effectively provide services in the event of
14 an emergency;
15

16 NOW, THEREFORE, BE IT RESOLVED the Manitowoc County Board of Supervisors
17 authorizes the Manitowoc County Emergency Management Department to apply for and accept a
18 \$306,841.38 homeland security grant for mutual aid radio replacement; and
19

20 BE IT FURTHER RESOLVED that the 2009 budget is amended by the amount of the grant
21 funds received and that the Comptroller/Auditor is directed to record such information in the official
22 books of the County for the year ending December 31, 2009 as may be required.

Dated this 17th day of November 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases 2009 revenues (25450.43520.28) and associated expenses (25450.581223) by up to \$306,841.38.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Bauknecht, to adopt Resolution 9 (2009/2010-97) Authorizing Memorandum Understanding (AlertNow Rapid communication Service). Upon vote, the motion carried with 23 ayes and 1 abstention. Supervisor Maresh abstained; all other supervisors voted aye.

No. 2009/2010 - 97

**RESOLUTION AUTHORIZING MEMORANDUM UNDERSTANDING
(AlertNow Rapid Communication Service)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the AlertNow Rapid Communication Service is an emergency notification
2 system that can be used as a means to communicate warning and notification information; and
3

4 WHEREAS, the Mishicot and Two Rivers School Districts wish to purchase the AlertNow
5 service as a means to provide an emergency notification system to deliver messages to the parents
6 of school children should there be an incident at either the Point Beach Nuclear Plant or Kewaunee
7 Power Station; and
8

9 WHEREAS, the Office of Emergency Management has funds available in its nuclear revenue
10 account that are available to assist the school districts in purchasing the AlertNow service;
11

12 NOW, THEREFORE, BE IT RESOLVED the Manitowoc County Board of Supervisors
13 authorizes Manitowoc County Office of Emergency Management to enter into a Memorandum of
14 Understanding with the Mishicot School District and with the Two Rivers School District to assist
15 each in purchasing the AlertNow Rapid Communication Service.

Dated this 17th day of November 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Funds not-to-exceed \$7,132 are available in the nuclear revenue account and expenses are included in budget line 25100.53104.

APPROVED: Bob Ziegelbauer, County Executive.

Safety Net Accountability Panel: Supervisor Henrickson reported that they will meet in December.

Transportation Committee: Supervisor Mueller gave a brief report.

Miscellaneous: Chairperson Brey announced that the County Board will meet on November 30 if it became necessary to hold a County Board Session.

Supervisor Mueller moved to adjourn, seconded by Supervisor Bauknecht and the motion was adopted by acclamation. The meeting adjourned at 9:08 p.m.

Respectfully submitted,
Lois Kiel, Deputy County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

November 30, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 30th day of November, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 6:00 P.M.

Chairperson Brey gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner. Supervisor Korinek was excused.

On motion by Supervisor Henrickson, seconded by Supervisor Markwardt, the November 17, 2009 meeting minutes were approved by unanimous vote.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 6:04 p.m.

Don Goeke, City of Manitowoc wanted the County Board to approve putting \$400,000 back into the budget but didn't know if it was possible to do that.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 6:08 p.m.

COMMUNICATIONS



Office of the County Executive

Bob Ziegelbauer, County Executive

Manitowoc County Courthouse • 1010 S. 8th Street • Manitowoc WI 54220

Office: 920.683.5107 • Cell: 920.323.7497

bobziegelbauer@co.manitowoc.wi.us • www.bobziegelbauer.com

Accountability • Respect • Customer Service

November 23, 2009

RE: Partial Veto of 2010 budget action

Honorable Members of the Manitowoc County Board of Supervisors:

As we work to finalize the Manitowoc County budget for next year we cannot ignore the economic reality that everyone in our community faces. To raise property taxes would be a gross insult to virtually every person who is personally struggling with the impact of this recession, and a complete slap in the face to the several thousand people right here in our immediate area who have lost their jobs. Now more than ever we simply must do all we can to fulfill our responsibility to the taxpayers to not add even more demands for their money. We are not here to increase their burden, but to work tirelessly to minimize it and be particularly sensitive to how difficult it is right now for so many to make ends meet. This partial veto is submitted to you in view of our duty.

I am signing and partially vetoing the budget you passed, and returning it to you with a reduced tax levy by \$800,360.21, the amount of reduction necessary so that the typical taxpayer will see no increase in the tax burden attributable to the cost of Manitowoc County government.

The impact of this is that the general fund balance will be drawn down by a similar amount slightly more than what was included in my original budget proposal to you. This moderate use of these reserves for our budget is appropriate and a conservative use of these funds, and I might add, exactly the type of situation this fund is designed for - extremely tough times.

Early in 2009 we recognized that we were entering an economic calamity the likes of which most of us had not witnessed in our lifetimes. We began early to draw attention to the need to adjust the cost of our operations in recognition of our primary responsibility to the people of our community, that we would not simply push an additional and crushing tax burden onto their shoulders just to protect the status quo and County government from the pain of the current economy.

It was clear early this year that the current economic conditions would have direct impact on County operations. Revenues are dramatically down in a number of diverse areas ranging from interest earned, prisoner board, and transportation revenues, to areas associated with our relationship with state government. At the same time while inflation is virtually zero or negative, many of our operating expenses continue to grow, especially the personnel costs of salaries and fringe benefits at a pace far

outpacing our friends and neighbors in the private sector.

To hold the line for taxpayers we took early preemptive action, and made very difficult decisions to pare back our expenditures to the level of available revenues. In doing that we have generated savings in some areas to help fund others. Those efforts continue. The impact is that there are sufficient resources available in the general fund to help with our budget in order to spare taxpayers from an increased burden.

Raising taxes now would be the worst thing we could do. Frankly it is unthinkable and would be insulting to those who elected us and trust us. We should always keep in mind that every dollar raised in taxes that is not needed is a dollar irresponsibly taken away that could have been better used by the taxpayer who originally earned it. It should stay with him or her not us, and most certainly not build unnecessary reserves, while many families are barely staying above water, if at all.

As a result of my veto, the projected tax increase for the typical county taxpayer will be ZERO, demonstrating our desire to fulfill our responsibility to them at this financially dangerous time. The taxpayers have a right to expect that we "get it" and are doing our best to continue to provide high quality services in a responsible way, while equally importantly, understanding what they are going through.

I ask you to support this important extra effort as we all strive to do our best for the people of Manitowoc County in this time of acute economic turmoil.

I am signing and partially vetoing Resolution No. 2009/2010-92, the 2010 Manitowoc County Budget, as follows and placing it on file with the County Clerk. This action is taken pursuant to the authority granted me by the Wisconsin Constitution, art. IV, sec. 23(a) and Wis. Stat. §§ 59.17(5) and (6).

The new tax levy will be \$28,212,603.27. The new property tax rate will be \$5.3687940 per thousand of equalized value. For the 2010 budget the tax levy is up \$471,597.10 or 1.7%, the same percentage increase as the increase in new construction or new growth in the County. Compared to 2009 the tax rate would decrease \$0.0988560 per \$1000 of equalized valuation or decrease 1.81%.

As always, call on me anytime I can be of assistance.
Sincerely,



Bob Ziegelbauer
Manitowoc County Executive

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Chairperson Jim Brey: Supervisor Behnke moved, seconded by Supervisor Rappe to override the County Executive's partial veto of Resolution 2009/2010 – 92 Adopting 2010 Budget and Property Tax Levy as Amended. Upon discussion and vote, the motion failed with 6 ayes and 18 noes. Supervisors Behnke, Dufek, Janowski, Mueller, Rappe, and Schneider voted aye; all other supervisors voted no.

No. 2009/2010 - 92

ENGROSSED COPY

RESOLUTION ADOPTING 2010 BUDGET AND PROPERTY TAX LEVY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a detailed copy of the County Executive's Proposed 2010 Annual Budget has
2 been made available to each county supervisor and to the general public; and
3

4 WHEREAS, the proposed budget was presented and explained to the County Board at its
5 meeting on October 15, 2009; and
6

7 WHEREAS, formal publication of a budget summary and announcement of a public hearing
8 was made in the Manitowoc Herald Times Reporter in accordance with Wis. Stat. § 65.90 and Wis.
9 Stat. Ch. 985; and
10

11 WHEREAS, a public hearing on the proposed budget was held and the proposed budget was
12 reviewed by the County Board at its Annual Meeting on October 26, 2009; and
13

14 WHEREAS, the Finance Committee reviewed the proposed budget at its November 9, 2009
15 meeting, made certain adjustments, and has recommended a 2010 Annual Budget for Manitowoc
16 County operations;
17

18 NOW, THEREFORE BE IT RESOLVED that the Manitowoc County Board of Supervisors
19 hereby adopts a Governmental Funds Budget and a service delivery Proprietary Funds Budget for
20 the calendar year beginning January 1, 2010 as indicated in the attached 2010 Annual Budget for
21 Manitowoc County and any attachments or addenda thereto; and
22

23 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
24 authorizes that the following sums of money be raised for the ensuing year:
25

26	State Special Charges – Charitable & Penal	\$	945.27	
27	County Aid Bridges (Wis. Stat. § 82.08)		206,157.20	
28	Illegal Real Estate Taxes Charged Back (Prior Year)		268.97	
29	<u>All Other County Taxes</u>	<u>\$28,005,031.83</u>	<u>28,256,762.04</u>	<u>\$28,805,592.04</u>
30	Gross County Tax Levy	<u>\$28,212,603.27</u>	<u>\$28,464,133.48</u>	<u>\$29,012,963.48</u>

31
32 and

33
34 BE IT FURTHER RESOLVED that the County shall apportion the tax for Bridges under Wis.
35 Stat. § 82.08 on the taxable property of the participating districts; and

36
37 BE IT FURTHER RESOLVED that the County shall enter the amount of \$938,729.60 in the
38 Tax Apportionment, State Taxes for Forestry Mill Tax; and

39
40 BE IT FURTHER RESOLVED that the County shall enter the following amounts in the Tax
41 Apportionment, State Special Charges for Charitable and Penal Purposes:

42		
43	County Mental Hospitals Winnebago Co. Proceeding	\$90.00
44	<u>State Institutions, Dane County Proceeding</u>	<u>\$855.27</u>
45	Total State Special Charge	\$945.27;
46		

47 and

48
49 BE IT FURTHER RESOLVED the County Officials are hereby directed to reapportion the
50 illegal real estate taxes charged back in the amount of \$268.97; and

51
52 BE IT FURTHER RESOLVED that the budget in detail is made a part of the Tax Levy; and

53
54 BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make any
55 technical corrections to the budget that are necessary.

Dated this 17th day of November 2009.

Respectfully submitted by the Finance Committee.

FISCAL NOTE: Requires a composite tax levy and rate, based upon the budget book as
printed, as follows:

Tax Levy of	\$28,464,133.48	\$29,012,963.48	\$28,212,603.27
Composite Tax Rate of	\$5.416659		per \$1,000 of equalized value.
	\$5.5211000	\$5.3687940	

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Janowski moved to adjourn, seconded by Supervisor Maresh and the motion was
adopted by acclamation. The meeting adjourned at 6:45 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

December 15, 2009

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 15th day of December, 2009, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:03 P.M.

Supervisor Bundy gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner.

On motion by Supervisor Henrickson, seconded by Supervisor Schneider the November 30, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Bauknecht moved, seconded by Supervisor Gauger to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:06 p.m.

Dale McNamee, 2010 Census Regional Partnership Specialist for a twelve county area, addressed the Board regarding his role to assist municipalities to develop a plan of awareness of the 2010 census. He stated that they are looking to recruit employees for the census. The 2010 census form will be a ten question form that will be available in fourteen different languages. He answered supervisors' questions.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed 7:19 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointments of Darlene Waterstreet, Robert C. Vollendorf, and Katherine Ristow to the Manitowoc-Calumet Library System Board of Trustees for three year terms expiring January 2013. Supervisor Vogt moved, seconded by Supervisor Konen to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey recommended the appointments of Michelle Hoffman, Dave Pawlowski, and D. Tyler Fellows to the Ice Center Board for two year terms expiring December 31, 2011. Supervisor Schmidt moved, seconded by Supervisor Gauger to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Steven M. Czekala to the Veterans Service Commission for a three year term expiring December 2012. Supervisor Muench moved, seconded by Supervisor Bauknecht to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Brey recommended the appointment of Supervisor Paul Tittl to the Community Action Program to complete a vacancy expiring April 2010. Supervisor Korinek moved, seconded by Supervisor Maresh to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging & Disability Resource Center Board: Supervisor Wagner gave a brief report.

Supervisor Wagner moved, seconded by Supervisor Rappe to adopt Resolution 1 (2009/2010-98) Authorizing Specialized Transportation Assistance Program Grant Application. Upon vote, the motion carried unanimously.

No. 2009/2010 - 98

**RESOLUTION AUTHORIZING SPECIALIZED TRANSPORTATION
ASSISTANCE PROGRAM GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 85.21 authorizes the Wisconsin Department of Transportation to
2 grant financial aid to counties for the purpose of providing specialized transportation services to
3 persons who are elderly or disabled; and
4

5 WHEREAS, a specialized transportation assistance grant must be matched with a local share
6 equal to at least 20% of the amount of state aid for which the county applies; and
7

8 WHEREAS, the Aging and Disability Resource Center Governing Board recommends that
9 Manitowoc County apply for grant funding that will require a local share of \$43,781; and
10

11 WHEREAS, the Manitowoc County Board of Supervisors finds that provision of specialized
12 transportation services would improve and promote the maintenance of human dignity and
13 self-sufficiency of elderly and disabled persons;

14
15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 authorizes the Aging and Disability Resource Center Director to prepare and submit an application
17 for financial assistance under Wis. Stat. § 85.21 to the Wisconsin Department of Transportation for
18 2010, provided that the local share required for such assistance does not exceed \$43,781; and
19

20 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes
21 the Aging and Disability Resource Center Director to execute a Wisconsin Department of
22 Transportation state aid contract under Wis. Stat § 85.21 on behalf of Manitowoc County, provided
23 that the local share required by the contract does not exceed \$43,781.

Dated this 15th day of December 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Tax levy of \$43,781 is included in the 2010 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Janowski to adopt Resolution 2 (2009/2010-99)
Amending 2009 Budget (Aging and disability Resource Center). Upon vote, the motion carried
unanimously.

No. 2009/2010 - 99

**RESOLUTION AMENDING 2009 BUDGET
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. has allocated funds
2 to the Aging and Disability Resource Center to provide services under the Medicare Improvements
3 for Patients & Providers Act (MIPPA) using transitional grants approved by the Centers for
4 Medicare and Medicaid Services; and
5

6 WHEREAS, the Aging and Disability Resource Center Board has reviewed the impact of
7 these changes and recommends approval of the following modifications to the 2009 Budget:
8

9	Revenue or	Account		
10	Expense	Number	Description	Amount
11				
12	Revenue	46480.43566.28	MIPPA	\$6,000
13	Expenses	46480.51000	Benefit Specialist	\$6,000;

14
15 NOW, THEREFORE, BE IT RESOLVED that the 2009 Budget is amended by the amounts
16 stated above and that the Comptroller/Auditor is directed to record such information in the official
17 books of the County for the year ending December 31, 2009 as may be required.

Dated this 15th day of December 2009.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by equal amounts.

APPROVED: Bob Ziegelbauer, County Executive.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Tittl to adopt Resolution 3 (2009/2010-100) Encouraging Participation in the 2010 Census. Upon vote, the motion carried unanimously.

No. 2009/2010 - 100

RESOLUTION ENCOURAGING PARTICIPATION IN THE 2010 CENSUS

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the United States Constitution requires a census of the nation's population every
2 ten years; and
3

4 WHEREAS, census information is used to determine the number of members a state has in
5 the United States House of Representatives and to determine district borders for the state legislature
6 and local government bodies; and
7

8 WHEREAS, an accurate and complete census is important to our community when making
9 determinations about federal and state aids and grants, economic development, housing assistance,
10 transportation improvements, and other programs; and
11

12 WHEREAS, every resident in our community counts and deserves to be counted;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
15 recognizes the importance of the 2010 Census and encourages all residents of Manitowoc County
16 to make sure that everyone in our community is counted.

Dated this 15th day of December 2009.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Bundy gave a brief report.

Human Services Board: Supervisor Rappe gave a brief report.

Lakeland Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Korinek gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Muench to enact Ordinance 4 (2009/2010-101) Adopting Comprehensive Plan (Smart Growth). Planning and Zoning Director Tim Ryan gave a brief overview of the Smart Growth Plan and answered supervisors' questions. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 101

**ORDINANCE ADOPTING COMPREHENSIVE PLAN
(Smart Growth)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County approved a contract on June 21, 2007 for a project under
2 which the Bay-Lake Regional Planning Commission would prepare a multi-jurisdictional
3 Comprehensive Plan for Manitowoc County pursuant to Wis. Stat. § 66.1001; and
4

5 WHEREAS, the project included public participation at every stage in the preparation of the
6 Comprehensive Plan, provided for wide distribution of the proposed elements of the Comprehensive
7 Plan, provided an opportunity for written comments from the public, and provided for the county to
8 respond to those comments; and
9

10 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
11 public hearing seeking public comment on the proposed MANITOWOC COUNTY 20-YEAR
12 COMPREHENSIVE PLAN, consisting of Volume I: County Plan and Volume II: Manitowoc County
13 Resources, on December 7, 2009; and
14

15 WHEREAS, the Planning and Park Commission has provided the County Board with a copy
16 of the Comprehensive Plan and recommends that the County Board adopt the Comprehensive Plan;

17 and

18
19 WHEREAS, the County Board has carefully reviewed the recommendation of the Planning
20 and Park Commission and has determined that all procedural requirements and notice have been
21 satisfied; and

22
23 WHEREAS, the County Board has given due consideration to the following plan elements that
24 are required by statute: issues and opportunities; housing; transportation; utilities and community
25 facilities; agricultural, natural, and cultural resources; economic development; intergovernmental
26 cooperation; land use; and implementation; and

27
28 WHEREAS, the County Board has determined that the Comprehensive Plan will provide
29 guidance for the coordinated and harmonious development of Manitowoc County; will best promote
30 the public health, safety, morals, order, prosperity, and general welfare; and will provide for
31 economy and efficiency in the development process;

32
33 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
34 as follows:

35
36 Manitowoc County Code Chapter 29, Comprehensive Plan, is adopted to read as follows:

37
38 29.01. Authority. This ordinance is adopted pursuant to Wis. Stat. § 66.1001.

39
40 29.02. Comprehensive Plan Adopted. The Manitowoc County 20-Year Comprehensive Plan
41 dated December 7, 2009 is hereby adopted and may be referred to as the Comprehensive Plan.

42
43 29.03. Delivery. The County Clerk shall send a copy of the Comprehensive Plan to each of
44 the following:

45
46 (1) Every governmental body that is located in whole or in part within the boundaries
47 of Manitowoc County;

48
49 (2) The clerk of every local governmental unit that is adjacent to Manitowoc County;

50
51 (3) The Wisconsin Land Council;

52
53 (4) The Wisconsin Department of Administration;

54
55 (5) The Bay-Lake Regional Planning Commission; and

56
57 (6) Each public library that serves Manitowoc County.

58
59 29.04. Severability. The provisions of this ordinance and the Comprehensive Plan are

60 severable. If any part of this ordinance or the Comprehensive Plan is found to be invalid, unlawful,
61 or unenforceable, that finding will not affect the validity, lawfulness, or enforceability of the
62 remainder of this ordinance or the Comprehensive Plan, and the remainder of this ordinance and the
63 Comprehensive Plan shall remain in full force and effect.

64
65 29.05 Relation to Other Ordinances. If a provision of any other ordinance is in conflict with
66 a provision of this ordinance or the Comprehensive Plan, the provisions of this ordinance and the
67 Comprehensive Plan are controlling.

68
69 This ordinance is effective December 31, 2009.

Dated this 15th day of December 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Heyroth to adopt Resolution 3a (2009/2010-102)
Adopting Report Denying Zoning Amendment Petition (River Central, LLP - Kossuth). Upon
discussion and vote, the motion carried unanimously.

No. 2009/2010 - 102

**RESOLUTION ADOPTING REPORT
DENYING ZONING AMENDMENT PETITION
(River Central, LLP - Kossuth)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a petition was submitted by River Central, LLP on August 8, 2009 to rezone an
2 approximately 1.0 acre parcel of land located in the SW¼, NW¼, Section 5, T19N-R23E, Town of
3 Kossuth from NA, Natural Area, to SE, Small Estate; and

4
5 WHEREAS, the petition was referred to the Planning and Park Commission for a
6 recommendation and report; and

7
8 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
9 public hearing on August 24 and December 7, 2009; and

10
11 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
12 an examination of the facts, has recommended the petition be denied for the reasons stated in the

13 attached report;
14

15 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the county
16 of Manitowoc adopts the report of the Planning and Park Commission denying the attached petition
17 for amendment submitted by River Central, LLP.

Dated this 15th day of December 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Bauknecht to enact Ordinance 4a (2009/2010-103) Amending Zoning Map (River Central, LLP - Manitowoc Rapids). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Rappe voted no; all other supervisors voted aye.

No. 2009/2010 - 103

**ORDINANCE AMENDING ZONING MAP
(River Central, LLP - Manitowoc Rapids)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24 and December 7, 2009;
3 and
4

5 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
6 an examination of the facts, recommends that the petition be approved for the reasons stated in the
7 attached report;
8

9 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
10 ordain as follows:
11

12 A parcel of land located in the NW¼, NW¼, Section 5, T19N-R23E, Town of
13 Manitowoc Rapids, commencing at the NW corner of said Section 5; thence easterly
14 approximately 33.00 feet to the east r/w of Danmar Road which is the point of real
15 beginning; thence southerly along the east r/w of Danmar Road approximately 300.00
16 feet; thence westerly approximately 510.02 feet; thence northerly approximately 140.56
17 feet; thence northwesterly approximately 338.83 feet; thence westerly approximately
18 170.00 feet to the point of real beginning, said parcel containing approximately 2.99

19 acres of land, shall be and is hereby rezoned from A3 Agriculture to SE Small Estate
20 District;

Dated this 15th day of December 2009.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Heyroth to enact Ordinance 5 (2009/2010-104) Amending Manitowoc County Code § 4.13 (Civil Process Fees). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Behnke voted no; all other supervisors voted aye.

No. 2009/2010 - 104

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 4.13
(Civil Process Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 814.705 authorizes the County Board to establish civil process fees
2 for service of papers by the Sheriff's Department; and
3

4 WHEREAS, the costs incurred by the Sheriff's Department to effect the service of civil
5 process have increased and the Public Safety Committee recommends that the civil process fee be
6 increased to more closely reflect the actual cost of providing these services;
7

8 WHEREAS, a review of similar charges in other counties indicates that the proposed increases
9 proposed are reasonable;
10

11 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
12 as follows:
13

14 Manitowoc County Code sec. 4.13(3) is created to read as follows:
15

16 (3) Sheriff's Department Fees.
17

18 Manitowoc County Code sec. 4.13(3p) is amended to read as follows:
19

20 (3p) Process Service Fee. The Sheriff is authorized to charge a process service fee of \$40 for

21 each person served, plus \$30 for each attempted service. In the event that a process server is able
22 to serve more than one person at the same address on the same date and at the same time, the fee for
23 the second and each additional service will be \$40.

24
25 Manitowoc County Code sec. 4.13(3q) is renumbered as sec. 4.13(3s) and a new sec. 4.13(3q)
26 is created to read as follows:

27
28 (3q) Writs and Standby Time. The Sheriff is authorized to charge a fee of \$75 for a writ of
29 assistance, writ of replevin, or writ of restitution. The fee covers all parties served at a single address
30 and includes 1 hour of deputy standby time. Additional standby time may be charged at a rate of \$40
31 per hour.

32
33 This ordinance is effective January 1, 2010.

Dated this 15th day of December 2009.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Janowski to enact Ordinance 6 Creating Manitowoc County Code Sec. 4.13 (9)(am) (Death Certificate Fee). Discussion followed.

Supervisor Heyroth moved to postpone Ordinance 6 Creating Manitowoc County Code Sec. 4.13 (9)(am)(Death Certificate Fee) until the next County Board meeting. Upon discussion and vote, the motion failed with 5 ayes and 20 noes. Supervisors Diedrich, Gerroll, Henrickson, Heyroth, and Schneider voted aye; all other supervisors voted no.

Upon discussion and vote on the main motion, the motion failed with 5 ayes and 20 noes. Supervisors Diedrich, Hansen, Henrickson, Heyroth, and Panosh voted aye; all other supervisors voted no.

Supervisor Henrickson gave a brief report.

Safety Net Accountability Panel: Supervisor Henrickson gave a brief report.

Public Works Committee: Supervisor Behnke gave a brief report.

Miscellaneous: Supervisor Rappe moved, seconded by Supervisor Muench to adopt Resolution 7 (2009/2010-105) Amending 2009 Human Services Budget. Upon discussion and vote, the motion carried unanimously.

RESOLUTION AMENDING 2009 HUMAN SERVICES BUDGET

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the County board adopts an operating budget each November for the following year; and

WHEREAS, the Human Services Department receives funding from a variety of sources, including the State of Wisconsin, and this funding is subject to change during the course of the calendar year; and

WHEREAS, Human Services Department revenues and expenditures have changed as shown below and the Finance Committee recommends that the County Board amend the Human Services Department budget to reflect the following changes:

Account Number	Account Name	Debit	Credit	New Balance
45059.51997	Allocated Admin.		140,056	970,465
45062.51998	Allocated Case Mngment		138,601	1,135,260
43575.51997	CIP 1B FF Alloc. Admin.	30,033		172,439
43870.51997	CIP 1B CA Alloc. Admin.	36,824		132,920
43870.51998	CIP 1B CA Alloc. CM	35,613		138,156
45071.51998	COP Alloc. CM	45,863		78,786
45073.51997	CIP II Alloc. Admin.	22,724		162,573
43479.51997	CLTS MH CA Alloc. Adm.	16,506		20,530
43479.51998	CLTS MH CA Alloc. CM	22,889		61,176
45173.51997	COP W Alloc. Admin.	4,537		79,080
45173.51998	COP Allocated CM	6,338		101,445
45273.51997	CRI Alloc. Admin.	19,175		47,040
45373.51997	CRI Div. Alloc. Admin.	15,145		33,595
45373.51998	CRI Div. Alloc. CM	23,010		37,949
43060.46621	MH Inpatient Revenue		30,000	95,000
43060.52302	Winn/Mendota		200,000	273,368
43060.52301	MH Inpatient	115,000		513,250
43069.52305	CMI CBRF	115,000		1,302,430
45062.43560.63	Kinship Care Revenue		25,082	195,332
45062.55022	KC Base Benefits	25,082		182,258

38	45066.46642	ISP/Dynamic Fam. Sol.		70,000	70,000
39	45066.52313	Adolescent Therapy	70,000		216,602
40					
41	45067.46636	Foster Home Refunds		71,734	245,908
42	45067.46638	CC Instit. Refunds	71,734		32,170
43					
44	45067.46660	Other Counties Fees	33,964		30,078
45	45067.52392	Trtment-Other County		33,964	30,078
46					
47	45067.52318	Group Homes	22,975		22,975
48	45067.52329	Parent Aides		22,975	131,025
49					
50	43479.43560.85	CLTS MH CA		150,961	187,823
51	43479.52334	Services	149,761		168,959
52	43479.52347	Case Management	1,200		1,200
53					
54	43480.43560.85	CLTS MH State Match		15,016	15,016
55	43480.51997	Allocated Admin.	982		982
56	43480.52334	Services	9,028		9,028
57	43480.52347	Case Management	5,006		5,006
58					
59	43072.43560.66	Brain Injury Waiver	47,362		241,780
60	43072.48475	MA Cost Share		1,470	1,470
61	43072.51997	Allocated Admin.		5,907	19,522
62	43072.51998	Allocated CM		682	11,554
63	43072.52371	Services		38,992	221,232
64	43072.52347	Case Management		311	6,096
65					
66	43075.43560.66	Brain Injury Waiver	10,642		9,528
67	43075.51997	Allocated Admin.		1,681	1,447
68	43075.51998	Allocated CM		2,770	805
69	43075.52371	Services		5,014	22,691
70	43075.52347	Case Management		1,177	1,177
71					
72	43270.43560.38	CIP 1B Revenue	3,258,850		0
73	43575.43560.38	CIP 1B FF Revenue		2,084,876	2,084,876
74	43670.43560.38	CIP 1B COP Revenue		445,727	445,727
75	43870.43560.38	CIP 1B CA Revenue		1,291,348	1,291,348
76	43575.52334	CIP 1B FF Services	411,923		2,543,101
77	43870.52334	CIP 1B CA Services	151,178		1,520,971
78					
79	43486.43560.85	CLTS PD State Match		67,318	67,318
80	43486.51997	Allocated Admin.	4,404		4,404

81	43486.51998	Allocated CM	11,836	11,836
82	43486.52334	Services	48,043	48,043
83	43486.52347	Case Management	3,035	3,035
84				
85	43487.43560.85	CLTS DD Co. Match	17,360	17,360
86	43487.51997	Allocated Admin.	1,898	1,898
87	43487.51998	Allocated CM	10,003	10,003
88	43487.52334	Services	4,042	4,042
89	43487.52347	Case Management	1,417	1,417
90				
91	45073.43560.41	CIP II Revenue	277,241	2,677,932
92	45073.52334	Services	257,044	2,072,063
93	45073.52347	Case Management	20,197	245,440
94				
95	45273.43560.41	CRI Revenue	293,103	756,615
96	45273.52334	Services	254,757	585,072
97	45273.52347	Case Management	38,346	38,346
98				
99	45373.43560.41	CRI Diversion Rev.	193,907	494,712
100	45373.52334	Services	182,219	413,563
101	45373.52347	Case Management	11,688	46,531
102				
103	45473.43560.41	CIP II Match Revenue	19,534	0
104	45473.51997	Allocated Admin.	1,278	0
105	45473.51998	Allocated CM	2,603	0
106	45473.52105	Data Processing Internal	15,653	0
107				
108	44080.43560.56	MA Transportation Rev.	82,088	187,088
109	44080.55018	MA Transportation	82,088	187,088
110				
111	44083.43560.70	Badger Care Revenue	65,878	65,878
112	44083.51100	Salaries Non-Rep.	3,618	3,618
113	44083.51250	Overtime	41,506	41,506
114	44083.51551	FICA	3,452	3,452
115	44083.51552	WI Retirement	4,693	4,693
116	44083.51554	Health	11,885	11,885
117	44083.51555	Life	147	147
118	44083.51556	Dental	18	18
119	44083.51557	LTD	93	93
120	44083.51600	Workers Comp.	466	466
121				

122 NOW, THEREFORE, BE IT RESOLVED that the 2009 Human Services Department budget
 123 is amended by the amounts shown above and that the Comptroller/Auditor is directed to record such

124 information in the official books of the County for the year ending December 31, 2009 as may be
125 required.

Dated this 15th Day of December 2009.

Respectfully submitted by the Human Services Board and Finance Committee.

FISCAL IMPACT: Increases net budgeted revenues and expenses by \$1,741,023.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider moved to adjourn, seconded by Supervisor Markwardt and the motion was adopted by acclamation. The meeting adjourned at 8:07 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

January 19, 2010

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 19th day of January, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:00 P.M.

Chairperson Brey gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 23 members present; Bauknecht, Behnke, Brey, Bundy, Dufek, Gauger, Gerroll, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner. Supervisors Diedrich and Hansen were excused. Chairperson Brey read a statement from Supervisor Hansen.

On motion by Supervisor Gauger, seconded by Supervisor Behnke the December 15, 2009 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Henrickson moved, seconded by Supervisor Bauknecht to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

Mark Kuether, Town of Newton, addressed the Board regarding a documentary on the "Take Back the Lake" project that is being aired on Channel 20 this weekend. The film demonstrates that more action is necessary to improve the water quality in Manitowoc County and Lake Michigan. He asked the Board to give water quality issues more attention.

Dennis Hibray, City of DePere, Wisconsin Department of Health Services, gave an overview on the criteria that needs to be met for the different designation levels that can be attained by a Health Department. He presented a certificate of Level 3 Designation to Health Department Director Jim Blaha and the Board of Health Chairperson Paul Tittl. Jim Blaha thanked the Health Department and the Board of Health for the excellent work that they do.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 7:19 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey read Certificates of Appreciation for retiring employees Pamela Jebavy, John Kropp, William Zutz, Bari Bolle, Judy Robinson, and Beth Russ.

Aging & Disability Resource Center Board Director Judy Rank presented Chris Shaw with a Certificate of Appreciation. Judy expressed gratitude for the expertise that Chris brought to the department. Chris stated that it has been a privilege and an honor to work for Manitowoc County and he asked supervisors to remember senior citizens during budget time.

County Executive Bob Ziegelbauer gave an update on County Operations. He complimented the Soil and Water Department for the work they have done to protect groundwater and the Aging & Disability Resource Center and Health Department for their programs. He discussed a handout that gave an overview on the Highway Department staffing and he praised the department for the great job they did to clear the roads during the December 9 storm. He explained health insurance coverage and premium differences between the cities of Manitowoc, Two Rivers, and Manitowoc County and noted that Manitowoc County has the best health insurance coverage. The proposal for 2010 and 2011 wage and benefit concessions from bargaining units was discussed. He announced that the Wisconsin Federation of Nurses and Health Professionals Local 5068 bargaining unit agreed to take a three percent cut for 2010 and they will not contribute to the health insurance premium. He answered supervisors' questions.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging & Disability Resource Center Board: Supervisor Wagner moved, seconded by Supervisor Maresh to adopt Resolution 1 (2009/2010-106) Amending 2009 and 2010 Budget (Aging and Disability Resource Center). Upon vote, the motion carried unanimously.

No. 2009/2010 - 106

RESOLUTION AMENDING 2009 AND 2010 BUDGET (Aging and Disability Resource Center)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. has allocated \$18,240
2 to the Aging and Disability Resource Center to be applied to grants for Older Americans Act
3 programs in 2009 and 2010; and
4

5 WHEREAS, the Aging and Disability Resource Center Board believes that acceptance of
6 these grant funds would significantly improve the ability of Manitowoc County to assist its residents
7 in meeting their needs and staying in their homes longer; and
8

9 WHEREAS, the Aging and Disability Resource Center Board recommends that the county
10 amend the 2009 and 2010 budgets to reflect the increased revenue and corresponding increase in
11 expenditures as shown below:

12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
	Revenue or	Account													
	Expense	Number		Description			Amount								
	Revenue	46430.43566.29		LTC Coalition Resources			\$5,000								
	Expense	46430.52900		LTC Coalition Resources			\$5,000								
	Revenue	46250.43566.04.		NSIP Funding			\$ 240								
	Expense	46250.52940		NSIP Meal Costs			\$ 240								
	Revenue	46480.43566.24		SHIP Funding			\$5,000								
	Expense	46480.52999		SHIP Expenses			\$5,000								
	Revenue	46480.43566.24		SHIP Supplement Funding			\$8,000								
	Expense	46480.52999		SHIP Supplement Expenses			\$8,000								

28 NOW, THEREFORE, BE IT RESOLVED that the 2009 budget is amended by the amount of
29 grant funds received; that the 2009 budget is amended by the amount of grant funds expended or
30 carried-over to 2010; that the 2010 budget is amended by the amount of grant funds carried-over
31 from 2009 to be expended in 2010; and that the Comptroller/Auditor is directed to record such
32 information in the official books of the County for the year ended December 31, 2009 and the year
33 ending December 31, 2010 as may be necessary.

Dated this 19th day of January 2010.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses by \$18,240.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Tittl gave a brief report.

Executive Committee: Chairperson Brey announced that they will meet before the next County Board Session.

Finance Committee: Supervisor Muench gave a brief report and Chairperson Brey answered supervisors' questions.

Highway Committee: Supervisors Konen and Markwardt gave a brief report.

Lakeland Care District: Chairperson Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Schneider gave a brief report.

Planning and Park Commission: Supervisor Mueller reported that their next meeting will be January 25.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Heyroth to adopt Resolution 3 (2009/2010-107) Accepting Grant for Night Vision Equipment. Upon vote, the motion carried unanimously.

No. 2009/2010 - 107

RESOLUTION ACCEPTING GRANT FOR NIGHT VISION EQUIPMENT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Edward Byrne Memorial Justice Assistance Grant Program provides money
2 to qualifying local law enforcement agencies to prevent or reduce crime and violence; and
3

4 WHEREAS, the City of Manitowoc submitted a grant application in June 2009 that contained
5 a provision stipulating that \$3,777 be paid to Manitowoc County Sheriff's Department to fund night
6 vision equipment; and
7

8 WHEREAS, the City of Manitowoc's grant application has been approved; and
9

10 WHEREAS, night vision equipment will enhance the capabilities of the Sheriff's Department
11 Special Operations Squad and the Metro Drug Unit and will augment security efforts taken in
12 response to possible threats in the community;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
15 authorizes the Manitowoc County Sheriff's Department to accept \$3,777 in grant funding to
16 purchase night vision equipment; and
17

18 BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in the
19 2010 budget are amended by the amount of the grant funds received and that the
20 Comptroller/Auditor is directed to record such information in the official books of the County for
21 the year ending December 31, 2010 as may be required.

Dated this 19th day of January 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues (21200.43601) and expenditures (21200.58100) by equal amounts of \$3,777.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Gauger, to adopt Resolution 4 (2009/2010-108) Authorizing Purchase of Property (909 Hancock Street, Manitowoc). Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Korinek voted no; all others voted aye.

No. 2009/2010 - 108

**RESOLUTION AUTHORIZING PURCHASE OF PROPERTY
(909 Hancock Street, Manitowoc)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, parking in the vicinity of the Courthouse, Health Department, Human Services
2 Department, Jail, and Sheriff's Department is in short supply and is difficult to find whenever any
3 event, large or small, takes place; and
4

5 WHEREAS, construction of the new Communication and Technology Building will result in
6 the loss of 20 or more parking spaces; and
7

8 WHEREAS, the Public Works Committee has reviewed the need for parking in the downtown
9 area and has found that property located at 909 Hancock Street, Manitowoc, Wisconsin could be
10 used to replace parking lost due to the construction of the Communication and Technology Building;
11 and
12

13 WHEREAS, the Hancock property is situated between two properties that are already owned
14 by the county; and
15

16 WHEREAS, purchase of the Hancock property should reduce cost to construct the
17 Communication and Technology Building by over \$35,000; and
18

19 WHEREAS, purchase of the Hancock property could reduce the county's liability exposure
20 for damages caused to buildings located on the property by driving pilings and other construction
21 activity; and
22

23 WHEREAS, the Public Works Committee's review of the Hancock property found that its
24 listed assessed value is \$99,800 and its fair market value is \$104,350, but that a purchase price of
25 \$131,000 is appropriate and consistent with the county's short- and long-term interests because of

26 the savings in construction costs, the reduction of exposure to damage claims, and the value in
27 replacing lost parking spaces; and

28
29 WHEREAS, the owner of the Hancock property has agreed to an offer to purchase the property
30 for \$131,000 that is contingent upon the county board's approval, that permits the owner to stay in
31 the building until the end of May 2010, that limits the county's exposure to potential damage claims,
32 and that allows for the use of some of the property during construction for access and transportation
33 of materials to the construction site; and

34
35 WHEREAS, the Public Works Committee recommends the approval of the purchase of
36 Hancock property using funds that are presently allocated to the Radio, Towers, and Communication
37 and Technology Building Project;

38
39 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
40 authorizes and approves the purchase of the property located at 909 Hancock Street, Manitowoc,
41 Wisconsin for the sum of \$131,000, and

42
43 BE IT FURTHER RESOLVED that the Public Works Director is authorized to execute such
44 contracts and to take such other administrative actions as may be necessary to purchase the Hancock
45 property for use in the construction of the Communication and Technology Building and
46 subsequently developing it as a parking area.

Dated this 19th day of January 2010.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact. Authorizes the purchase of property using funds
presently allocated to the Radio, Towers, and Communication and
Technology Building project.

APPROVED: Bob Ziegelbauer, County Executive.

Transportation Coordinating Committee: Supervisor Mueller gave a brief report.

Miscellaneous: Supervisor Vogt moved, seconded by Supervisor Bauknecht to adopt Resolution
2 (2009/2010-109) Opposing 2009 Assembly bill 634 Pertaining to Protective Occupation
Status. Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Heyroth
voted no; all others voted aye.

No. 2009/2010 - 109

**RESOLUTION OPPOSING 2009 ASSEMBLY BILL 634
PERTAINING TO PROTECTIVE OCCUPATION STATUS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, corrections officers are presently classified in the general employee category
2 under Wisconsin Retirement System and this classification is not subject to collective bargaining;
3 and
4

5 WHEREAS, 2009 Assembly Bill 634 would classify corrections officers as protective
6 occupation participants and make protective occupation participant status a mandatory subject of
7 collective bargaining for corrections officers; and
8

9 WHEREAS, classifying corrections officers as having protective occupation status would have
10 increased Manitowoc County's retirement system costs in 2009 by \$94,500 and this cost would be
11 borne entirely by Manitowoc County taxpayers;
12

13 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
14 opposes passage of 2009 Assembly Bill 634; and
15

16 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
17 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
18 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
19 represents constituents from Manitowoc County.

Dated this 19th day of January 2010.

Respectfully submitted by Norbert A. Vogt, Supervisor.

FISCAL IMPACT: Changing the Wisconsin Retirement System classification of corrections officers from general to protective status will increase the employer contribution from 11.0% to 14.1%. It would have increased 2009 retirement system costs by \$94,500 and this number would increase in 2010 and each year thereafter.

I respect the prerogative of the members of the Manitowoc County Board of Supervisors to voice their opinions on legislative issues. Therefore, it is my practice to neither approve nor veto a legislative policy resolution that has been enacted by the County Board in order to allow the County Board, acting as the legislative branch of county government, to freely express its sentiment on legislative and public policy issues or to request action by a governmental entity, or both.

Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Muench to adopt Resolution 5 (2009/2010-110) Authorizing Quit Claim Deed (Eugene Bomba - Tax ID No. 52-000-284-050.00). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING QUIT CLAIM DEED
(Eugene Bomba - Tax ID No. 52-000-284-050.00)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Manitowoc County took title to property owned by Eugene Bomba that is located at 1114 South 7th Street, Manitowoc, Wisconsin (Tax ID No: 52-000-284-050.00) through an In rem tax foreclosure proceeding because Eugene Bomba failed to pay property taxes; and

WHEREAS, Eugene Bomba was given notice that the county would grant him a preference in the sale of the property because he was the former owner; and

WHEREAS, the delinquent property taxes and the costs incurred by the county as a result of the foreclosure action have been paid and Eugene Bomba has agreed to make payments in lieu of taxes for 2010; and

WHEREAS, the Treasurer and the Corporation Counsel recommend that the county quit claim the property to Eugene Bomba in order to return the property to its former owner and return it to the tax rolls;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors authorizes the conveyance of the property located at 1114 South 7th Street, Manitowoc, Wisconsin to Eugene Bomba by quit claim deed; and

BE IT FURTHER RESOLVED that the County Clerk, the County Treasurer, the Corporation Counsel, and such other county employees and officials as may be appropriate are directed to take the steps necessary to convey the property to Eugene Bomba by quit claim deed.

Dated this 19th day of January 2010.

Respectfully submitted by James N. Brey, County Board Chair.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Announcement: Chairperson Brey announced that due to the election on February 16, the County Board will meet on February 23.

Supervisor Behnke moved to adjourn, seconded by Supervisor Bauknecht and the motion was adopted by acclamation. The meeting adjourned at 8:26 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

February 23, 2010

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 23rd day of February, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:00 P.M.

Chairperson Brey gave the invocation, which was followed by a moment of silence for Expo Board member Jerome Valenta. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 23 members present; Bauknecht, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner. Supervisors Behnke and Janowski were excused.

On motion by Supervisor Gauger, seconded by Supervisor Henrickson the January 19, 2010 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Bauknecht moved, seconded by Supervisor Schmidt to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

James Theyerl, Town of Manitowoc, addressed the Board regarding possible corruption in County Government and the responsibility of the Board to investigate fraud. He asked the Board to discontinue fuel allowances for employees and stressed the need to cut back on spending.

Greg Saueressig, Town of Manitowoc Rapids, acknowledged that the Board has to make tough decisions. He asked the Board to not be vindictive in their decision making process, but to make the best decisions for the County and not in their personal interest. He thanked the Board for their leadership.

Jack Lechler, City of Kiel, spoke to the Board regarding the fact that Manitowoc County pays both the employer and employee portion of the contribution to the Wisconsin Retirement System. He stated that we need to “buckle down” and have the employees pay their portion.

Supervisor Diedrich arrived at 7:19 p.m.

Mark Hassemer, Town of Kossuth, stated that people in elected positions are working for the citizens and he asked those officials to reduce employee perks.

Don Goeke, City of Manitowoc, addressed the Board regarding a suggestion to work on more employment opportunities for Manitowoc County.

Carla Halvorson, Town of Mishicot, expressed deep concern over the Triple P and the Chamber Bucks issue. She stated that this never had to happen because there are rules in place. There are questions that need to be answered and she asked the Board to demand an investigation.

Fred Lemens, Town of Cooperstown, thanked the Board for making the tough decisions to hold the line on taxes.

Heath Miller, Village of Whitelaw, stated that the County contracted with an employment agency without a license and one contracted employee received a twenty six percent increase within a two week period. He asked the Board to ask tough questions and expect answers. The public has lost trust in county government and now is the time to regain that trust.

Marvin Braun, Town of Cato, asked the Board to support the request that is before them this evening to rezone his properties.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 7:34 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Faye Malek, UW-Extension Family Living Educator and Department Director, talked about the services and programs that are available for the citizens of Manitowoc County affected by the impact of the economic recession. She introduced the new staff members in the Family Living Office, Missy Giebel, Nutrition Program Coordinator, and Betsy Warmus, Nutrition Educator.

Supervisors Vogt and Markwardt gave brief reports on their recent WCA Organizations and Personnel meeting.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointment of Natalie Wusterbarth to the Manitowoc-Calumet Library System Board of Trustees to complete a vacancy expiring January 2013. Supervisor Gauger moved, seconded by Supervisor Konen to approve the appointment. Upon vote, the appointments were confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Executive Committee: Chairperson Brey said that he hand delivered packets of information to supervisors relating to Chamber Bucks, the Triple P contract and related matters. Sharon Cornils, Personnel Director, gave an overview of the packet of information. Discussion followed.

Bob Ziegelbauer, County Executive, reported that the Triple P contract was a fixable problem and immediately addressed it. He had ordered documents to be complied. He stated that there were some mistakes made and when problems came up, he dealt with them. Discussion followed.

Supervisor Hansen left at 9:54 p.m.

Supervisor Schneider moved, seconded by Supervisor Korinek to inform the Wisconsin Department of Workforce Development on the lack of licensing in operating as an employment agency. Upon

discussion and vote, the motion carried with 15 ayes and 7 noes. Supervisors Bauknecht, Bundy, Gerroll, Markwardt, Mueller, Panosh, and Vogt voted no; all other supervisors voted aye.

Supervisor Heyroth left at 10:10 p.m.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Markwardt to adopt Resolution 1 (2009/2010-111) Authorizing \$2,015,000 in Refunding Revenue Bonds (Great Lakes Training and Development Corporation Project) Series 2010. Upon vote, the motion carried unanimously.

No. 2009/2010 - 111

**RESOLUTION AUTHORIZING \$2,015,000 IN REFUNDING REVENUE BONDS
(GREAT LAKES TRAINING AND DEVELOPMENT CORPORATION PROJECT)
SERIES 2010**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County of Manitowoc, Wisconsin (“County”), is a body corporate and
2 politic organized and existing under and pursuant to the laws of the State of Wisconsin and is
3 authorized by Wis. Stat. § 66.0621, as amended, to issue its revenue bonds for the purpose of
4 purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting,
5 controlling, operating, or managing any revenue producing facility to be owned by the County and
6 operated for a public purpose; and
7

8 WHEREAS, the County is authorized by Wis. Stat. §§ 59.01 and 59.52(6), as amended, to
9 acquire and hold, and lease or rent real and personal property for public purposes and to sell and
10 convey the same (Sections 66.0621, 59.01 and 59.52 are hereinafter collectively referred to as the
11 “Act”); and
12

13 WHEREAS, the County previously issued revenue bonds (the “Prior Bonds”) for the benefit
14 of Great Lakes Training and Development Corporation (the “Company”) to finance the acquisition,
15 expansion, and equipping of certain real property (collectively, the “Project”) located at 3733 Dewey
16 Street in Manitowoc County (approximately 25,000 square feet) and at 3701 Superior Avenue in the
17 Town of Sheboygan in Sheboygan County (approximately 37,000 square feet) which was sold by
18 the Company to the County and purchased by the Company from the County pursuant to a purchase
19 and sale agreement dated as of January 1, 2001 (the “Prior Purchase and Sale Agreement”) and used
20 by the Company and other non-profit and governmental organizations for public purposes; and
21

22 WHEREAS, the County has previously entered into a Cooperation Agreement, dated as of
23 January 1, 2001, between the County and the County of Sheboygan, Wisconsin (the “Cooperation
24 Agreement”); and
25

26 WHEREAS, the Company has requested the County to issue refunding revenue bonds
27 (“Bonds”) to refinance the Project; and
28

29 WHEREAS, the County will enter a new Purchase and Sale Agreement with the Company

to be dated as of March 1, 2010 (the "Purchase and Sale Agreement"); and

WHEREAS, the amounts payable under the Purchase and Sale Agreement shall be in such amounts and shall be payable at such times as to be sufficient to pay the principal of, premium (if any) for, and interest on the Bonds when due; and

WHEREAS, the Bonds shall be payable solely from amounts received under the Purchase and Sale Agreement, which amounts shall be credited to the special redemption fund hereinafter described; and

WHEREAS, pursuant to Wis. Stat. § 66.0621(3), as amended, the Bonds shall not constitute an indebtedness of the County and shall not be included in arriving at the County's constitutional debt limitation; and

WHEREAS, the Company has now requested that the County provide for the issuance of \$2,015,000 principal amount of Bonds upon the terms set forth in this Resolution; and

WHEREAS, in connection therewith the Company has presented the County with proposed documentation for the bonds, as follows:

a) an Indenture of Trust, to be dated as of March 1, 2010 ("Indenture"), to be entered into between the County and Bank First National ("Trustee"), providing for the creation of the Bonds, and terms thereof and the security therefor; and

b) a Purchase and Sale Agreement, to be dated as of March 1, 2010 ("Purchase and Sale Agreement"), to be entered into between the County and the Company providing for a purchase of the Project from the Company and a sale of the Project to the Company with payments from the Company scheduled to provide the County with revenues sufficient to retire the Bonds in accordance with their terms; and

c) a Promissory Note, from the Company to the County ("Promissory Note"), evidencing the Company's obligations to make payments sufficient to retire the Bonds; and

d) a No Arbitrage Certificate, to be dated as of March 1, 2010, by the County; and

WHEREAS, in accordance with the Act, this Resolution and the aforesaid instruments and documents, the Bonds and interest thereon shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation, shall not constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers, and shall not constitute or give rise to any personal liability of any member of this body or of any officers or employees of the County on the Bonds or for any act or omission related to the authorization or issuance of the Bonds; and

WHEREAS, the issuance of Bonds and the purchase and sale of the Project by the County as herein recited will, in the judgment of this body, serve the intended accomplishments of public purpose and in all respects conform to the provisions and requirement of the Act;

77 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
78 as follows:

79
80 1) Findings and Determination. It has been found and determined and is hereby declared that
81 the Project is a qualified revenue producing facility under and for the purposes of the Act.

82
83 2) Authorization to Borrow to Acquire, Expand and Equip the Project, and to Sell the Project
84 to the Company. The County shall borrow, but only in the manner herein recited, the sum of
85 \$2,015,000 for the purpose of refinancing the costs of acquiring, equipping, and expanding the
86 Project and paying the costs of issuance in connection therewith. Said borrowing shall be
87 accomplished through the sale of the Bonds issued pursuant to the Act. The County has purchased
88 the Project from the Company and sold the Project to the Company pursuant to the terms of the
89 Purchase and Sale Agreement.

90
91 3) Designation, Denomination, Tenor, and Maturity of Bonds Created for Issuance. The
92 Bonds shall be issued in the principal amount of \$2,015,000 and shall be designated:

93
94 COUNTY OF MANITOWOC, WISCONSIN
95 REFUNDING REVENUE BONDS
96 (GREAT LAKES TRAINING AND DEVELOPMENT CORPORATION PROJECT)
97 SERIES 2010

98
99 The Bonds shall mature on January 1, 2019. The Bonds shall bear interest from their date
100 of issuance at the rate of 4.2% per annum until March 1, 2015 and thereafter shall bear interest as
101 provided in the Indenture, but not at a rate to exceed 12% per annum. Interest shall be payable on
102 the dates set forth in the Indenture.

103
104 The Bonds shall be issuable as fully registered bond in denominations of \$1, or any multiple
105 thereof, and, when issued, will be registered in the name of Bank First National (the "Bond
106 Purchaser"). The Bonds and the interest thereon shall be transferrable by and shall be payable to the
107 registered owners thereof in the manner and with the effect provided in the Indenture. The principle
108 of, premium (if any) for, and interest on the Bonds shall be payable in lawful money of the United
109 States of America at the principal corporate trust office of the Trustee, as paying agent, or the office
110 of any successor or additional paying agent designated by the County and approved by the Company.

111
112 The Bonds shall be issued in the respective forms therefor as set forth in the Indenture, with
113 such insertions therein as shall be necessary to comply with the terms of this Resolution and with
114 such corrections therein, if any, as the approving bond attorney may require for conformity with the
115 terms of this Resolution, the Indenture, and the Act.

116
117 4) Execution and Authentication of Bonds. The Bonds shall be executed on behalf of the
118 County by the Chairperson under the official seal of the County attested by its Clerk. The signatures
119 of the Chairperson and the Clerk may be manual or facsimile. The official seal may be actually
120 impressed or imprinted or may be reproduced thereon by facsimile. No bond shall be issued unless
121 first authenticated by the Trustee, to be evidenced by the manual signature of an authorized signatory
122 of the Trustee on each Bond.

124 5) Designation of Trustee. The County hereby designates and appoints Bank First National,
125 Manitowoc, Wisconsin, to perform the functions of the Trustee, bond registrar, and paying agent
126 under the Indenture.

127
128 6) Bonds as Limited Obligations. The Bonds and interest thereon shall never be, or be
129 considered as, a general obligation of the County or an indebtedness of the County within the
130 meaning of any State constitutional provision or statutory limitation and shall not constitute or give
131 rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

132
133 7) Source of Payment; Pledge of Revenues. The Bonds shall be limited obligations of the
134 County payable by it solely from the Special Redemption Fund (as defined in the Indenture and
135 hereinafter described).

136
137 As security for the payment of the principal of, premium (if any) for, and interest on the
138 Bonds, the County shall pledge and assign to the Trustee all of its right, title, and interest in and to
139 the Purchase and Sale Agreement and the Promissory Note and any collateral pledged to the Trustee
140 to secure the payments.

141
142 8) Redemption of Bonds Prior to Maturity. The Bonds shall be subject to redemption prior
143 to maturity as provided in the Indenture. Notice of any redemption of Bonds prior to stated maturity
144 shall be given in the manner provided in the Indenture. The principal of, premium (if any) for, and
145 interest on Bonds called for redemption as aforesaid shall be payable solely from moneys held by
146 the Trustee under the Indenture and available therefor.

147
148 9) Trust Funds. The Trust Funds created under the Indenture shall be held in the custody
149 of the Trustee and applied for the uses and purposes provided in the Indenture, including a Special
150 Redemption Fund which shall be created on behalf of the County and held by the Trustee and used
151 to make the principal and interest payments on the Bonds.

152
153 10) Investment of Trust Funds. Any moneys held as part of the trust funds held by the
154 Trustee under the Indenture may be invested and reinvested by the Trustee upon request by the
155 Company in Qualified Investments as specified in the Indenture.

156
157 11) Determination of Revenue Payment. The amount necessary in each year to pay the
158 principal of, premium (if any) for, and interest on the Bonds is the sum of (i) the amount of principal
159 becoming due in such year in accordance with paragraph 3 of this Resolution (as reduced from time
160 to time by reason of prior redemptions and open market purchases of Bonds in accordance with the
161 Indenture); plus (ii) the principal amount of Bonds to be redeemed in such year in accordance with
162 a call for redemption made in accordance with paragraph 8 of this Resolution and the Indenture, plus
163 the premium (if any) for, payable with respect thereto; plus (iii) the amount of interest on the Bonds
164 becoming due in such year in accordance with the interest rates described in paragraph 4 of this
165 Resolution.

166
167 In expressing the Company's obligation to make the necessary revenue payments, it shall
168 suffice herein and in the Purchase and Sale Agreement to state that the Company shall be obligated
169 to pay the County (or the Trustee for the account of the County) amounts sufficient to pay when due
170 the principal of, premium (if any) for, and interest on the bonds.

171 The Purchase and Sale Agreement contains provisions, adequate in the judgment of this
172 body, requiring the Company to provide for the maintenance of the Project and the carrying of all
173 proper insurance with respect thereto. Consequently, the Company need not be required to pay
174 amounts into any reserve funds for the maintenance of the Project.

175
176 12) Award of Bonds.. The Company has negotiated for the sale of the Bonds to the Bond
177 Purchaser at a price of \$2,015,000.00, plus accrued interest to the date of delivery. Given the
178 purposes of the financing and the involvement of the County therewith, it is the determination of this
179 body that the Bonds shall be hereby awarded to the Bond Purchaser at the price aforesaid with
180 delivery to follow.

181
182 13) Execution and Delivery of the Purchase and Sale Agreement, Assignment of
183 Promissory Note, No Arbitrage Certificate, and the Indenture. The terms and provisions of the
184 Purchase and Sale Agreement and the Indenture are hereby approved. The Chairperson and the
185 Clerk are hereby authorized for and in the name of the County to execute, affix with the official seal
186 of the County, and deliver the Purchase and Sale Agreement, assignment of the Promissory Note,
187 the No Arbitrage Certificate, and the Indenture in the respective forms thereof presented herewith,
188 or with such insertions therein or corrections thereto as shall be approved by the Chairperson and
189 Clerk consistent with this Resolution and the terms of the Act, their execution thereof to constitute
190 conclusive evidence of their approval of any such insertions and corrections.

191
192 14) Execution and Delivery of Bonds. The Chairperson and the Clerk are hereby authorized
193 for and in the name of the County to execute the Bonds in the manner authorized by paragraph 4 of
194 this Resolution. The County shall deliver the Bonds to the Bond Purchaser against payment of the
195 purchase price therefor.

196
197 15) General Authorizations. The Chairperson and the Clerk and the appropriate deputies
198 and officials of the County in accordance with their assigned responsibilities are hereby each
199 authorized to execute, publish, file, and record such other documents, instruments, notices (including
200 Internal Revenue Service Form 8038 and notice pursuant to Wis. Stat. § 893.77), and records and
201 to take such other actions as shall be necessary or desirable to accomplish the purposes of this
202 Resolution and to comply with and perform the obligations of the County under the Bonds, the
203 Purchase and Sale Agreement, and the Indenture.

204
205 In the event that the Chairperson or the Clerk shall be unable by reason of death, disability,
206 absence, or vacancy of office to perform in timely fashion any of the duties specified herein (such
207 as the execution of Bonds, the Purchase and Sale Agreement, the assignment of the Promissory Note,
208 the No Arbitrage Certificate, or the Indenture, such duties shall be performed by the officer or
209 official succeeding to such duties in accordance with law and the ordinances of the County.

210
211 16) Effective Date; Conformity. This Resolution shall be effective immediately upon its
212 passage and approval. To the extent that any prior resolutions of this body are inconsistent with the
213 provision hereof, this Resolution shall control and such prior resolutions shall be deemed amended
214 to such extent as may be necessary to bring them in conformity with this Resolution.

Dated this 23rd day of February 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Tittl to adopt Resolution 2 (2009/2010-112) Authorizing Out-of-State Travel (Liz Johnson). Upon discussion and vote, the motion carried with 20 ayes and 1 no. Supervisor Korinek voted no; all other supervisors voted aye.

No. 2009/2010 - 112

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Liz Johnson)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Information Systems Department maintains and supports critical hardware
2 and software systems that assist law enforcement agencies, fire departments, and emergency medical
3 service providers in providing critical care and support services to the citizens of Manitowoc County;
4 and
5

6 WHEREAS, the software systems supporting this environment are in a state of constant
7 change, and the Information Systems Department must stay current with these changes through
8 continuing education, and
9

10 WHEREAS, the annual Aegis software systems conference is the primary means by which
11 Manitowoc County can stay current with these changes and provides an excellent forum to exchange
12 ideas, learn new methodologies, and participate in hands-on seminars to improve the skill sets
13 required to maintain the systems;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 authorizes Aegis Administrator Liz Johnson to attend the three-day Annual Aegis MSP Users
17 Conference in San Diego, California from May 16 through May 18, 2010.

Dated this 23rd day of February 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs, not to exceed \$1,900, are included in the approved Information Systems budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Markwardt to adopt Resolution 2a (2009/2010-113) Amending 2010 Budget (County Clerk - SVRS). Upon vote, the motion carried unanimously.

**RESOLUTION AMENDING 2010 BUDGET
(County Clerk - SVRS)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the County Clerk has provided services necessary to operation and maintenance of the Statewide Voter Registration System (SVRS) for Manitowoc County and a number of other municipalities; and

WHEREAS, revenue and expenses associated with the provision of services relating to the operation and maintenance of the Statewide Voter Registration System were included in the 2010 budget that was adopted by the County Board; and

WHEREAS, the County Clerk has stopped providing SVRS services for the various municipalities because a village clerk has offered to provide those services, but will continue to perform the minimal amount of SVRS maintenance needed in connection with county elections; and

WHEREAS, termination of SVRS services to the various municipalities will result in a decrease in revenues and expenses associated with SVRS activities in the County Clerk's office; and

WHEREAS, the County Clerk has identified additional revenues that have or will become available after the 2010 budget was adopted; and

WHEREAS, the County Clerk has identified additional expense reductions that are necessary in order to balance the budget for the County Clerk's office; and

WHEREAS, the proposed changes in revenues and expenses require that the budget be amended;

NOW, THEREFORE, BE IT RESOLVED that the 2010 budget is amended as follows:

Account Number	Description	Revenue or Expense	Change
14200.51200	Wages Represented	Expense	+ \$9,672
14200.51551	FICA (Social Security)	Expense	+ \$740
14200.51552	WI Retirement	Expense	+ \$1,064
14200.51554	Health Insurance	Expense	+ \$560
14200.51555	Life Insurance	Expense	+ \$29
14200.51557	Long Term Disability	Expense	+ \$28
14200.51600	Workers Compensation	Expense	+ \$28
14200.44203	Marriage Licenses	Revenue	+ \$6,750
14200.48500	Donations/Contributions Inc.	Revenue	+ \$1,646

41	14200.53010	Office Photocopier	Expense	-	\$800
42	14200.53020	Newspaper Subscriptions	Expense	-	\$100
43	14200.53035	Meals/Lodging	Expense	-	\$500
44	14200.53038	Mileage	Expense	-	\$400
45					
46	14400.53005	Sample Ballots	Expense	-	\$1,500
47	14400.53035	Meals/Lodging Dec. Exp.	Expense	-	\$120
48	14400.53038	Mileage Dec. Exp.	Expense	-	\$75
49					
50	14410.46180	SVRS Voter Lists	Revenue	+	\$180
51	14410.47330	SVRS - Voter Registration	Revenue	-	\$12,441
52					
53	14410.51200	Wages Represented	Expense	-	\$9,672
54	14410.51551	FICA (Social Security)	Expense	-	\$740
55	14410.51552	WI Retirement	Expense	-	\$1,064
56	14410.51554	Health Insurance	Expense	-	\$560
57	14410.51555	Life Insurance	Expense	-	\$29
58	14410.51557	Long Term Disability	Expense	-	\$28
59	14410.51600	Workers Compensation	Expense	-	\$28
60	14410.53001	Office Supplies	Expense	-	\$250
61	14410.53035	Meals & Lodging	Expense	-	\$20
62	14410.53038	Mileage Reimbursement	Expense	-	\$100;

63
64 and

65
66 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
67 information in the official books of the County for the year ending December 31, 2010 as may be
68 required.

Dated this 23rd day of February 2010.

Respectfully submitted by the Executive Committee and Finance Committee.

FISCAL IMPACT: No tax levy impact. Reduces net expenses and revenues by \$3,865.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt gave a brief report.

Supervisor Markwardt moved, seconded by Supervisor Konen to adopt Resolution 2b (2009/2010-114) Authorizing Out-of-State Travel (Gary Kennedy). Upon discussion and vote, the motion carried with 20 ayes and 1 no. Supervisor Korinek voted no; all other supervisors voted aye.

No. 2009/2010 - 114

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Gary Kennedy)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Transportation Development Association (TDA) is sponsoring a Fly-in to
2 Washington D.C. on March 9 – 11, 2010, and the National Association of County Engineers (NACE)
3 will hold its National Conference in Fort Worth, Texas on April 24 – 29, 2010, for the purpose of
4 direct communication and interaction with United States Senate and House of Representative
5 Members on topics of importance to Wisconsin transportation; and

6
7 WHEREAS, the Wisconsin Counties Highway Association (WCHA) encourages its Board of
8 Directors and Executive Committee Members to attend the TDA and NACE meetings on behalf of
9 its members and will reimburse all necessary expenses for attending these events; and

10
11 WHEREAS, Manitowoc County Highway Commissioner Gary Kennedy presently serves as
12 WCHA's Assistant Treasurer and is a member of the WCHA Board of Directors and Executive
13 Committee; and

14
15 WHEREAS, the Manitowoc County Highway Committee has determined that it would be
16 advantageous to Manitowoc County, the Highway Department, and WCHA for Highway
17 Commissioner Kennedy to attend these events;

18
19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
20 authorizes Gary Kennedy to attend the TDA meeting in Washington D.C. on March 9 – 11, 2010 and
21 the NACE Conference in Fort Worth, Texas on April 24-29, 2010, provided that all expenses are
22 reimbursed by the Wisconsin County Highway Association.

Dated this 23rd day of February 2010.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report.

Lakeland Care District: Chairperson Brey gave a brief report and announced that they will meet on
February 24 in Oshkosh.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner
moved, seconded by Supervisor Schneider to adopt Resolution 3 (2009/2010-115) Supporting
University of Wisconsin Colleges' Development of Bachelor of Applied Arts and Sciences Degree.
Upon vote, the motion carried unanimously.

**RESOLUTION SUPPORTING UNIVERSITY OF WISCONSIN COLLEGES'
DEVELOPMENT OF BACHELOR OF APPLIED ARTS AND SCIENCES DEGREE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the University of Wisconsin Colleges, a single institution with 13 two-year
2 campuses geographically dispersed throughout the state, including Manitowoc County, provides
3 accessible, affordable, and high quality education to the citizens of Wisconsin; and
4

5 WHEREAS, 98% of the students at UW Colleges are commuters, 52% work more than 20
6 hours per week, 27% work more than 30 hours per week, and 33% are age 22 or older; and
7

8 WHEREAS, only 25% of adult Wisconsinites have four-year degrees and Wisconsin lags
9 behind its neighboring states in the number of adults with a four-year degree; and
10

11 WHEREAS, UW Colleges has a history of innovation and responsiveness to the needs of local
12 citizens, including providing dozens of collaborative degree programs with UW four-year
13 institutions, an online Associate Degree, areas of emphasis within the Associate of Arts and Sciences
14 degree program, and accelerated courses targeted to working adults; and
15

16 WHEREAS, UW Colleges proposes the development of a Bachelor of Applied Arts and
17 Sciences Degree that will expand access to higher education for place-bound, non-traditional
18 students across Wisconsin; benefit businesses by providing a better-educated workforce; and allow
19 Wisconsin to move forward and compete in a global economy;
20

21 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
22 supports the development of a Bachelor of Applied Arts and Sciences Degree for the University of
23 Wisconsin Colleges.

Dated this 23rd day of February 2010.

Respectfully submitted by the Natural Resources & Education Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Tittl to adopt Resolution 4 (2009/2010-116) Approving Amendment to 2008-2010 Collective Bargaining Agreement with Health Department Employees Represented by Local 5068, Federation of Nurses and Other Health Professionals. Upon discussion and vote, the motion carried unanimously.

**RESOLUTION APPROVING AMENDMENT TO 2008 – 2010 COLLECTIVE
BARGAINING AGREEMENT WITH HEALTH DEPARTMENT EMPLOYEES
REPRESENTED BY LOCAL 5068, FEDERATION OF NURSES
AND OTHER HEALTH PROFESSIONALS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the County Board approved a 2008 – 2010 agreement with Health Department
2 employees represented by Local 5068, Federation of Nurses and Other Health Professionals, on
3 November 20, 2007; and
4

5 WHEREAS, economic conditions have drastically changed since November 2007 and the
6 elimination of two Public Health Nurse positions that was announced in September 2009 will occur
7 on or about April 1, 2010 because funding for the positions will end; and
8

9 WHEREAS, the employees of Local 5068 have agreed to voluntarily revert to the 2009 wage
10 schedule as of January 24, 2010 in exchange for a commitment that there will be no additional
11 layoffs from the bargaining unit through 2010, other than the two positions that have already been
12 announced; and
13

14 WHEREAS, the employees of Local 5068 will remain at the 2009 wage schedule until a 2011
15 wage schedule is negotiated and no changes will be made to the health insurance program until a
16 collective bargaining agreement has been reached for 2011;
17

18 NOW, THEREFORE, BE IT RESOLVED that the 2009 wage schedule for Local 5068 will
19 be implemented as of January 24, 2010; and
20

21 BE IT FURTHER RESOLVED that the Manitowoc County Board makes the commitment that
22 Manitowoc County will not lay off any additional personnel represented by Local 5068 through
23 December 31, 2010, other than the previously announced two positions on or about April 1, 2010;
24 and
25

26 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors expresses
27 its appreciation to the employees of Local 5068 for their willingness to assist Manitowoc County
28 during these difficult economic times; and
29

30 BE IT FURTHER RESOLVED that the County Executive, Personnel Committee Chair, and
31 Personnel Director are authorized to execute this settlement.

Dated this 23rd day of February 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:	Wages	(\$18,860)
	FICA	(\$ 1,443)
	<u>WRS</u>	<u>(\$ 2,075)</u>
	Total Savings	(\$22,378)

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 5 (2009/2010-117) Establishing Elected Official Compensation. Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 117

RESOLUTION ESTABLISHING ELECTED OFFICIAL COMPENSATION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Wisconsin Statute § 59.22 requires that the total annual compensation of certain
2 elected officials, exclusive of reimbursements, must be established before the earliest time for filing
3 nomination papers for office; and
4

5 WHEREAS, Wisconsin Statute § 59.22 further provides that an elected official's
6 compensation may not be increased or decreased during the officer's term; and
7

8 WHEREAS, the Personnel Committee has reviewed the salary for the elective offices of the
9 Clerk of Court, Coroner, and Sheriff; and
10

11 WHEREAS, the Personnel Committee recommends that the salary for the elective offices of
12 Clerk of Court, Coroner, and Sheriff be increased by 1.5 percent in 2011, 2.0 percent in 2012, 2.5
13 percent in 2013, and 3.0 percent in 2014; and
14

15 WHEREAS, the Personnel Committee recommends that these elected offices be offered the
16 same fringe benefit package that is offered to non-represented employees and that the health and
17 dental insurance package offered to the office of Coroner no longer be pro-rated at 75%; and
18

19 WHEREAS, the vehicle allowance provided to the Sheriff has been calculated in accordance
20 with the county's Travel Policy, Represented Employee Policy Manual Section 26.20; and
21

22 WHEREAS, the Personnel Committee recommends that the uniform allowance provided to
23 the Sheriff be increased in 2011 so that it is the same as the allowance currently provided to all
24 regular employees with the power of arrest and that the uniform allowance be increased by \$25 in
25 each subsequent year of the term;
26

27 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
28 that the annual salary for the elected offices of Clerk of Court, Coroner, and Sheriff are set as
29 follows:
30

	2011	2012	2013	2014
Clerk of Court	\$58,913	\$60,091	\$61,593	\$63,441
Coroner	\$44,185	\$45,068	\$46,195	\$47,581
Sheriff	\$81,416	\$83,045	\$85,121	\$87,674;

and

BE IT FURTHER RESOLVED that these elected officials will be offered the same fringe benefit package as is provided to full-time non-represented employees; and

BE IT FURTHER RESOLVED that the vehicle allowance for the Sheriff is set at \$7,396 for 2011, \$7,681 for 2012, \$7,985 for 2013, and \$8,250 for 2014; and

BE IT FURTHER RESOLVED that the uniform allowance for the Sheriff is set at \$525 for 2011, \$550 for 2012, \$575 for 2013, and \$600 for 2014; and

BE IT FURTHER RESOLVED that the established salary for each office will continue for ensuing terms unless changed by the County Board in accordance with Wisconsin law.

Dated this 23rd day of February 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:	2011	2012	2013	2014
Wages	\$2,727	\$3,691	\$4,704	\$5,787
FICA	\$ 209	\$ 282	\$ 360	\$ 443
<u>WRS</u>	<u>\$ 351</u>	<u>\$ 475</u>	<u>\$ 606</u>	<u>\$ 745</u>
Total	\$3,287	\$4,448	\$5,670	\$6,975

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Mueller moved, seconded by Supervisor Muench to adopt Resolution 6 (2009/2010-118) Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee. Upon vote, the motion carried with 20 ayes and 1 no. Supervisor Rappe vote no; all other supervisors voted aye.

No. 2009/2010 - 118

**RESOLUTION SUPPORTING DELAYED IMPLEMENTATION OF
FARMLAND PRESERVATION REZONING CONVERSION FEE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Manitowoc County has participated in the Wisconsin Farmland Preservation Program since it adopted exclusive agricultural zoning in 1979 and a County Farmland Preservation Plan in 1981; and

5 WHEREAS, Manitowoc County's participation in the Wisconsin Farmland Preservation
6 Program has preserved productive agricultural land and allowed farmers to collect tax credits totaling
7 nearly \$1.9 million for tax years 2005-2008; and
8

9 WHEREAS, Wis. Stat. Ch. 91 authorizing the Wisconsin Farmland Preservation Program
10 remained largely unchanged for nearly 30 years until revisions known as the Working Lands
11 Initiative were included in the 2009-2011 state budget, which was signed into law as 2009 Wisconsin
12 Act 28 on June 29, 2009; and
13

14 WHEREAS, the revisions to Wis. Stat. Chapter 91 now require that landowners pay a rezoning
15 conversion fee beginning on January 1, 2010 when they rezone land from an A-3 Agricultural
16 District to any other zoning district, irrespective of whether the land was ever farmed or farmland
17 preservation tax credits were ever collected; and
18

19 WHEREAS, Wis. Stat. Ch. 91 now requires that each county update its farmland preservation
20 plan during the next 5 years and update its exclusive agricultural zoning ordinance within one year
21 after that in order to maintain certification for tax credit eligibility; and
22

23 WHEREAS, Wis. Stat. Ch. 91 imposes a rezoning conversion fee on January 1, 2010 based
24 on existing plans, ordinances, and zoning maps without the benefit of an updated farmland
25 preservation plan or ordinance; and
26

27 WHEREAS, charging a rezoning conversion fee is a burden on property owners who are not
28 farmers, whose land is not currently being farmed, and who never collected farmland preservation
29 tax credits; and
30

31 WHEREAS, the implementation of the rezoning conversion fee is an imposition on county
32 government and places undue pressure on counties to act immediately to revise their plans and
33 ordinances without the benefit of state financial assistance; and
34

35 WHEREAS, delaying implementation of the rezoning conversion fee until after a revised plan
36 and ordinance are adopted and certified will allow counties and landowners time to properly address
37 all of the planning and zoning requirements of the new Working Lands Initiative;
38

39 NOW THEREFORE BE IT RESOLVED that the Manitowoc County Board of Supervisors
40 requests that legislation be introduced and enacted to delay the implementation of the farmland
41 preservation rezoning conversion fee under Wis. Stat. § 91.48(1)(b) until a county has updated its
42 farmland preservation plan and zoning ordinance and the plan and ordinance are certified by
43 DATCP; and
44

45 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
46 resolution to the Governor of the State of Wisconsin; each legislator in the Wisconsin Senate and
47 Assembly who represents constituents from Manitowoc County ; the Senate Committee on
48 Agriculture and Education; the Assembly Committee on Agriculture; the Secretary of the
49 Department of Agriculture, Trade and Consumer Protection; and the Wisconsin Counties
50 Association.

Dated this 23rd day of February 2010.

Respectfully submitted by the Planning and Park Commission.

I respect the prerogative of the members of the Manitowoc County Board of Supervisors to voice their opinions on legislative issues. Therefore, it is my practice to neither approve nor veto a legislative policy resolution that has been enacted by the County Board in order to allow the County Board, acting as the legislative branch of county government, to freely express its sentiment on legislative and public policy issues or to request action by a governmental entity, or both.

Bob Ziegelbauer, County Executive.

Supervisor Mueller moved, seconded by Supervisor Bauknecht to enact Ordinance 7 (2009/2010-119) Amending Zoning Map (Jeremiah and Heidi Schaefer), Ordinance 8 (2009/2010-120) Amending Zoning Map (Marvin Braun - A2 to A1), and Ordinance 9 (2009/2010-121) Amending Zoning Map (Marvin Braun - A3 to A1). Upon vote, the motion carried with 20 ayes and 1 no. Supervisor Rappe voted no; all other supervisors voted aye.

No. 2009/2010 - 119

**ORDINANCE AMENDING ZONING MAP
(Jeremiah and Heidi Schaefer)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on January 25, 2010; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows:
10

11 A parcel of land located in the NW¹/₄, SE¹/₄, & SW¹/₄, SE¹/₄ , Section 8, T17N-R22E,
12 Town of Meeme, commencing at the center of said Section 8; thence easterly
13 approximately 1320 feet; thence southerly approximately 640 feet which is the point of
14 real beginning; thence continue southerly approximately 800 feet; thence westerly
15 approximately 170 feet; thence northerly approximately 800 feet; thence easterly
16 approximately 170 feet to the point of real beginning, said parcel containing
17 approximately 1.6 acres of land, shall be and is hereby rezoned from A3, Agriculture
18 to A1, Agriculture District.

Dated this 23rd day of February 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

No. 2009/2010 - 120

**ORDINANCE AMENDING ZONING MAP
(Marvin Braun - A2 to A1)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on January 25, 2010; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows:
10

11 Parcel No. 1, located in the SE¼, NE¼, Section 14, T19N-R22E, Town of Cato,
12 commencing at the E¼ corner of said Section 14 thence westerly approximately 390 feet
13 to which is the point of real beginning; thence northeasterly approximately 557 feet to
14 the south r/w of Hillside Drive; thence northwesterly along the south r/w of Hillside
15 Drive approximately 352 feet; thence southerly approximately 558 feet; thence easterly
16 approximately 145 feet to the point of real beginning, said parcel containing
17 approximately 3.0 acres of land, shall be and is hereby rezoned from A2, Agriculture
18 to A1, Agriculture District;
19

20 and
21

22 Parcel No. 2, located in the SE¼, NE¼, Section 14, T19N-R22E, Town of Cato,
23 commencing at the E¼ corner of said Section 14 thence westerly approximately 85 feet
24 to the west r/w of CTH S which is the point of real beginning; thence westerly
25 approximately 365 feet; thence northeasterly approximately 105 feet; thence easterly
26 approximately 150 feet; thence southeasterly approximately 70 feet; thence easterly
27 approximately 120 feet; thence southerly approximately 35 feet to the point of real
28 beginning, said parcel containing approximately .50 acres of land, shall be and is hereby
29 rezoned from A2, Agriculture to A1, Agriculture District.

Dated this 23rd day of February 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

No. 2009/2010 - 121

**ORDINANCE AMENDING ZONING MAP
(Marvin Braun - A3 to A1)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on January 25, 2010; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;
7

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does
9 ordain as follows:
10

11 A parcel of land located in the SE¼, SW¼, Section 14, T19N-R22E, Town of Cato,
12 commencing at the S¼ corner of said Section 14 which is the point of real beginning;
13 thence northerly approximately 1320 feet; thence westerly approximately 332 feet;
14 thence southerly approximately 840 feet to the north r/w of North Hempton Lake Road;
15 thence southeasterly along the north r/w of North Hempton Lake Road; thence
16 southeasterly along the north r/w of North Hempton Lake Road approximately 575 feet
17 to the point of real beginning, said parcel containing approximately 10.0 acres of land,
18 shall be and is hereby rezoned from A3, Agriculture to A1, Agriculture District.

Dated this 23rd day of February 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Safety Net Accountability Panel: Supervisor Henrickson announced that they will meet in March..

Miscellaneous: Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 10 (2009/2010-122) Authorizing Addition of 1.21 Full-Time Equivalent ADRC Positions. Upon discussion and vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING ADDITION OF 1.21
FULL-TIME EQUIVALENT ADRC POSITIONS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the services provided by the Aging and Disability Resource Center are critically
2 important to the older and disabled adults of Manitowoc County; and

3
4 WHEREAS, adequate and well-trained staff is critical for a smooth transition to Family Care
5 on April 1, 2010 and beyond; and

6
7 WHEREAS, the demand for ADRC services exceeds the staff hours available to provide
8 service; and

9
10 WHEREAS, grant funding to the ADRC for 2010 is being increased by \$38,927 and Medicaid
11 revenue is also likely to increase so that there will be adequate state and federal funding to pay for
12 the addition of .21 FTE to an existing .79 FTE Information and Assistance Specialist position and
13 the addition of one full time position to provide administrative and managerial continuity in the
14 transfer of certain responsibilities from the Human Services Department to the ADRC without
15 requiring the use of any county tax levy dollars;

16
17 NOW, THEREFORE, BE IT RESOLVED that the number of authorized positions for the
18 Aging and Disability Resource Center be increased by 1.21 full-time equivalent positions; and

19
20 BE IT FURTHER RESOLVED that these positions be filled in accordance with the
21 Non-Represented Policy and Procedure Manual; and

22
23 BE IT FURTHER RESOLVED that the 2010 budget is amended to reflect the \$38,927
24 increase in grant funding and that the Comptroller/Auditor is directed to record such information in
25 the official books of the County for the year ended December 31, 2010 as may be required.

Dated this 23rd day of February 2010.

Respectfully submitted by the Aging and Disability Resource Center Board and Personnel
Committee.

FISCAL IMPACT: No tax levy impact. The positions will be funded entirely with state and
federal dollars.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Muench to adopt Resolution 11 (2009/2010-
123) Supporting Senate Bill 399 and Assembly Bill 605 (Joint Powers Authority to Increase Local
Economic Activity). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION SUPPORTING SENATE BILL 399 AND ASSEMBLY BILL 605
(Joint Powers Authority to Increase Local Economic Activity)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, local governments must continually work to identify and implement innovative
2 ways to jump-start economic activity in communities across Wisconsin because of the continued
3 challenges facing the state and national economies; and
4

5 WHEREAS, economic development and job creation are encouraged by increasing access to
6 low-cost capital for businesses seeking to expand or locate in Wisconsin; and
7

8 WHEREAS, reducing the cost to local governments to make necessary investments in public
9 infrastructure projects preserves scarce resources and creates savings for Wisconsin taxpayers; and
10

11 WHEREAS, Wisconsin local governments may issue federally tax-exempt municipal bonds
12 for public purposes, conduit bonds for private projects that serve a public benefit, Midwest Disaster
13 Assistance bonds, and bonds authorized under the American Recovery & Reinvestment Act to
14 encourage economic development; and
15

16 WHEREAS, issuing tax exempt bonds is a complex and expensive process and, in cases of
17 private conduit issuances, requires long-term monitoring of the debt to ensure the preservation of
18 tax-exempt status; and
19

20 WHEREAS, devoting limited staff and financial resources to complex bond issuances can be
21 cost-prohibitive to local governments that are under increasing pressure to provide more services
22 with fewer funds; and
23

24 WHEREAS, Senate Bill 399 and Assembly Bill 605 clarifies current Wisconsin law allowing
25 local governments to enter into partnerships and authorizes the creation of a joint powers authority
26 that can act at the request of local governments to issue conduit bonds for private entities engaged
27 in public benefit projects, issue municipal revenue bonds for public purposes, and create market
28 leverage through cooperative institutional relationships; and
29

30 WHEREAS, creation of a joint powers authority is necessary to reduce the cost of financing
31 public projects, increase local access to additional financing options for private projects for the
32 public benefit, and reduce the liability of local governments in private activity bond issuances; and
33

34 WHEREAS, a joint powers authority will create investment economics of scale for public or
35 private projects that may not otherwise have access to low-cost, tax-exempt bond markets due to
36 their size; and
37

38 WHEREAS, a joint powers authority will create greater awareness of and access to additional
39 financial resources for local governments and eligible businesses in Wisconsin through local
40 financing programs as well as programs at the Wisconsin Department of Commerce, Wisconsin
41 Health and Educational Facilities Authority, and Wisconsin Housing and Economic Development

42 Authority; and
43

44 WHEREAS, a joint powers authority will save local entities and eligible private borrowers
45 millions of dollars, valuable staff resources, and significant time by streamlining the process,
46 creating efficiencies for local governmental issuers, and providing a one-stop resource to coordinate
47 complicated issuance and post-issuance activities; and
48

49 WHEREAS, the joint powers authority created by this legislation would be made up of local
50 governments and membership would be strictly voluntary and without cost to the county; and
51

52 WHEREAS, Senate Bill 399 and Assembly Bill 605 is supported by the Wisconsin Counties
53 Association, the League of Wisconsin Municipalities, the National Association of Counties, and the
54 National League of Cities.
55

56 NOW, THEREFORE, BE IT FURTHER RESOLVED that the Manitowoc County Board of
57 Supervisors supports Senate Bill 399 and Assembly Bill 605 and urges the Wisconsin State
58 Legislature to quickly adopt this innovation in local economic development.
59

60 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
61 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
62 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
63 represents constituents from Manitowoc County.

Dated this 23rd day of February 2010.

Respectfully submitted by James N. Brey, County Board Chair.

I respect the prerogative of the members of the Manitowoc County Board of Supervisors to voice their opinions on legislative issues. Therefore, it is my practice to neither approve nor veto a legislative policy resolution that has been enacted by the County Board in order to allow the County Board, acting as the legislative branch of county government, to freely express its sentiment on legislative and public policy issues or to request action by a governmental entity, or both.

Bob Ziegelbauer, County Executive.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Schmidt and the motion was adopted by acclamation. The meeting adjourned at 10:59 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

March 16, 2010

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 16th day of March, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 7:02 P.M.

Supervisor Mueller gave the invocation which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Bundy, Diedrich, Dufek, Gauger, Gerroll, Hansen, Henrickson, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner. Supervisor Heyroth was excused.

On motion by Supervisor Henrickson, seconded by Supervisor Schmidt, the February 23, 2010 meeting minutes were approved by unanimous vote.

The County Clerk announced changes to the agenda. Supervisor Markwardt moved, seconded by Supervisor Maresh to approve the agenda. Upon vote, the motion carried unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public input open at 7:05 p.m.

Ken Stubbe, Executive Director, Manitowoc Economic Development Corporation, presented the semi-annual report on the Economic Development Corporation and talked about the services they offer. He reported that the 2009 economic impact for Manitowoc County included approximately 950 new and existing jobs that were retained, along with \$9 million in new capital investments. Along with working with 54 existing businesses, they have assisted 250 entrepreneurs, and responded to 16 requests for site and facility information. He answered supervisors' questions.

Supervisor Diedrich arrived at 7:14 p.m.

Katie Mnuk, Chief Executive Officer, Lakeland Care District, presented an overview of the Lakeland Care District. Manitowoc County will officially become a member of the Lakeland Care District on April 1 with an enrollment of 413 members. She reported that most staff positions have been filled. She invited everyone to their Open House on March 24. Katie, along with Linda Mintner, Care Management Supervisor, answered supervisors' questions.

Heath Miller, Village of Whitelaw, addressed the Board regarding the Triple P contract. He expressed concern that Triple P employee time cards reported hours that were less than full time and yet the employee were compensated for overtime. He talked about the irony of the County trying to save money while the contract gave Triple P the authority to set the wage and benefits and receive a management fee above the total established employment costs.

Jane Babock, City of Manitowoc, talked about the opportunity for World War II and Vietnam veterans to participate in the Honor Flights going from Appleton to Washington DC to visit the war memorials. Citizens can fly as the guardian of a veteran for a stipend of \$500, but the flight is at no charge to the veterans. She also discussed the LZ Lambeau event coming to Green Bay on May 10. On June 4 and 5, there will be a Veterans Supermarket Benefits Fair at Lakeshore Technical College where veterans can learn about benefits that are available to them.

No one else present wished to speak, subsequently Chairperson Brey declared public input closed at 7:47 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey presented proclamations honoring to outgoing Supervisors Kathie Bundy, Art Diedrich, Joe Janowski, and Clyde Mueller. County Executive Bob Ziegelbauer presented Supervisor Mueller with a joint proclamation from Senator Leibham and himself for his 53 years of public service.

Chairperson Brey introduced Social Study students from Mishicot High School who were in attendance.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey recommended the appointment of Dr. Todd Nelson to the Board of Health for a two year term expiring April 2012. Supervisor Tittl moved, seconded by Supervisor Schneider to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Aging & Disability Resource Center Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Tittl gave a brief report.

Supervisor Tittl moved, seconded by Supervisor Rappe to adopt Resolution 1 (2009/2010-124) Accepting American Recovery and Reinvestment Act Grant. Upon vote, the motion carried unanimously.

**RESOLUTION ACCEPTING AMERICAN
RECOVERY AND REINVESTMENT ACT GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, immunization is the most effective mechanism to prevent certain communicable
2 diseases; and

3
4 WHEREAS, the Manitowoc County Health Department is the lead agency responsible for
5 communicable disease control and immunization in Manitowoc County; and

6
7 WHEREAS, the Health Department provides Manitowoc County residents with vaccines that
8 are paid for by the state and federal government based on federal recommendations; and

9
10 WHEREAS, the federal government has distributed American Recovery and Reinvestment
11 Act (ARRA) funds dedicated to increasing access to immunizations by paying for both the vaccines
12 and the staff needed to administer the vaccines; and

13
14 WHEREAS, the State of Wisconsin is using a portion of these funds to expand the
15 availability of vaccine to new target groups;

16
17 WHEREAS, Health Department is eligible to receive \$16,019 in ARRA grant funds to be
18 used for public health nurse salaries and benefits;

19
20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
21 approves the application for and acceptance of American Recovery and Reinvestment Act funds; and

22
23 BE IT FURTHER RESOLVED that the 2010 budget is amended by the amount of the grant
24 funds awarded and received and that the Comptroller/Auditor is directed to record such information
25 in the official books of the County for the year ending December 31, 2010 as may be required.

Dated this 16th day of March 2010.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No tax levy impact. Increases the budgeted revenue and expense accounts
in the American Recovery and Reinvestment Act activity area by like
amounts of \$16,019 for the year ending December 31, 2010.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Brey gave a brief report and answered supervisors questions.

Expo Board: Supervisor Behnke gave a brief report and answered supervisors questions.

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Schmidt to adopt Resolution 2 (2009/2010-125) Designating Manitowoc County as a Recovery Zone for Purposes of the Issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. Upon vote, the motion carried unanimously.

No. 2009/2010 - 125

**RESOLUTION DESIGNATING MANITOWOC COUNTY AS A RECOVERY ZONE
FOR PURPOSES OF THE ISSUANCE OF RECOVERY ZONE ECONOMIC
DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is a body corporate having powers that can only be
2 exercised by the County Board or pursuant to a resolution or ordinance adopted by the County
3 Board; and
4

5 WHEREAS, the American Recovery and Reinvestment Act of 2009 created Sections
6 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue Code of 1986, as amended, which
7 authorize the issuance of recovery zone economic development bonds and recovery zone facility
8 bonds; and
9

10 WHEREAS, the proceeds of a recovery zone economic development bond must be used to
11 promote development or other economic activity in a recovery zone; and
12

13 WHEREAS, the proceeds of a recovery zone facility bond must be used for property in the
14 active conduct of a business in a recovery zone; and
15

16 WHEREAS, Section 1400U-1(b) provides that the term “recovery zone” includes “any area
17 designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or
18 general distress;” and
19

20 WHEREAS, it is necessary and convenient that the County Board designate a recovery zone;
21

22 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
23 finds that an area comprising all the territory of Manitowoc County is adversely affected by
24 significant home foreclosures, poverty, unemployment, or general distress; and

25 BE IT FURTHER RESOLVED that the County Board designates Manitowoc County as
26 having significant home foreclosures, poverty, unemployment, or general distress and as a recovery
27 zone for purposes of Sections 1400U-1, 1400U-2, and 1400U-3 of the Internal Revenue Code; and
28

29 BE IT FURTHER RESOLVED that the appropriate county officers are authorized and
30 directed to take all actions necessary or convenient to facilitate the issuance of recovery zone
31 economic development bonds by the county or the issuance of recovery zone facility bonds by the
32 county or any other eligible issuer with respect to property used in the designated recovery zone; and
33

34 BE IT FURTHER RESOLVED that this resolution is effective upon publication.

Dated this 16th day of March 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Bundy gave a brief report.

Human Services Board: Supervisor Rappe gave a brief report.

Supervisor Rappe moved, seconded by Supervisor Henrickson to adopt Resolution 3 (2009/2010-126) Authorizing Out-of-State Travel (Leonhard, Schibline, and Bailey). Upon vote, the motion carried unanimously.

No. 2009/2010 - 126

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Leonhard, Schibline, and Bailey)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Human Services Department uses an in-house computer software system
2 to manage client and financial data and the Human Services Department is moving from paper-based
3 case records to electronic case records; and
4

5 WHEREAS, Staff Accountant Diane Leonhard, Clinical Services Supervisor Dave Schibline,
6 and BES Administrator/Desktop Technician Dave Bailey are instrumental in the ongoing financial,
7 client record-keeping, and system administration operations of the CMHC/Netsmart system; and
8

9 WHEREAS, the National MIS User Group will provide two full days of high quality, low
10 cost training on April 8 and 9, 2010 directly related to the process of moving toward electronic case
11 records; and

12
13 WHEREAS, this concentrated training is less costly than similar week-long training sessions
14 conducted at the company's headquarters in Dublin, Ohio;

15
16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
17 authorizes Diane Leonhard, Dave Schibline, and Dave Bailey to travel out-of-state to attend the
18 Electronic Health Record training at the Geminus Center in Merrillville, Indiana.

Dated this 16th day of March 2010.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: \$824 training and travel expense for 2 Human Services staff members and
\$347 training and travel expense for 1 Information Systems staff member.
Expenses are included in department budgets.

APPROVED: Bob Ziegelbauer, County Executive.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report and answered supervisors questions.

Planning and Park Commission: Supervisor Mueller reported that they will meet on Monday, March 22.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Bauknecht to adopt Resolution 4 (2009/2010-127) Amending 2010 Budget (Emergency Management). Upon discussion and vote, the motion carried unanimously.

No. 2009/2010 - 127

**RESOLUTION AMENDING 2010 BUDGET
(Emergency Management)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Emergency Management is reimbursed by Florida Power

2 & Light Company for annual expenditures attributed to nuclear plant emergency preparedness; and

3
4 WHEREAS, Florida Power & Light Company has decreased its 2010 reimbursement
5 allocation by \$1,848 and the Emergency Management Department will reduce its expenditures by
6 an equal amount; and

7
8 WHEREAS, sound financial management practices, state statutes, and County Board Rules
9 require the County Board act on any amendments to the adopted budget;

10
11 NOW, THEREFORE, BE IT RESOLVED that the 2010 Budget is amended by the amount
12 as stated above and that the Comptroller/Auditor is directed to record such information in the official
13 books of the County for the year ending December 31, 2010 as may be required.

Dated this 16th day of March 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Decreases Emergency Management revenue account
25100.46200.62 and the expenditure account 25100.53104 by \$1,848.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Muench to adopt Resolution 5
(2009/2010-128) Accepting Alcohol Enforcement Grant. Upon discussion and vote, the motion
carried unanimously.

No. 2009/2010 - 128

RESOLUTION ACCEPTING ALCOHOL ENFORCEMENT GRANT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, alcohol-impaired driving was a contributing factor in 5.8% of all crashes in
2 Wisconsin in 2008 and or 234 deaths – 39.9% of all crash fatalities – were alcohol-related; and

3
4 WHEREAS, alcohol-impaired driving is associated with other high-risk behaviors, such as
5 speeding and failure to wear safety belts, that increase the likelihood of a crash and significant injury
6 or death; and

7
8 WHEREAS, Wisconsin Department of Transportation (WisDOT) has identified those
9 roadway segments in Wisconsin, including Manitowoc County, with the highest crash frequency due
10 to excess alcohol use or speed; and
11

12 WHEREAS, WisDOT alcohol enforcement grant activities are funded for one federal fiscal
13 year beginning no earlier than October 1, 2009 and ending no later than September 30, 2010 and can
14 be used to fund eligible cost items, such as overtime wages, fringe benefits, and GPS and
15 Alco-Sensor equipment;

16
17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
18 authorizes the Manitowoc County Sheriff's Department to apply for and accept \$25,000 in grant
19 funding; and

20
21 BE IT FURTHER RESOLVED that the 2010 budget is amended by the amount of the grant
22 funds awarded and received and that the Comptroller/Auditor is directed to record such information
23 in the official books of the County for the year ending December 31, 2010 as may be required.

Dated this 16th day of March 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenue line 21200.43601 by \$25,000,
expenditure line 21200.51250 by \$20,001, and expenditure line by
21200.58100 by \$4,999.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Safety Net Accountability Panel: Supervisor Henrickson gave a brief report.

Transportation Committee: Supervisor Mueller gave a brief report.

Miscellaneous: Supervisor Markwardt moved, seconded by Supervisor Maresh to convene in
closed session at 8:59 p.m. pursuant to Wis. Stats. § 19.85(1) (g) to consider a Family and
Medical Leave Act complaint and a Fair Employment Act complaint. The motion carried
unanimously.

Supervisor Henrickson moved, seconded by Supervisor Markwardt to reconvene in open session
at 10:05 p.m.

Supervisor Tittl moved to adjourn, seconded by Supervisor Korinek and the motion was adopted
by acclamation. The meeting adjourned at 10:06 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

March 29, 2010

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 29th day of March, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson James Brey called the meeting to order at 6:02 P.M.

Chairperson Brey gave the invocation which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 22 members present; Bauknecht, Behnke, Brey, Bundy, Dufek, Gauger, Gerroll, Hansen, Henrickson, Heyroth, Janowski, Konen, Korinek, Maresh, Markwardt, Mueller, Rappe, Schmidt, Schneider, Tittl, Vogt, and Wagner. Supervisors Muench and Panosh were excused. Supervisor Dietrich was absent.

On motion by Supervisor Henrickson, seconded by Supervisor Bauknecht, the March 16, 2010 meeting minutes were approved by unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a proclamation honoring outgoing Supervisor Tony Heyroth. Supervisor Heyroth stated that it has been an honor to serve on the Board.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES, AND FORTHCOMING EVENTS

Executive Committee: Chairperson Brey called for discussion on the Triple P Contract and related matters.

Gerry Neuser, Assistant Public Works Director, stated that he has indirectly supervised Ice Center and Expo operations since 2004. He explained that Holiday House contracted employees became Triple P contracted employees in 2007 and their wages and vacation were negotiated between Triple P and the County. Wages were paid out of collected revenues and no tax dollars were used for wage payments. He noted that there was no devious nepotism involved with his son who worked in the parks and another son who was a seasonal employee at the Expo grounds. He explained that his sons had applied for the jobs and were hired through Triple P.

Todd Reckelberg, Comptroller, talked about his involvement in the Request for Proposal process. He was asked to review the RFP's and after considering the variables, Triple P was his first choice, with Engstrom being the second choice. He stated that he did have some questions, but no one was there to answer them.

Jeff Beyer, Public Works Director, gave a history of the creation of the Public Works Department that began in 1986. He explained that by the time a project was assigned to Public Works, it was at a critical stage and he developed a system to address problems that came about. He said that the county chose contracted services using the best method to take care of the Expo, Ice Center, and Recycling Center.

Supervisors asked questions regarding the Triple P contract.

Discussion took place on Triple P employees' hours worked versus hours reported; potential family benefit from Triple P; licensing of Triple P; overtime paid to employees; the number of years that chamber bucks were issued; and whether wages were paid out of county revenue accounts or the tax levy.

Chairperson Brey asked, "why were only administrative costs considered and not total costs" in the RFP's?

Todd Reckelberg replied that he had to compare apples and oranges and could not come up with a common denominator. The Triple P proposal had a fixed amount for health insurance and the Engstrom proposal had a table indicating health insurance cost according to the number of dependents. He tried to keep it simple and used only the hourly rate.

Chairperson Brey referenced a discrepancy on a Peters Concrete Company invoice for the period of June 29, 2007 through July 20, 2007 when compared what was actually paid to the employees. He said that he had received an email that day indicating that Peters Concrete had resolved the issue.

Jeff Beyer stated that only recently was he made aware of the invoice discrepancy. He said that Peters Concrete was contacted and they will reimburse the county for the overcharge during that time period.

Supervisor Hansen asked whether positions were posted when they needed to hire someone.

Jeff Beyer replied that they were advertised in the paper and people were also hired through current applications.

Supervisor Hansen asked whether Triple P had done any other employment agency work and was any background work done on the agency before awarding the contract?

Jeff Beyer replied that he could not answer that question and noted that they were looking for a contracted services provider.

Supervisor Vogt stated that in the Triple P RFP it states that it is a firm doing business with over 100 employees in ten different counties in two different states. He asked whether this is really Triple P or Peters Concrete Co. that has all of these employees?

Jeff Beyer replied that he could not answer that question.

Supervisor Vogt asked, who set the vacation schedule for the Triple P contracted workers?

Gerry Neuser replied that the vacation schedule was negotiated between himself and Triple P.

Supervisor Maresh asked, who was responsible for authorizing employment changes once Triple P took over?

Gerry Neuser replied that the decision was made between the Public Works Department and Triple P. In order to accomplish a task they would determine whether to increase or decrease employees.

Supervisor Maresh asked, who was responsible for verifying payroll each pay period?

Jeff Beyer responded that we requested a detailed invoice and paid that invoice.

Supervisor Wagner asked whether potential employees were interviewed, tested, or had a background check?

Gerry Neuser replied that he was not sure.

Chairperson Brey called for a recess at 7:10 p.m. and the Board reconvened at 7:17.

Discussion took place on the Triple P licensing, wage advancement, benefits, RFP informational meeting, vacation scale, and the recusal of the Public Works Director from RPF decision.

Supervisor Tittl asked Jeff Beyer about the issue of Triple P being an “employment agency” that needed to be licensed.

Jeff Beyer responded that he had reviewed the state statute and determined that Triple P provided contracted services and therefore, they did not need a license because they were not an employment agency.

Supervisor Hansen asked, “what was the difference between contracted services and an employment agency?”

Corporation Counsel Steve Rollins defined contracted services as the hiring of someone to do a job and paying them a fixed amount. The contracted services would be responsible for all benefits and setting the salary. Triple P became a payroll agency and this arrangement fell into the category of an “employment agency.”

Supervisor Hansen asked about the Triple P employees doing work for departments other than the Expo and Ice Center.

Gerry Neuser responded that the contract evolved into something different from the original contract.

Supervisor Rappe asked Jeff Beyer why he did not communicate more with the Personnel Director Sharon Cornils and also, if the Triple P contract was legal, why did it end abruptly?

Jeff Beyer responded that he did not have to communicate with Sharon because he did not view it as an employment agency. He said that Supervisor Rappe should ask Sharon why the contract ended abruptly because she handled the conversations with Triple P.

Supervisor Janowski questioned the mileage reimbursement paid to Triple P employees in the amount of \$7,325.60. He asked what was the mileage and who received the reimbursement for what appears to be more than 14,000 miles.

Jeff Beyer replied that there were errors in the mileage reimbursement and it was being reviewed.

Discussion continued regarding the hiring of employee's children and the oversight of the Triple P employees.

Supervisor Markwardt referred to Ordinance 2006/2007-51 which indicated that contracts must be approved by the Public Works Committee and noted that it did not happen in this situation. Supervisor Behnke stated that although it was not reported in the minutes of the Public Works Committee, they were updated on the issue.

Supervisor Markwardt asked, who authorized Triple P to hire employees to expand into other areas of county government? He stated that he looked through three years of minutes and found nothing reported about Triple P employees going into other areas.

Jeff Beyer responded that the Personnel Department was responsible for moving some of the Triple P employees into other departments.

Supervisor Markwardt stated that \$896,544.63 was paid to Peters Concrete from March 2007 through February 2008. He was concerned that the Wisconsin Department of Workforce Development reported that Triple P only supplied truck drivers for a storm water project.

Discussion continued on Triple P employees expanding into other departments with the suggestion that future RFP's be presented at the committee level.

Corporation Counsel remarked that the Board could enact an ordinance that would direct the procedure for entering into contracts.

Supervisor Korinek commented that the Board has to do a better job reviewing contracts.

Supervisor Gerroll noted that it does not make it wrong for the Public Works Department to enter into a contract with Jeff Beyer's brothers-in-law.

Supervisor Behnke expressed the need to move into a different direction with the bidding process by involving the department directors and taking their needs into consideration.

Supervisor Rappe suggested that an attorney should be asking Jeff Beyer, Gerry Neuser, and Todd Reckelberg the questions.

Supervisor Konen thanked Supervisor Markwardt for his investigation. She commented that supervisors' committee assignments need to be taken more seriously.

Supervisor Hansen stated that a lot of mistakes have been made. He expressed the need to take time to digest the information that he received this evening.

Supervisor Markwardt talked about the importance of making changes in the ethics code to include in-laws, but he acknowledged that an outside audit is not needed.

Supervisor Rappe referred to the letter from Schenck Business Solutions, the county's auditor, that supervisors received this evening.

Chairperson Brey stated that discussion of the verification of Triple P invoices and payroll by Schenck Business Solutions will be on the April 20 County Board agenda.

Chairperson Brey thanked outgoing Supervisors Bundy, Heyroth, Janowski, and Mueller for their service.

Supervisor Behnke moved to adjourn, seconded by Supervisor Tittl and the motion was adopted by acclamation. The meeting adjourned at 9:06 p.m.

Respectfully submitted,
Lois Kiel, Deputy County Clerk

COUNTY BOARD PROCEEDINGS INDEX

APPOINTMENTS

April 21, 2009 Session:

- ▶ Board of Health: Mary Jo Capodice, Shirley Fessler, Frank Rodriguez.
- ▶ Long Term Support Planning Committee: Lisa Behnke, James Loersch, Mike Huck, Marilyn Quirk, Judy Rank and Amy Wergin.
- ▶ Transportation Coordinating Committee: Rose Mary Hickman, Steve Roekle, Derek Muench, Don Goeke.
- ▶ Transportation Coordinating Committee: Supervisor Rick Gerroll.
- ▶ Veterans Service Commission: Mike Demske.
- ▶ Finance Committee: Supervisor Mary Muench and Supervisor Gregg Dufek.

May 19, 2009 Session:

- ▶ Board of Health: Michele Frozena.
- ▶ Kiel Public Library Board of Trustees: Michelle May and Amanda Hughes.
- ▶ Lakeland Long Term Care District: County Executive Bob Ziegelbauer, Judy Ruggirello and Supervisor Jim Brey.
- ▶ Local Emergency Planning Committee: Joe Collins, Travis Waack and alternate Nicki Davis, and John Kropp.
- ▶ Manitowoc Public Library Board of Trustees: Christine Kornely.
- ▶ Ice Center Board: Lori Deschene and D. Tyler Fellows.

June 16, 2009 Session:

- ▶ Supervisory District 2: Kevin Schmidt.
- ▶ Personnel Committee: Supervisor Kevin Schmidt.
- ▶ Safety Net Accountability Panel: Supervisor Rick Henrickson.
- ▶ Wisconsin Counties Utility Tax Association Board: Supervisor Paul Tittl.
- ▶ Aging & Disability Resource Center Governing Board: Thomas Keil and Connie Gulash.
- ▶ Board of Adjustment: Marian Schneider and Charles Nate.
- ▶ Kiel Public Library Board of Trustees: Robert Christian.
- ▶ Northeast Wisconsin Regional Economic Partnership: Ken Stubbe and alternates Dan Pawlitzke and David Less.
- ▶ Planning & Park Commission: Supervisor Mary Muench.

July 21, 2009 Session:

- ▶ Loan Review Board: Tim Salutz.

August 18, 2009 Session:

- ▶ Aging & Disability Resource Center Governing Board: Anil Chudgar.
- ▶ Local Emergency Planning Committee: Mary Coenen and alternate Marcia Donlon.

September 22, 2009 Session:

- ▶ Expo Board: Christine Kocourek.

APPOINTMENTS continued...

November 17, 2009 Session:

- ▶ Ethics Board: Louis Hovda, Jay Muchin and Supervisor Norb Vogt.
- ▶ Expo Board: Vic Voigt, Rob Voss, Jody Beyer and Mike Plate.
- ▶ Human Services Board: Harold Carlson and Tom Davis.
- ▶ Local Emergency Planning Committee: Supervisor Joe Janowski and alternate Supervisor Ed Rappe, Nancy Crowley, Jim Blaha and alternate Amy Wergin, Randy Neils, Chris Meyer and Gerald Wiesner.
- ▶ Wisconsin Works Steering Committee: Ruth Wichlacz, Brigid Bailey, Kathy Zucchi and Derek Muench.

December 15, 2009 Session:

- ▶ Manitowoc-Calumet Library System Board of Trustees: Darlene Waterstreet, Robert C. Vollendorf and Katherine Ristow.
- ▶ Ice Center Board: Michelle Hoffman, Dave Pawlowski and D. Tyler Fellows.
- ▶ Veterans Service Commission: Steven M. Czekala.
- ▶ Community Action Program: Supervisor Paul Tittl.

February 23, 2010 Session:

- ▶ Manitowoc-Calumet Library System Board of Trustees: Natalie Wusterbarth.

March 16, 2010 Session:

- ▶ Board of Health: Dr. Todd Nelson.

COMMUNICATIONS

April 21, 2009 Session:

1. Oconto County - Resolution Opposing Bill S149 (Weekend Voting Act).
2. Trempealeau County - Resolution Requesting that the DOC Increase Reimbursement Payments for State Prisoners Held in the Trempealeau County Jail.

May 19, 2009 Session:

1. Door County - Resolution Supporting Legislation Giving Law Enforcement Officers Authority of Primary Enforcement of the State Seatbelt Law.
2. Chippewa County - Resolution Requesting Increased Reimbursement for State Prisoners Held in Chippewa County Jail.
3. Door County and Forest County - Resolution Opposing Governor's Proposed Changes to Insurance Laws and 2009 Senate Bill 20.
4. Lincoln County - Resolution Supporting Legislation Permitting Register of Deeds to Charge a "Flat" Recording Fee.
5. Ozaukee County - Resolution Opposing Proposed Changes to Prevailing Wage Law.
6. Washburn County - Resolution Opposing SB 149 "Weekend Voting Act" and 2009 AJ 2.

June 16, 2009 Session:

1. Wood County - Resolution Supporting Legislation Permitting Register of Deeds to Charge a "Flat" Recording Fee.
2. Grant County, Dodge County, Outagamie County, and Portage County - Resolution Opposing the Governor's Proposed Changes to Insurance Laws and 2009 Senate Bill 20.
3. Columbia County and Langlade County - Resolution Opposing Proposed Policy Changes to the Farmland Preservation Program in the Governor's Budget Bill.
4. Grant County - Resolution Opposing "Weekend Voting Act."
5. Outagamie County - Resolution Opposing Interest Rate Reduction on Delinquent Property Taxes.
6. Dodge County and Grant County - Resolution Opposing Proposed Changes to Wisconsin's Prevailing Wage Law.

July 21, 2009 Session:

1. Dodge County - Resolution Opposing AB 149 Proposing Interest Rate Reduction on Delinquent Property Taxes.
2. Trempealeau County - Resolution Opposing Proposed Changes to Wisconsin's Prevailing Wage Law.

August 18, 2009 Session:

1. Vernon County - Resolution Opposing S. 149 "Weekend Voting Act" and 2009 Assembly Joint Resolution 2.
2. Barron County - Resolution Opposing Proposed Changes to Wisconsin's Prevailing Wage Law.

October 15, 2009 Session:

1. Trempealeau County - Resolution Opposing 2009 Assembly Joint Resolution 2 "Weekend Voting Act."
2. Outagamie County - Resolution Supporting Legislation Prohibiting a Licensed Lender from Making or Offering a Motor Vehicle Title Loan.

COMMUNICATIONS continued...

November 17, 2009 Session:

1. Outagamie County - Resolution Requesting That Any New Entity with Taxing Authority Shall be Composed of Elected Officials.
2. Outagamie County - Resolution Opposing Legislation that Provides an Enhanced Penalty for Certain Crimes if the Person Committing the Crime Intentionally Selects the Victim Based on His or Her Belief of the Victim's Gender.

December 15, 2010 Session:

1. Outagamie County – Resolution Opposing AB 403 relating to the reduction of local governmental unit's property insurance premiums.
2. Waushara County – Resolution Opposing S. 149 Weekend Voting Act.

January 19, 2010 Session:

1. Outagamie County – Resolution Opposing Legislation that would Change Time of Election for Supreme Court Justices and the State Superintendent of Public Instruction to the November General Election.
2. Outagamie County – Resolution Opposing Legislation Requiring Protective Retirement a Mandatory Subject of Collective Bargaining.
3. Outagamie County – Resolution Opposing Legislation Establishing a Presumption for Infectious Diseases in Proceedings Regarding the Benefits for a Fire Fighter, a Law Enforcement Officer or a Correctional Officer.
4. Brown County – Resolution Requesting Legislators Support Legislation that would Require all Counties to Hire Fraud Investigators in Proportion to Their Population and that the Costs for this Service Would be Paid for by Federal Funding.
5. Langlade County – Resolution Supporting Maintaining Current Law Regarding Jurisdictional Amounts and Court Fees in Small Claims Actions.
6. Racine County – Resolution Supporting 2009 AB 392 to End Predatory Lending in Wisconsin.
7. Fond du Lac County – Resolution Encouraging Acknowledgement and Action Upon the Final Report of the Northeast Wisconsin Karst Task Force.

February 23, 2010 Session:

1. Ozaukee County – Resolution Supporting the Pursuit of Remedies to Stop Asian Carp Species from Entering Lake Michigan and Protect Wisconsin Interests.
2. Langlade County – Resolution Opposing Implementation of County Assessment.
3. Columbia, Door, Iowa, Langlade, and St. Croix Counties and Wisconsin County Planning Directors – Resolution Supporting Delayed Implementation of the Farmland Preservation Rezoning Conversion Fee.
4. Rock County – Resolution Requesting State Law Change to Allow Counties Use of the Design-Build Construction Method.
5. Racine County – Resolution Requesting Legislature to Ensure the Integrity of the Wisconsin Shares Child Care Subsidy Program by Enacting Legislation to Prevent Fraud.

COMMUNICATIONS continued...

6. Langlade County – Resolution Urging Legislation to Allow Counties to Borrow Funds for the Purpose of Purchasing Delinquent Taxes.
7. Outagamie County – Resolution Opposing Legislation Allowing Local Units of Government the Option of Not Allowing a Search by Last Name on the Publicly Available Website.
8. Outagamie County – Resolution Opposing Legislation Requiring Custody Study Report to be Submitted to the Court and Parties Ten Days Prior to Being Introduced into Evidence.
9. Outagamie County – Resolution Supporting Language Allowing Governmental Units to Release Audio Public Records of 911 Calls as Transcripts Upon Request.
10. Outagamie County – Resolution Supporting Proposed Language Repealing S. 79.07, Restoring Authority of Local Elected Official to Set Spending Priorities for Their Municipality.
11. Outagamie County – Resolution Supporting Proposed Language Which Prohibits Revision of Reallocation Under Which the Recipient of a Reallocation Adopted a Resolution Authorizing the Issuance of a Bond.
12. Florence County and Portage County – Resolution Opposing Legislation Requiring Protective Retirement a Mandatory Subject of Collective Bargaining.
13. Lincoln County – Resolution Opposing S. 149 “Weekend Voting Act.”

March 16, 2010 Session:

1. Congressman Tom Petri – Letter regarding budget effect on Social Security and Medicare.
2. Florence County – Resolution Opposing Implementation of County Assessment.
3. Dodge County – Resolution Encouraging Legislators to Act upon the Final Report of the Northeast Wisconsin KARST Task Force.
4. Racine County – Resolution Supporting the Pursuit of Remedies to Stop Asian Carp Species from Entering Lake Michigan and Protect Wisconsin Interests.
5. Dodge and Washington Counties – Resolution Opposing AB 634 Making Classification of Protective Occupation Participant Status a Mandatory Subject of Collective Bargaining.
6. Eau Claire and Langlade Counties – Resolution Supporting AB 392 to End Predatory Lending In Wisconsin.
7. Langlade, Price, and Portage Counties – Resolution Opposing SB 466 Relating to Regulation of Insurance of Self-Insured Health Plans Offered by a City, Town, Village, County or School District.
8. Portage County – Resolution Opposing AB 644 Establishing a Presumption for Employment-Connected Communicable Diseases for Fire Fighters, Emergency Medical Service Providers, Law Enforcement Officers, and Certain Correctional Employees.
9. Langlade and Portage Counties – Resolution Supporting Federal Funding for Welfare Fraud Investigation.
10. Barron County – Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee.
11. Langlade County – Resolution Opposing Legislation Allowing Counties to Prohibit Name Searches to the General Public.
12. Langlade County – Resolution Opposing Legislation Requiring Study Reports Prior to Hearing.

PETITIONS

May 19, 2009 Session:

1. John and Vicki Kittel - Town of Cooperstown
2. Paul Natzke - Town of Maple Grove
3. Len Harrington - Town of Rockland
4. Mark Murray - Town of Two Creeks
5. Marsh Murray - Town of Two Creeks

June 16, 2009 Session:

1. Jeffrey Nichols - Town of Cato

July 21, 2009 Session:

1. Manitowoc County Planning & Park Commission - Manitowoc County
2. Scott and Angela Anhalt - Town of Manitowoc
3. Mary Zimmermann - Town of Liberty
4. Gerald Bellin, Jr.

August 18, 2009 Session:

1. Garry Gates - Town of Manitowoc Rapids
2. Virginia Kress - Town of Gibson
3. John and Sandra Reynolds - Town of Two Creeks
4. River Central, LLP % Kevin Ramminger - Town of Manitowoc Rapids and Town of Kossuth
5. Guy and Kathy Schuette - Town of Manitowoc
6. Howard and Suzanne Zimmermann - Town of Cato

September 22, 2009 Session:

1. D-J Farms Inc. - Town of Gibson
2. Brian Laurent - Town of Manitowoc
3. Peter Koeppel and Pattie Spaude - Town of Kossuth

October 15, 2009 Session:

1. Randy Pelishek - Town of Cooperstown
2. John and Mary Ann Hager - Town of Cooperstown

December 15, 2009 Session:

1. Town of Centerville – B36-0024 (Point Creek Bridge)
2. Town of Centerville – Salm Bridge
3. Town of Cooperstown – P36-0103 (Kocian Bridge)
4. Town of Eaton – Krueger Bridge
5. Town of Franklin – Bartelme Bridge
6. Town of Franklin – Peterson Bridge
7. Town of Gibson – Cisler Bridge
8. Town of Gibson – Hillview Court Bridge
9. Town of Kossuth – Dienor Bridge
10. Town of Kossuth – Peroutka Bridge
11. Town of Manitowoc – B36-0165 (Silver Creek Bridge)
12. Town of Manitowoc – Michaels Bridge

PETITIONS continued...

13. Town of Manitowoc Rapids – Ames Bridge
14. Town of Manitowoc Rapids – Harvest Circle Bridge
15. Town of Manitowoc Rapids – B36-169 (Michigan Avenue Bridge)
16. Town of Manitowoc Rapids – Schmidt Bridge
17. Town of Manitowoc Rapids – B36-181 (Valley Drive Bridge)
18. Town of Meeme – Prigge Bridge
19. Town of Mishicot – Sunrise Lane Bridge
20. Town of Newton – B36-0179 (Newton Road Bridge)
21. Town of Newton – Fruzyna Bridge
22. Town of Newton – Ratajczak Bridge
23. Town of Newton – Scheffler Bridge
24. Town of Schleswig – B36-172 (Steinthal Road Bridge)
25. Town of Two Creeks – Cherveny Bridge
26. Town of Two Creeks – Dump Bridge
27. Town of Two Creeks – Mattek Bridge
28. Town of Two Creeks – Pilon Bridge
29. Town of Two Creeks – Strutz Bridge
30. Town of Two Creeks – Wojta Bridge
31. Town of Two Rivers – Jagemann Bridge
32. Town of Two Rivers – Messman Bridge

January 19, 2010 Session:

1. Marvin Braun - Town of Cato
2. Marvin Braun - Town of Cato
3. Jeremiah and Heidi Schaefer - Town of Meeme

March 16, 2010 Session:

1. Peter Koeppel and Pattie Spaude - Town of Kossuth

* Denotes an Ordinance.

RESOLUTIONS & ORDINANCES ALPHABETICAL BY COMMITTEE

AGING and DISABILITY RESOURCE CENTER BOARD:		SESSION:	PAGE:
09/10-37	Resolution Authorizing Grant Application (American Recovery and Reinvestment Act Funds)	July	75
09/10-38	Resolution Amending 2009 Budget (Aging and Disability Resource Center)	July	77
09/10-39	Resolution Authorizing FEMA Grant Application	July	78
09/10-47	Resolution Authorizing New Freedom Grant Application	August	91
09/10-48	Resolution Authorizing Supplemental Transportation Rural Assistance Program Grant Application	August	91
09/10-57	Resolution Amending 2009 Budget (Aging and Disability Resource Center)	September	103
09/10-98	Resolution Authorizing Specialized Transportation Assistance Program Grant Application	December	186
09/10-99	Resolution Amending 2009 Budget (Aging and Disability Resource Center)	December	187
09/10-106	Resolution Amending 2009 and 2010 Budget (Aging and Disability Resource Center)	January	200
09/10-122	Resolution Authorizing Addition of 1.21 Full-Time Equivalent ADRC Positions	February	226
BOARD OF HEALTH:			
09/10-77	Resolution Amending 2009 Budget (Health Department)	October	152
09/10-78	Resolution Authorizing Application for and Acceptance of Public Health Emergency Response Grant	October	153
09/10-90	Resolution Adopting Health Department Fee Schedule (07/01/2010 - 06/30/2011)	November	170
09/10-124	Resolution Accepting American Recovery and Reinvestment Act Grant	March	231
*09/10-26	Ordinance Amending Manitowoc County Code Chapter 7 (Public Health)	June	47
EXECUTIVE COMMITTEE:			
09/10-71	Resolution Supporting 2009 Assembly Bill 309	September	118
09/10-113	Resolution Amending 2010 Budget (County Clerk - SVRS) ..	February	215
*09/10-73	Ordinance Amending Manitowoc County Code Chapter 22 (Citations)	September	120
FINANCE COMMITTEE:			
09/10-1	Resolution Authorizing Designation, Carry-over, Transfer, and Reappropriation of Specified Funds from 2008 to 2009 ..	April	3
09/10-2	Resolution Authorizing Restatement of 2008 Budget (Various Activity, Revenue, and Expense Appropriations)	April	6

FINANCE COMMITTEE continued...:**SESSION: PAGE:**

09/10-3	Resolution Authorizing Out-of-State Travel (Liz Johnson)	April	9
09/10-16	Resolution Adopting Identity Theft Prevention Program (Red Flags Rule)	April	27
09/10-17	Resolution Authorizing Transfer of \$2,454,788 from General Fund to Human Services Special Revenue Fund	May	31
09/10-18	Resolution Opposing 2009 AB 149 (Interest Rate Reduction Delinquent Property Taxes)	May	32
09/10-19	Resolution Authorizing Sale of Tax foreclosed Property (John Filipek)	May	33
09/10-27	Resolution Authorizing Participation in United Way Campaign	June	63
09/10-46	Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems)	August	87
09/10-49	Resolution Denying Claim (D.T. Kedinger)	August	93
09/10-50	Resolution Amending Web Site Privacy Policy	August	93
09/10-56	Initial Resolution Authorizing General Obligation Bonds or Promissory Notes Not to Exceed \$15,335,000 for 2009 Capital Projects and Providing the Issuance of Bond or Note Anticipation Notes	September	101
09/10-74	Resolution Committing to Family Care Program	October	125
09/10-75	Resolution Authorizing Out-of-State Travel (Liz Johnson)	October	126
09/10-76	Resolution Authorizing the Issuance and Sale of \$5,000,000 Note Anticipation Notes	October	128
09/10-88	Resolution Canceling County Checks Not Presented Within Two Years of Issuance	October	166
09/10-91	Resolution Denying Claim (MRE of Manitowoc, LLC)	November	171
09/10-92	(ENGROSSED COPY) Resolution Adopting 2010 Budget and Property Tax Levy	November	172
09/10-92	(ENGROSSED COPY) Resolution Adopting 2010 Budget and Property Tax Levy	November	183
09/10-100	Resolution Encouraging Participation in the 2010 Census	December	188
09/10-105	Resolution Amending 2009 Human Services Budget	December	195
09/10-111	Resolution Authorizing \$2,015,000 in Refunding Revenue Bonds (Great Lakes Training and Development Corporation Project) Series 2010	February	209
09/10-112	Resolution Authorizing Out-of-State Travel (Liz Johnson)	February	214
09/10-113	Resolution Amending 2010 Budget (County Clerk - SVRS) ..	February	215
09/10-125	Resolution Designating Manitowoc County as a Recovery Zone for Purposes of the Issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds	March	232
*09/10-20	Ordinance Amending Manitowoc County Code Chapter 4 (Foreclosure of Tax Liens and Maintenance and Sale of Tax- Deeded Land)	May	34
*09/10-58	Ordinance Amending Manitowoc County Code Section 4.13 (1) (Marriage License and Domestic Partnership Fees)	September	104

HIGHWAY COMMITTEE:

		SESSION:	PAGE:
09/10-4	Resolution Authorizing Highway Committee to Approve Contract With Northeast Asphalt	April	10
09/10-40	Resolution Designating Additional Airport Fuel Farm Area ..	July	79
09/10-46	Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems)	August	87
09/10-114	Resolution Authorizing Out-of-State Travel (Gary Kennedy)	February	216
*09/10-41	Ordinance Amending Manitowoc County Code § 6.15(6) (Airport Safety and Security - Fuel Flowage Fees)	July	80

HUMAN SERVICES BOARD:

09/10-5	Resolution Creating a Long-Term Care District	April	11
09/10-45	Resolution Creating Part-Time Psychiatrist Position	July	84
09/10-105	Resolution Amending 2009 Human Services Budget	December	195
09/10-126	Resolution Authorizing Out-of-State Travel (Leonhard, Schibline, and Bailey)	March	233

LAND CONSERVATION COMMITTEE/**NATURAL RESOURCES & EDUCATION COMMITTEE:**

09/10-115	Resolution Supporting University of Wisconsin Colleges' Development of Bachelor of Applied Arts and Sciences Degree	February	218
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PERSONNEL COMMITTEE:

09/10-16	Resolution Adopting Identity Theft Prevention Program (Red Flags Rule)	April	27
09/10-45	Resolution Creating Part-Time Psychiatrist Position	July	84
09/10-79	Resolution Establishing Regular Non-Represented Employee Compensation for 2010	October	155
09/10-80	Resolution Establishing County Executive's Compensation (As Amended)	October	156
09/10-116	Resolution Approving Amendment to 2008-2010 Collective Bargaining Agreement with Health Department Employees Represented by Local 5068, Federation of Nurses and Other Health Professionals	February	219
09/10-117	Resolution Establishing Elected Official Compensation	February	220
09/10-122	Resolution Authorizing Addition of 1.21 Full-Time Equivalent ADRC Positions	February	226
*09/10-6	Ordinance Amending Manitowoc County Code (Park Operations)	April	13

PLANNING AND PARK COMMISSION:

09/10-7	Resolution Adopting One-Year Moratorium on Applications for Adult Entertainment Establishments	April	15
09/10-8	Resolution Authorizing Grant Application (Manitowoc River Access)	April	18

PLANNING AND PARK COMMISSION continued...:**SESSION: PAGE:**

09/10-9	Resolution Authorizing 2009-2010 Snowmobile Trail Program	April	19
09/10-10	Resolution Authorizing Grant Application (Cedar Lake Public Access)	April	20
09/10-81	Resolution Adopting Report Denying Zoning Amendment Petition (Dale Bernhardt)	October	157
09/10-82	Resolution Adopting Report Denying Zoning Amendment Petition (Virginia Kress)	October	158
09/10-102	Resolution Adopting Report Denying Zoning Amendment Petition (River Central, LLP-Kossuth)	December	191
09/10-118	Resolution Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee	February	221
*09/10-11	Ordinance Amending Zoning Map (Ronald Lese)	April	22
*09/10-28	Ordinance Amending Zoning Map (Len Harrington)	June	64
*09/10-29	Ordinance Amending Zoning Map (John and Vicki Kittel)	June	65
*09/10-30	Ordinance Amending Zoning Map (Mark Murray)	June	66
*09/10-31	Ordinance Amending Zoning Map (Marsh Murray)	June	67
*09/10-32	Ordinance Amending Zoning Map (Paul Natzke)	June	68
*09/10-42	Ordinance Amending Zoning Map (Jeffrey Nichols)	July	81
*09/10-51	Ordinance Amending Zoning Map (Scott and Angela Anhalt)	August	95
*09/10-52	Ordinance Amending Zoning Map (Gerald Bellin Jr.)	August	96
*09/10-53	Ordinance Amending Zoning Map (Mary Zimmermann)	August	96
*09/10-54	Ordinance Amending Manitowoc County Code Chapter 8 (Corrections)	August	97
*09/10-59	Ordinance Amending Zoning Map (Garry Gates)	September	105
*09/10-60	Ordinance Amending Zoning Map (John and Sandra Reynolds)	September	106
*09/10-61	Ordinance Amending Zoning Map (Guy and Kathy Schuette)	September	107
*09/10-62	Ordinance Amending Zoning Map (Howard and Suzanne Zimmermann)	September	108
*09/10-63	Ordinance Creating Manitowoc County Code § 6.217 (Launching and Loading Watercraft)	September	109
*09/10-83	Ordinance Amending Zoning Map (D-J Farms, Inc.)	October	159
*09/10-84	Ordinance Amending Zoning Map (Brian Laurent)	October	160
*09/10-93	Ordinance Amending Zoning Map (John A. Hager)	November	174
*09/10-94	Ordinance Amending Zoning Map (Peter Koeppel and Pattie Spaude)	November	175
*09/10-95	Ordinance Amending Zoning Map (Randy Pelishek)	November	176
*09/10-101	Ordinance Adopting Comprehensive Plan (Smart Growth)	December	189
*09/10-103	Ordinance Amending Zoning Map (River Central, LLP-Manitowoc Rapids)	December	192
*09/10-119	Ordinance Amending Zoning Map (Jeremiah and Heidi Schaefer)	February	223
*09/10-120	Ordinance Amending Zoning Map (Marvin Braun - A2 to A1)	February	224
*09/10-121	Ordinance Amending Zoning Map (Marvin Braun - A3 to A1)	February	225

PUBLIC SAFETY COMMITTEE:

09/10-12	Resolution Proclaiming Telecommunicators Week	April	22
09/10-33	Resolution Terminating Joint Dispatch Agreements and Stating Intent to Enter into New Dispatch Agreements	June	69
09/10-43	Resolution Authorizing Out-of-State Travel (Joseph Keil)	July	82
09/10-44	Resolution Accepting Donation for Munitions Equipment	July	83
09/10-46	Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems)	August	87
09/10-55	Resolution Authorizing Joint Dispatch Agreement	August	98
09/10-64	Resolution Accepting Grant for In-Car Video Systems	September	110
09/10-65	Resolution Amending 2009 Budget (Emergency Management)	September	111
09/10-66	Resolution Proclaiming September as Juror Appreciation Month	September	112
09/10-89	Resolution Canceling Checks Not Presented Within Two Years of Issuance (Sheriff's Department)	October	167
09/10-96	Resolution Accepting Homeland Security Grant	November	177
09/10-97	Resolution Authorizing Memorandum of Understanding (AlertNow Rapid Communication Service)	November	178
09/10-107	Resolution Accepting Grant for Night Vision Equipment	January	202
09/10-127	Resolution Amending 2010 Budget - (Emergency Management)	March	234
09/10-128	Resolution Accepting Alcohol Enforcement Grant	March	235
*09/10-67	Ordinance Creating Manitowoc County Code § 6.285 (Social Host Ordinance)	September	113
*09/10-104	Ordinance Amending Manitowoc County Code § 4.13 (Civil Process Fees)	December	193

PUBLIC WORKS COMMITTEE:

09/10-13	Resolution Opposing Increases in Landfill Tipping Fee Surcharges and Elimination of Recycling and Solid Waste Grant Programs	April	23
09/10-21	Resolution Opposing Proposed Changes to Wisconsin Prevailing Wage Law	May	39
09/10-22	Resolution Authorizing Lease (Manitowoc County Habitat for Humanity, Inc.)	May	40
09/10-23	Resolution Authorizing Viebahn Tower Agreement	May	41
09/10-34	Resolution Commending Clean Sweep Program Volunteers and Staff	June	70
09/10-46	Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems)	August	87
09/10-68	Resolution Approving Policies and Procedures for Courthouse Grounds Use	September	115
09/10-85	Resolution Authorizing Application for Household and Agricultural Clean Sweep and Drug Collection Program Grants	October	160

PUBLIC WORKS COMMITTEE continued...:**SESSION: PAGE:**

09/10-108	Resolution Authorizing Purchase of Property (909 Hancock Street, Manitowoc)	January	203
-----------	---	---------------	-----

MISCELLANEOUS RESOLUTIONS & ORDINANCES:

09/10-14	Resolution Opposing Proposed Changes to Employment Discrimination Laws (2009 SB 20)	April	25
09/10-15	Resolution Opposing Proposed Changes to Insurance Laws (2009 AB 75)	April	26
09/10-16	Resolution Adopting Identity Theft Prevention Program (Red Flags Rule)	April	27
09/10-24	Resolution Authorizing Appointment to Wisconsin Counties Tax Utility Association	May	42
09/10-35	Resolution Opposing 2009 Assembly Bill 256 (Regulation of Wind Energy Systems)	June	71
09/10-36	Resolution Approving Town of Newton Zoning Ordinance (Richard and Cynthia Breunig)	June	72
09/10-45	Resolution Creating Part-Time Psychiatrist Position	July	84
09/10-46	Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems)	August	87
09/10-69	Resolution Approving Town of Centerville Zoning Ordinance (Chapter 9 Zoning and Land Ordinance Amendment)	September	116
09/10-70	Resolution Amending Resolution Authorizing Construction Project (Joint Dispatch Center and Information Systems)	September	117
09/10-71	Resolution Supporting 2009 Assembly Bill 309	September	118
09/10-72	Resolution Supporting 2009 SB 273 and 2009 AB 401	September	119
09/10-86	Resolution Supporting Assembly Bill 403/Senate Bill 282 (Local Government Property Insurance Fund Premiums)	October	162
09/10-87	Resolution Establishing Compensation for County Board Supervisors for Term Beginning April 2010	October	165
09/10-105	Resolution Amending 2009 Human Services Budget	December	195
09/10-109	Resolution Opposing 2009 Assembly Bill 634 Pertaining to Protective Occupation Status	January	204
09/10-110	Resolution Authorizing Quit Claim Deed (Eugene Bomba - Tax ID No. 52-000-284-050.00)	January	206
09/10-113	Resolution Amending 2010 Budget (County Clerk - SVRS) ..	February	215
09/10-122	Resolution Authorizing Addition of 1.21 Full-Time Equivalent ADRC Positions	February	226
09/10-123	Resolution Supporting Senate Bill 399 and Assembly Bill 605 (Joint Powers Authority to Increase Local Economic Activity)	February	227
*09/10-25	Ordinance Amending Manitowoc County Code (Library Board Appointments)	May	43
*09/10-73	Ordinance Amending Manitowoc County Code Chapter 22 (Citations)	September	120

OTHER BUSINESS:

----- Proclamation Declaring the Month of April as “Parents Who Host, Lose the Most.”	April	2
----- Proclamation Commending the Silver Lake Park Oversight Committee to Co-Chair Dave Pozorski	April	2
----- Proclamation Proclaiming Foster Care Month	April	2
----- Proclamation Declaring April 12-18, 2009 as Paralyzed Veterans’ Awareness Week	April	2
----- Proclamation Thanking Supervisor Ralph Kozlowski	April	28
----- Proclamation Commending “Fairest of the Fair” Allyson Binversie	April	30
----- Proclamation Proclaiming June Dairy Month	April	30
----- Proclamation Honoring the Sesquicentennial of the Town of Two Creeks	August	87
----- Proclamation Honoring National 4-H Week	September	101
----- Proclamation Recognizing Fall Prevention Awareness Month	September	101
----- Proclamation Recognizing National Disability Employment Awareness Month	October	152
----- Proclamation Proclaiming Money Smart Week, October 10-17, 2009	October	152
----- Proclamation Honoring Wisconsin Volunteer Fire Chief of the Year Bob Ferry	October	152
----- Proclamation Proclaiming October 28, 2009 as Human Resources Professional Day	October	164
----- Proclamations Honoring Supervisors Art Diedrich, Kathie Bundy, Joe Janowski and Clyde Mueller	March	230
----- Proclamation Honoring Supervisor Tony Heyroth	March	237