

2012 - 2013

COUNTY BOARD PROCEEDINGS

COUNTY BOARD OF SUPERVISORS OF MANITOWOC COUNTY



Photos: The Manitowoc County Health Department building (top), and Health Department staff (bottom).
In August 2012, Manitowoc County purchased a property located at 1028 S. 9th Street to relocate the Health Department, and the building at 823 Washington St. was slated for demolition.

Sessions: April 17, 2012 - March 19, 2013

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

2012-2013 OFFICIAL PROCEEDINGS

MANITOWOC COUNTY BOARD OF SUPERVISORS STATE OF WISCONSIN, MANITOWOC COUNTY

Chairperson of the County Board

Paul “Biff” Hansen

Vice Chairpersons

**Kevin L. Behnke
Rick Gerroll**

Prepared by: Jamie J. Aulik, County Clerk

April 2013

2012/2013 OFFICIAL PROCEEDINGS
MANITOWOC COUNTY BOARD OF SUPERVISORS

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MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 17, 2012

7:00 P.M.

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 April 2012, for the purpose of transacting business as a Board of Supervisors.

Acting Chairperson Paul Tittl called the meeting to order at 7:00 p.m.

Supervisor Behnke gave the invocation and the Pledge of Allegiance to the Flag was recited by the entire assemblage.

County Clerk Aulik read the Certified List of Members elected to the County Board for a two year term starting April 17, 2012, and expiring April 15, 2014. The clerk then administered the oath of office.

Roll call: 24 members present; Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Wagner, and Weiss. Supervisor Waack was excused.

On motion by Supervisor Brey, seconded by Supervisor Vogel the March 20, 2012 meeting minutes were approved on a unanimous vote.

Establish the Rules: Supervisor Henrickson moved, seconded by Supervisor Burke to adopt Resolution 1 (2012-2013-1) Adopting County Board Rules to Govern the Board for the 2012-2014 term pending amendments at the next County Board meeting. Upon vote, the motion carried unanimously.

No. 2012/2013 - 1

RESOLUTION ADOPTING COUNTY BOARD RULES

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board has found it useful to adopt a set of County Board Rules
2 to assist and guide it in conducting the county's business; and
3

4 WHEREAS, a proposed set of Manitowoc County Board Rules for the County Board
5 Elected April 2012 has been provided to the members-elect; and
6

7 WHEREAS, the County Board wishes to adopt the proposed rules with the understanding

8 that they will be reviewed by the Executive Committee, which may recommend additions,
9 changes, or deletions to the rules at the next regular County Board meeting, and that the rules
10 may be amended from time to time;

11
12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board adopts the
13 proposed MANITOWOC COUNTY BOARD RULES for the COUNTY BOARD ELECTED
14 APRIL 2012.

Dated this 17th day of April 2012.

Respectfully submitted by Paul Tittl, Supervisor.

FISCAL IMPACT: None.

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.

Election of Officers

CHAIRPERSON:

Acting Chair Tittl announced that nominations were open for the position of Chairperson. Supervisor Korinek nominated Supervisor Tittl. Acting First-Vice-Chair Kevin Behnke assumed the Chair Position for the election. Supervisor Wagner nominated Supervisor Hansen. There were no more nominations. Speeches were given by the prospective candidates. Ballots were cast and the results were read aloud as follows: Supervisor Tittl received 10 votes, and Supervisor Hansen received 14 votes. Supervisor Hansen was elected as Chairperson for a two year term, and assumed the Chair position.

FIRST VICE-CHAIR:

Chairperson Hansen announced that nominations were open for the position of First Vice-Chairperson. Supervisor Vogt nominated Supervisor Behnke. Supervisor Kopecky nominated Supervisor Metzger. Supervisor Metzger declined the nomination. There were no more nominations. Supervisor Behnke was elected as First Vice-Chair for a two year term by unanimous consent.

SECOND VICE-CHAIR:

Chairperson Hansen announced that nominations were open for Second Vice-Chairperson. Supervisor Kopecky nominated Supervisor Metzger. Supervisor Vogt nominated Supervisor Gerroll. Supervisor Behnke nominated Supervisor Maresh. There were no more nominations.

Speeches were given by the prospective candidates.

Vote #1: Ballots were cast and the results were read aloud as follows: Supervisor Gerroll received 9 votes, Supervisor Maresh received 5 votes, and Supervisor Metzger received 10 votes. There was not a majority vote and ballots had to be cast again.

Vote #2: Ballots were cast and the results were read aloud as follows: Supervisor Gerroll received 11 votes, Supervisor Maresh received 3 votes, and Supervisor Metzger received 10 votes. There was not a majority vote and ballots had to be cast again. Supervisor Maresh withdrew her nomination.

Vote #3: Ballots were cast and the results were read aloud as follows: Supervisor Gerroll received 12 votes, and Supervisor Metzger received 12 votes. There was not a majority vote and ballots had to be cast again.

Vote #4: Ballots were cast and the results were read aloud as follows: Supervisor Gerroll received 12 votes and Supervisor Metzger received 12 votes. There as not a majority vote and ballots had to be cast again.

Vote #5: Ballots were cast and the results were read aloud as follows: Supervisor Gerroll received 13 votes and Supervisor Metzger received 11 votes. Supervisor Gerroll was elected as second Vice-Chair for a two year term.

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

Miscellaneous: Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 2 (2012/2013-2) Authorizing the Issuance and Sale of \$3,785,000 Taxable General Obligation Refunding Bonds. Upon vote, the motion carried unanimously.

No. 2012/2013 - 2

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$3,785,000 TAXABLE GENERAL OBLIGATION REFUNDING BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board of Supervisors of Manitowoc County, Wisconsin (the
2 “County”) hereby finds and determines that it is necessary, desirable and in the best interest of
3 the County to raise funds for the purpose of paying the cost of refunding obligations of the
4 County, including interest on them, specifically, the 2014 through 2023 maturities of the Taxable
5 General Obligation Refunding Bonds, dated April 15, 2003 (the “Refunded Obligations”)
6 (hereinafter the refinancing of the Refunded Obligations shall be referred to as the “Refunding”),
7 and there are insufficient funds on hand to pay said cost;

8
9 WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in

10 the best interest of the County to refund the Refunded Obligations for the purpose of achieving
11 debt service cost savings;

12
13 WHEREAS, counties are authorized by the provisions of Section 67.04, Wisconsin
14 Statutes, to borrow money and issue general obligation refunding bonds to refinance their
15 outstanding obligations;

16
17 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary,
18 desirable and in the best interest of the County to authorize the issuance of and to sell its general
19 obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the
20 "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto
21 as Exhibit A and incorporated herein by this reference (the "Proposal"); and

22
23 WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986,
24 as amended, it is necessary to issue the Bonds on a taxable rather than tax-exempt basis.

25
26 NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the
27 County that:

28
29 Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of
30 the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the
31 principal sum of THREE MILLION SEVEN HUNDRED EIGHTY-FIVE THOUSAND
32 DOLLARS (\$3,785,000) from the Purchaser in accordance with the terms and conditions of the
33 Proposal. The Proposal is hereby accepted, and the Chairperson and County Clerk or other
34 appropriate officers of the County are authorized and directed to execute an acceptance of the
35 Proposal on behalf of the County. To evidence the obligation of the County, the Chairperson
36 and County Clerk are hereby authorized, empowered and directed to make, execute, issue and
37 sell to the Purchaser for, on behalf of and in the name of the County, the Bonds aggregating the
38 principal amount of THREE MILLION SEVEN HUNDRED EIGHTY-FIVE THOUSAND
39 DOLLARS (\$3,785,000) for the sum set forth on the Proposal, plus accrued interest to the date
40 of delivery.

41
42 Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General
43 Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$3,785,000;
44 shall be dated May 8, 2012; shall be in the denomination of \$5,000 or any integral multiple
45 thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and
46 mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing
47 Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is
48 payable semi-annually on April 1 and October 1 of each year commencing on October 1, 2012.
49 Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be
50 rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of
51 principal and interest payments due on the Bonds is set forth on the Debt Service Schedule
52 attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

53
54 Section 3. Redemption Provisions. The Bonds maturing on April 1, 2022 and thereafter

55 shall be subject to redemption prior to maturity, at the option of the County, on April 1, 2021 or
56 on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from
57 maturities selected by the County and within each maturity, by lot, at the principal amount
58 thereof, plus accrued interest to the date of redemption.

59
60 Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be
61 executed and delivered in substantially the form attached hereto as Exhibit C and incorporated
62 herein by this reference.

63
64 Section 5. Tax Provisions.

65
66 (A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and
67 interest on the Bonds as the same becomes due, the full faith, credit and resources of the County
68 are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the
69 County a direct annual irrepealable tax in the years 2012 through 2022 for the payments due in
70 the years 2012 through 2023 in the amounts set forth on the Schedule. The amount of tax levied
71 in the year 2012 shall be the total amount of debt service due on the Bonds in the years 2012 and
72 2013; provided that the amount of such tax carried onto the tax rolls shall be abated by any
73 amounts appropriated pursuant to subsection (D) below which are applied to payment of
74 principal of or interest on the Bonds in the year 2012.

75
76 (B) Tax Collection. So long as any part of the principal of or interest on the Bonds
77 remains unpaid, the County shall be and continue without power to repeal such levy or obstruct
78 the collection of said tax until all such payments have been made or provided for. After the
79 issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the County
80 and collected in addition to all other taxes and in the same manner and at the same time as other
81 taxes of the County for said years are collected, except that the amount of tax carried onto the tax
82 roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund
83 Account created below.

84
85 (C) Additional Funds. If at any time there shall be on hand insufficient funds from the
86 aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the
87 requisite amounts shall be paid from other funds of the County then available, which sums shall
88 be replaced upon the collection of the taxes herein levied.

89
90 (D) Appropriation. The County hereby appropriates from amounts levied to pay debt
91 service on the Refunded Obligations or other funds of the County on hand a sum sufficient to be
92 irrevocably deposited in the segregated Debt Service Fund Account created below and used to
93 pay the interest on the Bonds coming due on October 1, 2012 as set forth on the Schedule.

94
95 Section 6. Segregated Debt Service Fund Account.

96
97 (A) Creation and Deposits. There be and there hereby is established in the treasury of
98 the County, if one has not already been created, a debt service fund, separate and distinct from
99 every other fund, which shall be maintained in accordance with generally accepted accounting

principles. Debt service or sinking funds established for obligations previously issued by the County may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for \$3,785,000 Taxable General Obligation Refunding Bonds, dated May 8, 2012" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the County, unless the County Board of Supervisors directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund separate and distinct from all other funds of the County and disbursed solely for the purpose for which borrowed or for the payment of the principal of and the interest on the Bonds. In no event shall monies in the Borrowed Money Fund be used to fund operating expenses of the general fund of the County or of any special revenue fund of the County that is supported by property taxes. In order to accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 15 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any

145 income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose
146 for which the Bonds have been issued has been accomplished, and, at any time, any monies as
147 are not needed and which obviously thereafter cannot be needed for such purpose shall be
148 deposited in the Debt Service Fund Account.

149
150 Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be
151 issued in printed form, executed on behalf of the County by the manual or facsimile signatures of
152 the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined
153 below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to
154 the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to
155 the date of delivery (the "Closing"). The facsimile signature of either of the officers executing
156 the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but,
157 unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the
158 signatures appearing on each Bond shall be a manual signature. In the event that either of the
159 officers whose signatures appear on the Bonds shall cease to be such officers before the Closing,
160 such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as
161 if they had remained in office until the Closing. The aforesaid officers are hereby authorized and
162 directed to do all acts and execute and deliver the Bonds and all such documents, certificates and
163 acknowledgments as may be necessary and convenient to effectuate the Closing. The County
164 hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements
165 and contracts in conjunction with the Bonds, including but not limited to agreements and
166 contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate
167 calculation services. Any such contract heretofore entered into in conjunction with the issuance
168 of the Bonds is hereby ratified and approved in all respects.

169
170 Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the
171 Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin,
172 which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of
173 Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The Fiscal Agency Agreement
174 between the County and the Fiscal Agent shall be substantially in the form attached hereto as
175 Exhibit D and incorporated herein by this reference.

176
177 Section 10. Persons Treated as Owners; Transfer of Bonds. The County shall cause
178 books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The
179 person in whose name any Bond shall be registered shall be deemed and regarded as the absolute
180 owner thereof for all purposes and payment of either principal or interest on any Bond shall be
181 made only to the registered owner thereof. All such payments shall be valid and effectual to
182 satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.
183 Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the
184 office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly
185 executed by the registered owner or his attorney duly authorized in writing. Upon such transfer,
186 the Chairperson and County Clerk shall execute and deliver in the name of the transferee or
187 transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and
188 the Fiscal Agent shall record the name of each transferee in the registration book. No
189 registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for

transfer.

The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds 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 13. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Bonds 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 14. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, 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 Bonds 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 Bonds).

The County Clerk, or other officer of the County charged with the responsibility for issuing the Bonds, 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 15. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the County, for the purpose of ensuring the payment of the principal of and interest on the

235 Refunded Obligations (the “Escrow Agent”).

236
237 The Chairperson and County Clerk are hereby authorized and directed to execute an
238 escrow agreement substantially in the form attached hereto as Exhibit E (the “Escrow
239 Agreement”) (such form may be modified by said officers prior to execution, the execution of
240 such agreement by said officers to constitute full approval of the County Board of Supervisors of
241 any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions
242 of this Resolution.

243
244 The Bond Proceeds allocable to refunding the Refunded Obligations shall be deposited in
245 a refunding escrow account which is hereby created with the Escrow Agent, pursuant to the
246 Escrow Agreement, for the purpose of retaining the required amount of cash, if any, and
247 acquiring the United States obligations provided for in the Escrow Agreement.

248
249 Upon transfer of the Bond Proceeds and any other necessary funds allocable to refunding
250 the Refunded Obligations to the Escrow Account, the taxes heretofore levied to pay debt service
251 on the Refunded Obligations shall be abated to the extent such transfer together with investment
252 earnings thereon is sufficient to pay the principal of and interest on the Refunded Obligations,
253 but such abatement shall not affect the County’s pledge of its full faith, credit and resources to
254 make such payments. The refunding escrow account created by the Escrow Agreement shall
255 hereinafter serve as the debt service (or sinking) fund account for the Refunded Obligations.
256 The Escrow Agent shall serve as custodian of said debt service (or sinking) funds.

257
258 Section 16. Escrow Securities. The Escrow Agent and Robert W. Baird & Co.
259 Incorporated are authorized to purchase direct obligations of the U.S. government on behalf of
260 the County in such amount as is necessary in order to carry out the Refunding.

261
262 Section 17. Redemption of the Refunded Obligations. The Refunded Obligations are
263 hereby called for prior payment and redemption on April 1, 2013 at a price of par plus accrued
264 interest to the date of redemption.

265
266 The County hereby directs the Escrow Agent appointed above to cause timely notice of
267 redemption, in substantially the form attached to the Escrow Agreement (the “Notice”), to be
268 provided at the times, to the parties and in the manner set forth on the Notice.

269
270 Section 18. Record Book. The County Clerk shall provide and keep the transcript of
271 proceedings as a separate record book (the “Record Book”) and shall record a full and correct
272 statement of every step or proceeding had or taken in the course of authorizing and issuing the
273 Bonds in the Record Book.

274
275 Section 19. Bond Insurance. If the Purchaser of the Bonds determines to obtain
276 municipal bond insurance with respect to the Bonds, the officers of the County are authorized to
277 take all actions necessary to obtain such municipal bond insurance. The Chairperson and County
278 Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably
279 request and which are acceptable to the Chairperson and County Clerk including provisions

280 regarding restrictions on investment of Bond proceeds, the payment procedure under the
281 municipal bond insurance policy, the rights of the bond insurer in the event of default and
282 payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In
283 addition, any reference required by the bond insurer to the municipal bond insurance policy shall
284 be made in the form of Bond provided herein.

285
286 Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions,
287 rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the
288 provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so
289 conflict. In the event that any one or more provisions hereof shall for any reason be held to be
290 illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The
291 foregoing shall take effect immediately upon adoption and approval in the manner provided by
292 law.

Dated this 17th day of April 2012.

Respectfully submitted by James N. Brey, Supervisor.

FISCAL IMPACT: Gross savings of \$538,724 over the life of the bond as shown in the
Summary of Refinancing contained in the Final Pricing Summary dated
April 17, 2012 (Exhibit B-1), which is on file with the County Clerk.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Maresh to adopt Resolution 3 (2012/2013-3)
Authorizing Fund Balance Designations, Carry-Over, Transfer, and Reappropriation of Specified
Funds from 2011 to 2012. Upon vote, the motion carried unanimously.

No. 2012/2013 - 3

**RESOLUTION AUTHORIZING FUND BALANCE DESIGNATIONS,
CARRYOVER, TRANSFER, AND REAPPROPRIATION
OF SPECIFIED FUNDS FROM 2011 TO 2012**

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 activities, programs, and projects that were planned for the
5 2011 budget year did not take place, were not completed, or are on-going and must be carried
6 over into the next budget year; and
7

8 WHEREAS, the County Board adopted Resolution No. 2011/2012-74, Resolution
9 Implementing Fund Balance Policy In Accordance with GASB Statement No. 54, on December

20, 2011; and

WHEREAS, the Comptroller/Auditor has compiled a pre-audit list designating those activities, programs, projects, and funds that should be carried forward and reappropriated in the 2012 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 funds and their designations are authorized to be carried over from the official books of the county for the year ended December 31, 2011 to the official books of the county for the year ending December 31, 2012; that the funds be reappropriated and expended as may be required; and that the 2012 Annual Budget is amended and the appropriate line items in the General Fund may be increased as necessary:

Non-Spendable Fund Balance		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100.34100	Resrwd-Property Taxes	\$2,228,606
100.34103	Resrwd-Mortgage Receivable	\$99,000
100.34115	Resrwd-Prepaid Items	\$3,725
100.34120	Resrwd-Inventory	\$11,555
Total		\$2,342,886

Restricted Fund Balance		
<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
100.34234	Unres/Desig-Parks DR Trail	\$52,638
100.34235	Unres/Desig-Silver Lake Dona	\$6,990
100.34236	Unres/Desig-Maribel Caves	\$1,105
100.34237	Unres/Desig-Cato Falls	\$2,837
100.34240	Unres/Desig-Public Health	\$8,464
100.34241	Unres/Desig-Park Snow Mobile	\$166,151
100.34245	Unres/Desig-Veterans Srv	\$30,309
100.34270	Unres/Desig-Lnd Rec Modern	\$163,420

100.34271	Unres/Desig-ROD Redaction	\$26,518
100.34284	Unres/Desig-UW Extension	\$7,680
Total		\$466,112

Committed Fund Balance		
Account Number	Description	Amount
100.34230	Unres/Desig-P&P Conservation	\$4,773
100.34232	Unres/Desig-Mapping	\$45,771
100.34233	Unres/Desig-Area Plan PP	\$58,576
100.34275	Unres/Desig-Sheriffs Dept	\$4,817
100.34277	Unres/Desig-Vehicle Pool PW	\$61,945
100.34279	Unres/Desig-EM Communication	\$56,250
100.34280	Unres/Desig-Emgt Hazmat	\$157,309
100.34289	Unres/Desig-Elections CC	\$68,027
100.34290	Unres/Desig-Treasurer Outlay	\$15,000
100.34293	Unres/Desig-Communications Pro	\$60,098
100.34294	Unres/Desig-PW-PBX Phone Sys	\$36,226
100.34295	Unres/Desig-Future Cap Proj	\$76,469
Total		\$645,261

Assigned for Subsequent Years		
Account Number	Description	Amount
100.34210	Budget	\$191,015;

and

BE IT FURTHER RESOLVED that remaining funds in the County's Special Revenue Funds, Debt Service Funds, and Capital Projects Funds be carried forward for their intended purpose as previously approved by the County Board; 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, 2011 to the official books of the County for the year ending December 31, 2012; that they may be expended; and that the 2012 Annual Budget is amended and the following line items are increased by the amounts shown:

Description/Purpose	Account	Category	Amount
Soil & Water US EPA Grant Rev.	61201.43280	Revenue	(420,026.91)
Soil & Water US EPA Grant Exp.	61201.55910	Expense	420,026.91
Parks - Devil's River Stewardship Grant	52001.43570.08	Revenue	(177,138.00)
Parks - Devil's River Outlay Land Impr.	52001.58250	Expense	177,138.00;

and

100 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
101 information in the official books of the County for the year ended December 31, 2011 and for the
102 year ending December 31, 2012 as may be required.

Dated this 17th day of April 2012.

Respectfully submitted by James N. Brey, Supervisor.

FISCAL IMPACT: Carries over the amounts specified from the 2011 budget to the 2012 budget and amends the 2012 Annual Budget as stated.

APPROVED: Bob Ziegelbauer, County Executive.

Chairperson Hansen announced that the next County Board meeting will be on Tuesday, April 24. The County Board picture will be at 5:15 p.m. on the east courthouse steps and orientation will take place at 6:00 in the County Board meeting room at 705 Viebahn Street.

The Executive committee will meet at 4:30 p.m. on Thursday, April 19 to appoint committee members.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Maresh, and the motion was adopted by acclamation. The meeting adjourned at 7:53 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 24, 2012

7:00 P.M.

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 24th day of April 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

Chairperson Hansen gave the invocation which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members present; Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On a motion by Supervisor Behnke, seconded by Supervisor Henrickson the April 17, 2012 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Burke moved, seconded by Supervisor Vogt to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Hansen and County Executive Bob Ziegelbauer presented a proclamation honoring outgoing Supervisor Mary Muench for serving seven terms on the Board. Supervisor Muench thanked everyone and noted that it has been an exciting and challenging journey.

Chairperson Hansen and County Executive Bob Ziegelbauer presented a proclamation honoring outgoing Supervisor Joseph Panosh for serving two terms on the Board. Supervisor Panosh thanked the citizens of the ninth district for their support.

Chairperson Hansen read a Proclamation Proclaiming "Parents Who Host, Lose the Most."

Chairperson Hansen presented a Proclamation Proclaiming Foster Care Month to Foster Care Coordinator Georgeann Knier. Ms. Knier introduced Terria and David Haver who became foster parents for their niece.

Chairperson Hansen presented a Proclamation Commemorating the 100th Anniversary of Cooperative Extension, a Division of the University of Wisconsin-Extension to Family Living Educator Faye Malek, Dairy Agent Scott Gunderson, and 4-H Youth Development Educator Kevin Palmer. Ms. Malek gave a brief history of the UW-Extension programs and invited supervisors to visit their offices.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:22 p.m.

Penny Birkholz, Town of Gibson, addressed the Board regarding the rezone request for Florence Vlasak. She asked the Board to grant the rezone from LE, Large Estate, to RR, Rural Residential.

Bernadine Maigatter, Town of Two Creeks, asked the Board to support the rezone request on their property from EA, Exclusive Agriculture, to RR, Rural Residential.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:24 pm.

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

Supervisor Henrickson moved, seconded by Supervisor Brey to adopt the Resolution 1 (2012/2013-4) Amending County Board Rules. Upon vote, the motion carried unanimously.

No. 2012/2013 - 4

RESOLUTION AMENDING COUNTY BOARD RULES

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board adopted Resolution No. 2012/2013-1 establishing rules
2 for the County Board Elected April 2012 with the understanding that those rules would be
3 reviewed by the Executive Committee and that the Executive Committee might recommend
4 additions, changes, or deletions to the rules; and

5
6 WHEREAS, the Executive Committee has reviewed the rules and recommends certain
7 changes;

8
9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board Rules for
10 the County Board Elected April 2012 are amended as follows:

11
12 Rule 12(b) pertaining to Meetings, Agendas, and Documents is amended to read as
13 follows:

- 14
15 (b) The person presiding at a meeting is responsible for the preparation of an agenda
16 for each meeting and may determine the order of business. The person presiding
17 may require that a department director who reports to the committee provide staff
18 assistance in the preparation and distribution of the agenda.

19
20 Rules 16(b) through 16(e) pertaining to Minutes are renumbered and a new paragraph
21 16(b) is created to read as follows:

- 22
23 (b) The person presiding at a meeting is responsible for the preparation of minutes for
24 each meeting and may require that a department director who reports to the
25 committee provide staff assistance in the taking, preparation, and distribution of
26 the minutes.
27

28 Rules 19 through 34 are renumbered and a new Rule 19 pertaining to Department
29 Director Input is created to read as follows:
30

31 Rule 19 Department Director Input.
32

33 A department director may not address a governmental body during public input on any
34 matter that affects or relates to his or her department or to the terms and conditions of his
35 or her employment. A department director who wishes to address a governmental body
36 on such matters may do so either in a department director's report that has been properly
37 noticed or during debate as provided for by Rule 21(a) or (d).
38

39 Renumbered Rule 20(d) pertaining to Public Input is amended to read as follows:
40

- 41 (d) A nonmember will normally be allowed five minutes to present his or her own
42 comments. However, the person presiding may establish a shorter time limit.
43 Additional time will not normally be granted, but the person presiding has the
44 discretion to do so.
45

46 Renumbered Rule 20(e) pertaining to public input is created to read as follows:
47

- 48 (e) A nonmember shall address his or her comments to the governmental body as a
49 whole and may not directly address any person other than the person presiding.

Dated this 24th day of April 2012.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: None.

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.

MISCELLANEOUS

Supervisor Behnke moved, seconded by Supervisor Burke to enact Ordinance 1a (2012/2013-5) Amending Manitowoc County Code §2.04(11)(b) (Expo Board Membership). Upon vote, the motion carried unanimously.

No. 2012/2013 - 5

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 2.04(11)(b)
(Expo Board Membership)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board presently provides for two county board
2 supervisors to serve on the Expo Board and further provides that both supervisors must be
3 members of the Public Works Committee; and
4

5 WHEREAS, requiring that both supervisors be members of the Public Works Committee
6 unnecessarily limits the opportunity for interested supervisors to participate on the Expo Board;
7

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

11 Manitowoc County Code § 2.04(11)(b) is amended by striking the words “including 2
12 county supervisors from the Public Works Committee” and inserting the words “including 1
13 county supervisor from the Public Works Committee, 1 other county supervisor from any
14 committee, and”.

Dated this 24th day of April 2012.

Respectfully submitted by Kevin L. Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive

APPOINTMENTS BY CHAIRPERSON

Supervisor Brey moved, seconded by Supervisor Vogt to approve the recommended appointments for standing committees. The committee appointments are: Finance Committee: Brey-Chair, Dufek, Hoffman, Holschbach, and Metzger; Highway Committee: Gerroll-Chair, Bauknecht, Behnke, Dufek, and Vogt; Natural Resources & Education Committee/Land Conservation: Wagner-Chair, Burke, Holschbach, Kohlman, and Waack; Personnel Committee: Behnke-Chair, Hoff, Maresh, Nickels, and Vogt; Public Safety: Henrickson-Chair, Baumann, Kopecky, Nickels, and Vogel; Public Works: Weiss-Chair, Cavanaugh, Gerroll, Korinek, and Tittl; Bay-Lake Regional Planning Commission: Hoffman; English Lake Management District: Wagner; Mainly Manitowoc Board of Directors: Vogt; Safety Net Accountability Panel:

Henrickson; Sergeant-At-Arms: Vogel; Sheboygan River & Rockville Mill Pond Management District: Waack, W-2 Community Steering Committee: Vogt, and Wisconsin Counties Utility Tax Association: Tittl. Upon voice vote, the motion carried.

APPOINTMENT BY COUNTY EXECUTIVE

Supervisor Behnke moved, seconded by Supervisor Vogel to approve County Executive Bob Ziegelbauer's appointments to various committees, boards, commissions and other organizations: ADRC of the Lakeshore: Burke, Wagner, and Waack; Board of Health: Kopecky, Metzger, Nickels, and Vogel; Community Action Program (CAP): Tittl; Expo-Ice Center Board: Behnke and Cavanaugh; Glacierland Resource Conservation & Development Council: Waack; Human Services Board: Burke-2013, Cavanaugh-2013, Henrickson-2013, Metzger-2013, Tittl-2015, and Vogel-2013; Industrial Development Corporation: Dufek; Land Information Council: Wagner; Lester Public Library Board of Trustees: Henrickson; Loan Review Board: Brey; Local Emergency Planning Committee: Henrickson, Alternate-Vogel; Manitowoc Public Library Board of Trustees: Holschbach; Planning and Park Commission: Brey-2014, Waack-2017, Korinek-2018; and Transportation Coordinating Committee: Baumann and Weiss. Upon vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Faye Konen to complete a vacancy expiring January 2015, and Alex Olson to complete a vacancy expiring January 2013 on the Manitowoc-Calumet Library System Board of Trustees. Supervisor Behnke moved, seconded by Supervisor Burke to approve the appointments. Upon voice vote, the motion carried.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Kevin Schmidt to the Human Services Board to complete a vacancy expiring December 31, 2012. Supervisor Tittl moved, seconded by Supervisor Korinek to approve the appointment. Upon voice vote, the motion carried.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Mary Muench to the Planning and Park Commission to complete a vacancy expiring July 2016. Supervisor Brey moved, seconded by Supervisor Korinek to approve the appointment. Upon voice vote, the motion carried.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Don Goeke, Rose Mary Hickman, Jim Muenzenmeyer, and Steve Roekle to the Transportation Coordinating Committee for a three year term expiring April 2015. Supervisor Waack moved, seconded by Supervisor Weiss to approve the appointments. Upon voice vote, the motion carried unanimously.

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

Aging & Disability Resource Center Board of the Lakeshore: Supervisor Wagner reported that their next meeting will be May 3.

Expo-Ice Center Board: Supervisor Behnke gave a brief report.

Finance Committee: Supervisor Brey gave a brief report.

Highway Committee: Supervisor Gerroll reported that their next meeting will be May 8.

Human Services Board: Supervisor Burke reported that their next meeting will be April 26.

Lakeland Care District Board: Supervisor Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner reported that their next meeting will be May 3.

Personnel Committee: Supervisor Behnke reported that their next meeting will be May 1.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Hoffman to adopt Resolution 1b (2012/2013-6) Authorizing Grant Application (Carstens Lake Public Access). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors vote aye.

No. 2012/2013 - 6

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, the launch ramp at the Carstens Lake Public Access is inadequate; and
5

6 WHEREAS, construction of a proposed concrete ramp at the Carstens Lake Public
7 Access will reduce future maintenance costs and improve public access; and
8

9 WHEREAS, the estimated project cost is \$9,500, which will be funded with \$4,750 in
10 State grant funds, \$1,591 in matching funds from the Park's Capital Outlay Fund Account, and
11 the remaining balance from donations and contributions by local fish and game organizations;
12

13 NOW, THEREFORE, BE IT RESOLVED that the Park Supervisor is authorized to apply
14 for and accept a Wisconsin Department of Natural Resources grant of \$4,750 for the
15 construction of a concrete boat ramp at the Carstens Lake Public Access; and
16

17 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents

18 and take the actions necessary to undertake, direct, and complete the project authorized in the
19 grant; and

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

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

Dated this 24th day of April 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$9,500 will be paid
with \$4,750 in State funds, \$1,591 from the Park Outlay Fund Account,
and the balance from donations and contributions from local fish and
game organizations.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Burke to adopt Resolution 2 (2012/2013-7)
Authorizing 2012-2013 Snowmobile Trail Program. Upon vote, the motion carried with 24 ayes
and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 7

RESOLUTION AUTHORIZING 2012-2013 SNOWMOBILE TRAIL PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3
4 WHEREAS, Manitowoc County has completed 39 years of participation in the
5 Wisconsin Snowmobile Aids Program by acquiring, developing, insuring, and maintaining
6 public snowmobile trails in the county in accordance with Wisconsin Department of Natural
7 Resources standards; and

8
9 WHEREAS, Manitowoc County is eligible to continue its participation in the

10 Snowmobile Aids Program and has budgeted \$64,175 for a Snowmobile Trail Program to cover
11 the costs for 245.1 miles of trail; and
12

13 WHEREAS, the Planning and Park Commission has provided the County Board with a
14 trail system map showing the 245.1 miles of trail that are included in the Snowmobile Trail
15 Program, but has determined that the amount applied for in the grant application should be
16 reduced to \$61,275;
17

18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
19 Supervisors approves the trail system map provided by the Planning and Park Commission; and
20

21 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
22 designates the Manitowoc County Planning and Park Commission as the agency to act on behalf
23 of Manitowoc County in submitting applications for state snowmobile aids for acquisition,
24 bridge rehabilitation, development, insurance, and maintenance costs of the county's public
25 snowmobile trail system; and
26

27 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents
28 and take the actions necessary to undertake, direct, and complete the 2012-2013 Snowmobile
29 Trail Program; and
30

31 BE IT FURTHER RESOLVED that upon completion of acquisition, development, and
32 redevelopment of the snowmobile trails through the Snowmobile Trail Program, the trails will be
33 designated as public snowmobile trails; and
34

35 BE IT FURTHER RESOLVED that Manitowoc County will, subject to the limits of
36 funds appropriated for such purposes, provide for adequate maintenance of the trails and
37 facilities that have been funded for acquisition and maintenance through the Wisconsin
38 Snowmobile Trail Program in accordance with DNR requirements and funding criteria; comply
39 with state and federal rules for the program; maintain the completed project in an attractive,
40 inviting, and safe manner; keep facilities open to the general public during reasonable hours
41 consistent with the type of facility; and obtain approval in writing from the DNR before any
42 changes are made in the use of the project site; and
43

44 BE IT FURTHER RESOLVED that revenues in the 2012 budget are amended by the
45 amount of the grant funds awarded, that expenditures in the 2012 budget are amended by an
46 amount equal to the grant, and that the Comptroller/Auditor is directed to record such
47 information in the official books of the County as may be required.

Dated this 24th day of April 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. The adopted 2012 budget estimated that the grant
would be for \$64,175. As the grant being applied for is now \$61,275 we

hereby amend the 2012 budget revenues and expenses down to that amount to reflect the grant application. The State of Wisconsin reimburses the County the total amount spent on the program.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Burke to enact Ordinance 3 (2012/2013-8) Amending Manitowoc County Code Ch. 31 (Floodplain Zoning Appendix-Cedar Creek). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 8

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 31
(Floodplain Zoning Appendix - Cedar Creek)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a floodplain zoning ordinance that contains
2 a Floodplain Study Appendix listing each revision to the county's official floodplain zoning
3 maps; and
4

5 WHEREAS, the Planning and Park Commission recommends amending the official
6 maps for Cedar Creek; and
7

8 WHEREAS, the proposed amendment is intended to protect life, health, and property in
9 floodplain areas and will govern the uses permitted in the mapped floodplain area; and
10

11 WHEREAS, the proposed amendment is intended to meet the requirements of the
12 Federal Emergency Management Agency, the Wisconsin Department of Natural Resources, and
13 Wis. Admin. Code Ch. NR 116, and, as required by state and federal law, will govern
14 development in the mapped floodplain area;
15

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

19 Manitowoc County Code ch. 31, Appendix A, Manitowoc County Floodplain Study
20 Appendix, is amended by adding the following:
21

<u>Flood Study Name</u>	<u>Town</u>	<u>FEMA Case #</u>	<u>Location</u>
Cedar Creek at route 151	Eaton	11-05-7812P	S E , S E , S e c . 1 8 ,
T18N-R21E;			

26
27 and

28
29

BE IT FURTHER ORDAINED that this amendment is effective upon publication.

Dated this 24th day of April 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Korinek to enact Ordinance 4 (2012/2013-9) Amending Manitowoc County Code Ch. 8 as it Pertains to Graves. Discussion followed. Supervisor Hoff made a friendly amendment to change the reference to the Wisconsin Statute in line 21 to read "Wis. Stat. § 157.065." Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 9

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 8
AS IT PERTAINS TO GRAVES**

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a text amendment to Manitowoc County Code Ch. 8, the
3 General Zoning Ordinance, on March 26, 2012; and
4

5 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony
6 and an examination of the facts, recommends that the General Zoning Ordinance be amended to
7 specify where graves may be located in order to prevent the unregulated placement of graves for
8 the burial of human remains;
9

10 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
11 ordain as follows:
12

13 Manitowoc County Code sec. 8.07 is amended by inserting the following definition:
14

15 "Grave" means a tract of land used or intended to be used for the underground burial of
16 human remains.
17

18 Manitowoc County Code sec. 8.32(3) is created to read as follows:
19

20 (3) It is unlawful for a person to locate a grave anywhere other than in a cemetery that
21 has been established in accordance with Wis. Stat. § 157.065.

Dated this 24th day of April 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 5 (2012/2013-10) Amending Zoning for Gary and Bernadine Maigatter. Upon vote, the motion carried unanimously.

No. 2012/2013 - 10

**ORDINANCE AMENDING ZONING
(Gary and Bernadine Maigatter)**

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 March 26, 2012; 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
6 in 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 SW¼, NW¼, Section 11, T21N-R24E, Town of Two
12 Creeks, commencing at the W¼ corner of said Section 11; thence northerly
13 approximately 1040 feet; thence easterly approximately 33 feet to the east r/w of
14 STH 42 which is the point of real beginning; thence continue easterly approximately
15 325 feet; thence northerly approximately 72 feet; thence easterly approximately 790
16 feet; thence northerly approximately 214 feet; thence westerly approximately 1042
17 feet; thence southwesterly approximately 60.13 feet; thence southerly approximately
18 286 feet along the east r/w of STH 42 to the point of real beginning, said parcel
19 containing approximately 5.95 acres of land, is hereby rezoned from EA, Exclusive
20 Agriculture, to RR, Rural Residential.

Dated this 24th day of April 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Maresh to enact Ordinance 6 (2012/2013-11) Amending Zoning for Florence Vlasak. Upon vote, the motion carried unanimously.

No. 2012/2013 - 11

**ORDINANCE AMENDING ZONING
(Florence Vlasak)**

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 March 26, 2012; 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
6 in 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, SE¼, Section 1, T21N-R23E, Town of Gibson,
12 commencing at the SE corner of said Section 1; thence northerly approximately 33
13 feet; thence westerly approximately 33 feet to the west r/w of CTH B which is the
14 point of real beginning; thence northerly along the west r/w of CTH B approximately
15 400 feet; thence westerly approximately 210 feet; thence southerly approximately
16 400 feet; thence easterly along the north r/w of Zander Road approximately 210 feet;
17 to the point of real beginning; said parcel containing approximately 1.93 acres of
18 land, is hereby rezoned from LE, Large Estate, to RR, Rural Residential.

Dated this 24th day of April 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack answered supervisors' questions.

Transportation Coordinating Committee: Supervisor Weiss gave a brief report.

Miscellaneous: Supervisor Brey moved, seconded by Supervisor Burke to adopt Resolution 7 (2012/2013-12) Authorizing Sale of Tax-Deeded Property to City of Two Rivers. Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

**RESOLUTION AUTHORIZING SALE OF
TAX-DEEDED PROPERTY TO CITY OF TWO RIVERS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County placed tax-delinquent property owned by Maria Esquivel
2 de Schultz in the In Rem 2009 tax foreclosure proceeding, but stayed taking judgment in order
3 for Ms. Schultz to redeem the property by paying the back taxes, with interest, under a payment
4 plan with the Treasurer; and
5

6 WHEREAS, Ms. Schultz has not complied with the payment plan and the house located on
7 the property is vacant, has been damaged by fire, and needs to be razed; and
8

9 WHEREAS, the City of Two Rivers has asked Manitowoc County to take title to the
10 property through a tax foreclosure and quit claim the property to the City so that the City can
11 raze the property without the time and expense required to conduct a separate legal proceeding to
12 secure a raze order; and
13

14 WHEREAS, the Finance Committee has reviewed the matter and finds that the City's
15 proposal serves the financial interests of both the City and the County;
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
18 Supervisors authorizes the Treasurer, Corporation Counsel, and such other county officials as
19 may be appropriate to take such action as is needed to take title to the property identified as In
20 Rem 2009, Parcel No. 29, and quit claim it to the City of Two Rivers for the sum of \$1 in
21 exchange for the City's agreement to raze the improvements on the property at the City's
22 expense.

Dated this 24th day of April 2012.

Respectfully submitted by Jim Brey, Supervisor.

FISCAL IMPACT: County will write off approximately \$8,800 in delinquent taxes, but will
save approximately the same amount by not having to raze the
improvements on a parcel with a land value of only \$2,900.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Burke moved to adjourn, seconded by Supervisor Gerroll, and the motion was
adopted by acclamation. The meeting adjourned at 8:04 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, May 15, 2012

7:00 P.M.

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 May 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 23 members present; Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Bauknecht and Nickels were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Maresh the April 24, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Human Services Business Manager Patricia Dodge presented a Certificate of Appreciation to retiree Fred Schwoerer for thirty-six years of service. Fred expressed appreciation for the people he worked with at Human Services.

Chairperson Hansen read Certificates of Appreciation for retirees Beverly Badker for thirty-seven years of service, Kathy Leist for forty-two years of service, and Leah Simmons for thirty years of service.

Chairperson Hansen presented a Proclamation Proclaiming June Dairy Month to Manitowoc County Dairy Agent Scott Gunderson. Scott noted Manitowoc County agriculture's outstanding infrastructure and an increasing number of dairy cows in the county. Mr. Gunderson also talked about the need to maintain and grow agricultural jobs in the county.

County Executive Bob Ziegelbauer presented a Proclamation Proclaiming Arm Forces Day to members of the 377th Support Maintenance Company. First Class Cruz introduced other members and thanked everyone for their support.

Chairperson Hansen presented a Proclamation Commending Kelsey Haelfrisch Manitowoc County outgoing “2011 Fairest of the Fair.” Ms. Haelfrisch expressed gratitude for the opportunity given to her this past year and invited everyone to the “2012 Fairest of the Fair” competition on May 23. Public Works Director Jeff Beyer noted that Kelsey, as one of the youngest “Fairest of the Fair”, has done an outstanding job in her role.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:22 p.m.

Curt Drumm, Executive Director of Thunder on the Lakeshore and President of Lakeshore Aviation gave a brief update on the operations of the Manitowoc County Airport and spoke about the 2012 “Thunder on the Lakeshore” Airshow and Balloon Rally scheduled for June 2 and 3. He gave an overview of the performers and events offered this year.

Laurie Crawford, Executive Director United Way Manitowoc County, talked about the role of United Way in the community. The community program focuses on creating opportunities for a better life for all through education, income, and health. Ms. Crawford explained that various programs include education on early childhood development, teaching soft skills to employed workforce, and partnering with other community agencies to improve people’s health.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:24 pm.

APPOINTMENTS BY CHAIRPERSON

Supervisor Behnke moved, seconded by Supervisor Vogt to approve the recommended appointment of Melvin Waack to the Silver Lake Inland Lake Protection & Rehabilitation District Board for a two year term expiring April 2013. Upon voice vote, the motion carried unanimously.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer’s appointments of Eric Storm and alternate Brian Helminger to the Local Emergency Planning committee for a two year term expiring June 2014. Supervisor Henrickson moved, seconded by Supervisor Tittl to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer’s appointment of David Osterloth to the Transportation Coordinating Committee to complete a vacancy expiring April 2013. Supervisor Weiss moved, seconded by Supervisor Korinek to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Board of Health: Supervisor Vogel gave a brief report.

Executive Committee: Chairperson Hansen gave a brief report.

Expo-Ice Center Board: Supervisor Behnke gave a brief report.

Finance Committee: Supervisor Hoffman moved, seconded by Supervisor Cavanaugh to adopt Resolution 1 (2012/2013-13) Authorizing Participation In United Way Campaign. Upon vote, the motion carried unanimously.

No. 2012/2013 - 13

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

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

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

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors designates United Way Manitowoc County, Inc. as the organization authorized to
17 offer an opportunity to enroll in a payroll giver's plan to Manitowoc County employees, officers,
18 and officials from now through December 31, 2012, with payroll deductions to be made during
19 the 2013 calendar year; and
20

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

Dated this 15th day of May 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Hoffman moved, seconded by Supervisor Vogt to adopt Resolution 1a (2012/2013-14) Denying Claim (Edmund Carns). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION DENYING CLAIM
(Edmund Carns)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Edmund Carns filed a claim dated April 30, 2012 seeking compensation for
2 property damages sustained when his car stuck a pot hole on I-43 on March 10, 2012; and
3

4 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to
5 its insurance carrier; and
6

7 WHEREAS, the county's insurance carrier has reviewed the claim and relevant records
8 and recommends that the claim be denied; and
9

10 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the
11 claim and recommend that the claim be denied;
12

13 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
14 Supervisors that the claim is denied and that the Corporation Counsel and County Clerk are
15 directed to provide such notice of the denial of the claim as may be required.

Dated this 15th day of May 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report.

Human Services Board: Supervisor gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner reported that their next meeting will be June 7.

Supervisor Brey arrived at 8:00 p.m.

Personnel Committee: Supervisor Behnke moved, seconded by Supervisor Burke to adopt Resolution 1b (2012/2013-15) Transferring Adult Protective Service Position from ADRC to Human Services Department. Upon vote, the motion carried unanimously.

No. 2012/2013 - 15

**RESOLUTION TRANSFERRING ADULT PROTECTIVE SERVICE
POSITION FROM ADRC TO HUMAN SERVICES DEPARTMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County created a .5 full-time-equivalent Adult Protective
2 Service position when Family Care became effective and placed that position and its funding
3 into the ADRC budget; and
4

5 WHEREAS, it has become apparent with the evolution of Family Care that the Adult
6 Protective Service position must be supervised by the Clinical Services Director at the Human
7 Services Department; and
8

9 WHEREAS, transferring the Adult Protective Service position to the Human Services
10 Department will have no impact on services provided or the budget and will more accurately
11 reflect where the services are being provided;
12

13 NOW, THEREFORE, BE IT RESOLVED that the .5 full-time-equivalent Adult
14 Protective Service position and the funding for the position is transferred from the ADRC to the
15 Clinical Services Division of the Human Services Department; and
16

17 BE IT FURTHER RESOLVED that the 2012 budget is amended accordingly and that the
18 Comptroller/Auditor is directed to record such information in the official books of the County
19 for the year ended December 31, 2012 as may be required.

Dated this 15th day of May 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Maresh to adopt Resolution 1c (2012/2013-16) Authorizing up to 2.0 Full-Time-Equivalent Economic Support Specialist Positions. Upon vote, the motion carried unanimously.

No. 2012/2013 - 16

**RESOLUTION AUTHORIZING UP TO 2.0 FULL-TIME-EQUIVALENT
ECONOMIC SUPPORT SPECIALIST POSITIONS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Human Services Department is responsible for administering programs
2 such as Badgercare, Foodshare, Medicaid, Medical Assistance, and W-2 that are designed to
3 help individuals and families meet their basic needs during times of crisis; and
4

5 WHEREAS, it is essential that these program services be provided in a timely manner;
6 and
7

8 WHEREAS, staff turnover in the Economic Support Specialist position disrupts the
9 Human Services Department's ability to provide timely services because it takes approximately
10 three months of training before a newly hired Economic Support Specialist is able to handle a
11 caseload; and
12

13 WHEREAS, authorizing up to 2.0 additional Economic Support Specialist positions will
14 assist the department during periods of staff turnover by allowing new employees to be hired and
15 trained before anticipated staff vacancies actually occur;
16

17 NOW, THEREFORE, BE IT RESOLVED that the number of authorized Economic
18 Support Specialist positions in the Human Services Department is increased by 2.0 full-time-
19 equivalent positions; and
20

21 BE IT FURTHER RESOLVED that the positions will be added incrementally as required
22 by staff turnover and will be filled in accordance with the county's personnel policies; and
23

24 BE IT FURTHER RESOLVED that the 2012 budget is amended accordingly and that the
25 Comptroller/Auditor is directed to record such information in the official books of the County
26 for the year ended December 31, 2012 as may be required.

Dated this 15th day of May 2012

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Cost of the additional positions will be absorbed into the existing 2012
budget.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Brey to
enact Ordinance 2 (2012/2013-17) Amending Zoning Map (Eugene and Joan Hartwig). Upon
vote, the motion carried unanimously.

No. 2012/2013 - 17

**ORDINANCE AMENDING ZONING MAP
(Eugene and Joan Hartwig)**

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 April 23, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in the 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, a parcel of land located in the SE¼, Section 22, T21N-R22E, Town of
12 Cooperstown, commencing at the S¼ corner of said Section 22; thence easterly
13 approximately 426 feet; thence northerly approximately 33 feet to the north r/w of
14 Hidden Valley Road which is the point of real beginning; thence continue northerly
15 approximately 685 feet; thence easterly approximately 397 feet; thence southeasterly
16 approximately 45 feet; thence southwesterly approximately 116 feet; thence
17 southerly approximately 622 feet to north r/w of Hidden Valley Road; thence
18 westerly along the north r/w of Hidden Valley Road approximately 293 feet to the
19 point of real beginning; said parcel containing approximately 5.0 acres of land, is
20 hereby rezoned from GA, General Agriculture, to LE, Large Estate;
21

22 and
23

24 Parcel No. 2, a parcel of land located in the SE¼, Section 22, T21N-R22E, Town of
25 Cooperstown, commencing at the S¼ corner of said Section 22; thence easterly
26 approximately 718.95 feet; thence northerly approximately 33 feet to the north r/w of
27 Hidden Valley Road which is the point of real beginning; thence continue northerly
28 approximately 168 feet; thence easterly approximately 349 feet; thence southerly
29 approximately 168 feet; thence westerly along the north r/w of Hidden Valley Road
30 approximately 343 feet to the point of real beginning; said parcel containing
31 approximately 1.60 acres of land, is hereby rezoned from GA, General Agriculture,
32 to RR, Rural Residential.

Dated this 15th day of May 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Hoff arrived at 8:04 p.m.

Supervisor Waack moved, seconded by Supervisor Tittl to enact Ordinance 3 (2012/2013-18)
Amending Zoning Map (Arnold and Janet Miller). Upon vote, the motion carried unanimously.

No. 2012/2013 - 18

**ORDINANCE AMENDING ZONING MAP
(Arnold and Janet Miller)**

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 April 23, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 NW¼, NE¼, Section 20, T20N-R21E, Town of
12 Maple Grove, commencing at the N¼ corner of said Section 20; thence southerly
13 approximately 33 feet to the south r/w of W Hillcrest Road which is the point of real
14 beginning; thence continue southerly approximately 525 feet; thence easterly
15 approximately 300 feet; thence northerly approximately 300 feet; thence westerly
16 approximately 270 feet; thence northerly approximately 225 feet to the south r/w of
17 W Hillcrest Road; thence westerly along the south r/w of Hillcrest Road
18 approximately 30 feet to the point of real beginning; said parcel containing
19 approximately 2.0 acres of land, is hereby rezoned from NA, Natural Area, to SE,
20 Small Estate.

Dated this 15th day of May 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 4 (2012/2013-19) Amending Zoning Map (Cory and Sarah Smidel). Upon vote, the motion carried unanimously.

No. 2012/2013 - 19

**ORDINANCE AMENDING ZONING MAP
(Cory and Sarah Smidel)**

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 April 23, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 NW¼, NE¼, Section 9, T21N-R24E, Town of
12 Mishicot, commencing at the N¼ corner of said Section 9; thence easterly
13 approximately 500 feet; thence southerly approximately 33 feet to the south r/w of E
14 Zander Road which is the point of real beginning; thence continue southerly
15 approximately 609 feet; thence easterly approximately 358 feet; thence northerly
16 approximately 609 feet; thence westerly along the south r/w of E Zander Road
17 approximately 358 feet to the point of real beginning; said parcel containing
18 approximately 5.0 acres of land, is hereby rezoned from EA, Exclusive Agriculture,
19 to LE, Large Estate.

Dated this 15th day of May 2012.

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 Vogel to enact Ordinance 5 (2012/2013-20) Amending Manitowoc County Code § 4.13(7) Sheriff's Department Fees-Vehicle Escort). Upon vote the motion carried unanimously.

No. 2012/2013 - 20

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 4.13(7)
(Sheriff's Department Fees - Vehicle Escort)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code presently authorizes the Sheriff to charge a fee
2 for escorting trucks and houses and for performing other escort duties; and
3

4 WHEREAS, the current fee of \$40 per hour was set in 1991, has not been increased since
5 then, and does not reflect the actual costs of providing this service; and
6

7 WHEREAS, the Sheriff and the Public Safety Committee recommend that the vehicle
8 escort fee be increased to \$70 per hour;

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

12
13 Manitowoc County Code § 4.13(7) is amended to read as follows:

14
15 (7) The Sheriff's Department shall charge a fee of \$70 per hour for each hour or
16 portion of any hour during which vehicle escort services are provided. A deposit
17 or advance payment may be required. Payment in full is required within 30 days
18 of the billing date.

Dated this 15th day of May 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Indeterminable. Total revenues will depend on the number of times
vehicle escort services are provided and the number of hours required in
each instance.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson reported that their next meeting will on June 7 along with the annual jail
tour.

Public Works Committee: Supervisor Weiss reported that their next meeting will be June 13.

Miscellaneous: Supervisor Behnke moved, seconded by Supervisor Hoffman to adopt
Resolution 6 (2012/2013-21) Authorizing Out-of-State Travel (Jane Babcock). Upon vote, the
motion carried unanimously.

No. 2012/2013 - 21

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Jane Babcock)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Veteran Services Department provides critical support to veterans,
2 active duty military personnel, military retirees, Wisconsin National Guard and Reservists, and
3 their families in obtaining the state and federal benefits for which they qualify; and
4

5 WHEREAS, the County Veterans Service Officer (CVSO) must attend continuing
6 education classes each year to stay current with changes in laws, regulations, statutes, and
7 program guidelines in order to maintain accreditation with the Wisconsin Department of

8 Veterans Affairs and other organizations; and

9
10 WHEREAS, the County Veterans Service Officer (CVSO) alternates attendance at the
11 Wisconsin and National CVSO Association conferences to insure the highest and most effective
12 level of education and knowledge;

13
14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
15 Supervisors authorizes County Veterans Service Officer Jane Babcock to travel out-of-state
16 during the period from June 3 through June 8, 2012 to attend the five-day National Association
17 of County Veteran Service Officers Annual Conference in Atlantic City, New Jersey.

Dated this 15th day of May 2012.

Respectfully submitted by Kevin L. Behnke.

FISCAL IMPACT: Travel and conference costs not to exceed \$2,500 are available in the
Veterans Service budget. Wages and benefit cost for time at conference is
\$1,536.

APPROVED: Bob Ziegelbauer, County Executive.

Announcements: Chairperson Hansen invited supervisors to march in the Memorial Day Parade.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Maresh, and the motion was
adopted by acclamation. The meeting adjourned at 8:10 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 19, 2012

7:00 P.M.

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 June 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 24 members present; Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Metzger was excused.

On a motion by Supervisor Tittl, seconded by Supervisor Henrickson the May 15, 2012 meeting minutes were approved on a unanimous vote.

Supervisor Brey moved, seconded by Supervisor Gerroll to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Comptroller Todd Reckelberg introduced Michael Konecny, External Auditor from Schenk Business Solutions, who summarized results of the 2011 Comprehensive Annual Financial Report and indicated that there are no significant deficiencies. Mr. Konecny reported that the General Fund Balance at the end of the year had an adequate balance for cash flow purposes, and the debt service levy of 12 percent of the total tax levy compared very favorably to other counties. He answered supervisors' questions.

County Executive Bob Ziegelbauer and Human Services Supervisor Deb Williquette presented a Certificate of Appreciation to retiree Diane Cayemberg for thirty-three years of service. County Executive Ziegebauer said that he was impressed with Diane's work and her willingness to share her insights. Diane expressed gratitude for the opportunity to serve the citizens of Manitowoc County.

Chairperson Hansen read Certificates of Appreciation for retirees Marlene Revolinsky for twenty-five years of service and Dawn Erdmann for four years of service.

County Executive Bob Ziegelbauer and Chairperson Hansen presented a Proclamation Honoring Paul Tittl for his service as County Board Chair. Supervisor Tittl said that it was an honor to serve as County Board Chair.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:24 p.m.

James Theyerl, Town of Manitowoc, thanked Supervisor Tittl, along with the Brown County Water Authority, for their assistance in the repair of a damaged driveway. Mr. Theyerl also voiced a complaint regarding a Highway Department computer.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:30 pm.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Supervisor Laurie Burke to complete a term expiring April 30, 2014 and Lisa Stephan to complete a vacancy expiring April 30, 2015 on the Long Term Support Committee. Supervisor Henrickson moved, seconded by Supervisor Maresh to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Larry Zimney to the Traffic Safety Commission to complete a vacancy as alternate for Tony Dick. Supervisor Behnke moved, seconded by Supervisor Hoff to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Bob Ziegelbauer to the Local Emergency Planning Committee for a two year term expiring July 2014. Supervisor Vogt moved, seconded by Supervisor Maresh to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Ananda Hughes, Michelle May, and David Stoelting to the Kiel Library Board for a three year term expiring July 1, 2015. Supervisor Baumann moved, seconded by Supervisor Burke to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Supervisor James Brey to the Lakeland Care District Board for a three year term expiring June 2015. Supervisor Tittl moved, seconded by Supervisor Kopecky to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of David Less and alternates Connie Loden and Dan Pawlitzke to the Northeast Wisconsin Regional Economic Partnership for a one year term expiring July 2013. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Jim VanLanen to the Planning and Park Commission for a seven year term expiring July 2019. Supervisor Korinek moved, seconded by Supervisor Vogt to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Wagner gave a brief report. Their next meeting will be July 31, 2012.

Board of Health: Supervisor Vogel gave a brief report and answered supervisors' questions.

Executive Committee: Chairperson Hansen gave a brief report and answered supervisors' questions.

Supervisor Behnke moved, seconded by Supervisor Gerroll to adopt Resolution 1 (2012/2013-22) Approving Intercounty Consortium Agreement (Bay Area Counties Consortium – Workforce Development). Upon vote, the motion carried unanimously.

No. 2012/2013 - 22

**RESOLUTION APPROVING
INTERCOUNTY CONSORTIUM AGREEMENT
(Bay Area Counties Consortium - Workforce Development)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the federal Workforce Investment Act (WIA) of 1998 represents a national
2 consensus to consolidate and coordinate all workforce preparation and development programs
3 into a single, united workforce investment system; and
4

5 WHEREAS, Wisconsin delivers employment placement, retention, job, and education-
6 related training programs through job centers, with local policy oversight provided through
7 Workforce Development Boards that work hand-in-hand with local elected officials;
8

9 WHEREAS, the Bay Area Workforce Development Board covers Brown, Door,
10 Florence, Kewaunee, Manitowoc, Marinette, Menominee, Oconto, Shawano and Sheboygan
11 counties and local elected officials in those counties previously entered into an Intercounty
12 Consortium Agreement which will expire on June 12, 2012; and
13

14 WHEREAS, the County Board has been provided with a copy of a proposal for a new
15 Intercounty Consortium Agreement Of The Lake Michigan And Northeastern Counties Of
16 Wisconsin Under The Workforce Investment Act (P.L. 105-220) and the Executive Committee
17 recommends that the county enter into this agreement;
18

19 NOW THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
20 Supervisors approves the Intercounty Consortium Agreement and authorizes the County
21 Executive to execute the agreement and serve as the county's representative to the consortium's
22 board with all expenses, if any, to be paid with funds appropriated for the operation of the office
23 of the County Executive.

Dated this 19th day of June 2012.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: Indeterminable. Mileage and other expenses will depend on number and location of meetings.

APPROVED: Bob Ziegelbauer, County Executive.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. Their next meeting will be July 11.

Finance Committee: Supervisor Brey gave a brief report.

Highway Committee: Supervisor Gerroll gave a brief report. Their next meeting will be July 10. Supervisor Behnke gave a brief report on the annual Highway Conference that took place at Wisconsin Dells.

Human Services Board: Supervisor Tittl gave a brief report. Their next meeting will be June 28.

Lakeland Care District Board: Supervisor Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report. The Natural Resources and Education Committee will meet on July 12.

Personnel Committee: Supervisor Behnke moved, seconded by Supervisor Maresh to adopt Resolution 2 (2012/2013-23) Creating 1.0 FTE Transition Care Coordinator Position (Aging and Disability Resource Center). Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 23

**RESOLUTION CREATING 1.0 FTE
TRANSITION CARE COORDINATOR POSITION
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the services provided by the Aging and Disability Resource Center are
2 critically important to the older and disabled adults of Manitowoc County; and
3

4 WHEREAS, a Transition Care Coordinator position will provide education and support
5 to at-risk elderly residents who are being discharged from a hospital or long-term care facility to
6 their own home; and

7 WHEREAS, the goal of providing transitional care services is the reduction in
8 hospitalization rates; and
9

10 WHEREAS, the State of Wisconsin has authorized the use of \$52,000 in funds remaining
11 from the 2011 budget to create and establish the Transitional Care Coordinator position;
12

13 NOW, THEREFORE, BE IT RESOLVED that the number of authorized positions for the
14 Aging and Disability Resource Center be increased by a 1.0 full-time-equivalent Transition Care
15 Coordinator position; and
16

17 BE IT FURTHER RESOLVED that the Transition Care Coordinator position is to be
18 filled in accordance with the Employee Policy Manual; and
19

20 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
21 information in the official books of the County for the year ending December 31, 2012 as may be
22 required.

Dated this 19th Day of June 2012.

Respectfully submitted by the Natural Resources & Education Committee and the Personnel
Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke gave a brief report. Their next meeting will be a joint meeting with the
Public Safety Committee on July 9. He answered supervisors' questions.

Planning and Park Commission: Supervisor Waack reported that their next meeting will be June
25.

Public Safety Committee: Supervisor Henrickson gave a brief report. They will meet jointly
with the Personnel Committee on July 9. Their next regular meeting will be on July 10.

Supervisor Henrickson moved, seconded by Supervisor Cavanaugh to adopt Resolution 3
(2012/2013-24) Authorizing Out-Of-State Travel (Joseph Keil). Upon vote the motion carried
unanimously.

No. 2012/2013 - 24

**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
2 threats 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 18th 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
10 to officers, trainers, prosecutors, and other professionals; and
11

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

16 WHEREAS, the Wisconsin Department of Transportation, Bureau of Transportation
17 Safety 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
20 Supervisors authorizes Joseph Keil to attend the 18th IACP DRE Training Conference on Drugs,
21 Alcohol and Impaired Driving in Seattle, Washington on August 16-18, 2012.

Dated this 19th day of June 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: The Wisconsin Department of Transportation will pay all expenses, which
are estimated at \$900. Wage and benefit costs associated with attending
the training are estimated at \$846.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Vogel to adopt Resolution 4 (2012/2013-
25) authorizing Intergovernmental Cooperation Agreement with Kewaunee County (CodeRED®
Emergency Notification System). Upon vote the motion carried unanimously.

No. 2012/2013 - 25

**RESOLUTION AUTHORIZING INTERGOVERNMENTAL
COOPERATION AGREEMENT WITH KEWAUNEE COUNTY
(CodeRED® Emergency Notification System)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Emergency Communications Network, LLC provides the CodeRED®

2 Emergency Notification System, which allows local government officials to quickly send
3 personalized voice, email, and text messages to specific groups of citizens in order to notify
4 them about emergencies and other matters of public concern 24 hours a day, 7 days a week; and
5

6 WHEREAS, Manitowoc and Kewaunee Counties wish to enter into an intergovernmental
7 cooperation agreement pursuant to Wis. Stat. § 66.0301 in order to purchase the CodeRED®
8 Emergency Notification System to supplement existing warning systems; and
9

10 WHEREAS, NextEra Energy, the owner of the Point Beach Nuclear Plant, supports
11 investment in the CodeRED® Emergency Notification System and annual reimbursement
12 revenues received from NextEra Energy will cover Manitowoc County's share of purchasing and
13 implementing the system;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors authorizes the Office of Emergency Management to enter into an Intergovernmental
17 Cooperation Agreement with Kewaunee County for the purpose of purchasing the CodeRED®
18 Emergency Notification System; and
19

20 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
21 information in the official books of the County for the year ending December 31, 2012 as may
22 be required.

Dated this 19th day of June 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Sufficient funds are in the nuclear revenue account
to pay for the implementation and maintenance of the system.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Holschbach to adopt Resolution 5
(2012/2013-26) Amending Budget (Office of Emergency Management). Upon vote the motion
carried unanimously.

No. 2012/2013 - 26

**RESOLUTION AMENDING BUDGET
(Office of Emergency Management)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Office of Emergency Management is reimbursed by
2 Florida Power & Light Company for annual expenditures attributed to nuclear plant emergency
3 preparedness; and

4
5 WHEREAS, Florida Power & Light Company has notified Manitowoc County that it has
6 increased its 2012 reimbursement allocation to the county by \$3,845; and
7

8 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
9 Supervisors authorizes the Office of Emergency Management to accept the increased allocation
10 for the 2012 budget and directs the Comptroller to record such changes in the official books of
11 the County for the year ending December 31, 2012 as may be required.

Dated this 19th day of June 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases 2012 Emergency Management Nuclear Preparedness revenue account 25100.46200.62 by \$3,845 and expenditure account 25100.53998 by \$3,856.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Vogel to enact Ordinance 6 (2012/2013-27) Amending Manitowoc County Code § 6.285 (Social Host Ordinance). Upon discussion and vote the motion carried unanimously.

No. 2012/2013 - 27

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 6.285
(Social Host Ordinance)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Sheriff's Department, District Attorney, and Clerk of Court have
2 requested that a portion of the Social Host Ordinance be renumbered to address a problem that
3 requires the Clerk of Court to manually enter data that could be otherwise be automatically
4 transferred from the state's law enforcement database;
5

6 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
7 ordain as follows:
8

9 Manitowoc County Code sec. 6.285(6), Penalties, is renumbered as sec. 6.285(7) Penalties.
10

11 Manitowoc County Code sec. 6.285(5), Exceptions, is renumbered as sec. 6.285(6)
12 Exceptions.
13

14 Manitowoc County Code sec. 6.285(4)(a), Prohibited Acts, is renumbered and retitled as
15 sec. 6.285(4) Prohibited Act.

16
17 Manitowoc County Code sec. 6.285(4)(b), Prohibited Acts, is renumbered and retitled as
18 sec. 6.285(5) Prohibited Act.

19
20 This ordinance is effective July 1, 2012.

Dated this 19th day of June 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Weiss moved, seconded by Supervisor Tittl to adopt Resolution 7 (2012/2013-28) Commending Clean Sweep Program Volunteers and Staff. Upon vote, the motion carried unanimously.

No. 2012/2013 - 28

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County held a Household, Very Small Quantity Generator, and
2 Agricultural hazardous waste collection at the Manitowoc County Highway Department
3 Building on May 18 and 19, 2012 and
4

5 WHEREAS, this year's Clean Sweep Program collected 33,792 pounds of hazardous
6 waste from a total of 453 households and 11 farms in Manitowoc County; and
7

8 WHEREAS, Manitowoc County has collected 831,388 pounds of hazardous waste since
9 its first Clean Sweep Program in 1985; and
10

11 WHEREAS, the success of Manitowoc County's Clean Sweep Program is due in large part
12 to the efforts of the volunteers and county staff who work on the collection days; and
13

14 WHEREAS, the volunteers and county staff saved Manitowoc County more than \$5,000
15 compared to what the same work would cost if it had been performed by a contractor, as is done
16 in most other Wisconsin Clean Sweep Programs;
17

18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of

19 Supervisors commends the volunteers and county staff on their effort and fine work in making
20 this year's Manitowoc County Clean Sweep Program a success.

Dated this 19th day of June 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive

Transportation Coordinating Committee: Supervisor Weiss gave a brief report.

Announcements: Supervisors congratulated Supervisor Hoff on his recent marriage.

Supervisor Maresh moved to adjourn, seconded by Supervisor Waack, and the motion was adopted by acclamation. The meeting adjourned at 8:22 p.m.

Respectfully submitted,
Lois Kiel, Deputy County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, July 17, 2012

7:00 P.M.

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 July 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:04 p.m.

Chairperson Hansen requested a moment of silence for former County Board Supervisor Bob Wenzel.

Supervisor Jim 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, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Henrickson was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Tittl the June 19, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Hansen read Certificates of Appreciation for retirees Terry Berry for 24 years of service and Sandy Becker for 24 years of service.

Katie Mnuk, Lakeland Care District CEO, spoke on the redevelopment of the Family Care Program. Ms. Mnuk explained Family Care is a Medicaid funded program that was created in 2009 to replace the county waiver system. The long-term care risk-based funded program focuses on giving members choices regarding the services and supports available to meet their needs. Ms. Mnuk reported that 491 clients were receiving services in April 2010, and over 660 clients are being served today.

Judy Rank, Manitowoc County ADRC Director introduced Kewaunee County Human Services Director Bill Kelsey and other representatives from Kewaunee County. Mr. Kelsey addressed the Board regarding the development of a partnership with Manitowoc County to meet the needs of aging residents in both counties. He explained that a resolution will be presented to the Board in August to ratify a joint Aging and Disability Resource Center between Manitowoc and Kewaunee Counties which will use infrastructure and the expertise of combined services. Ms.

Rank explained that the creation of this region, which has an increasingly aging population, will be an opportunity to keep tax dollars level without an increase. They answered supervisors' questions.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:40 p.m.

Chairperson Hansen read a prepared statement regarding allegations made by a speaker at the June County Board meeting who asked for an investigation. Chairperson Hansen explained that an investigation will not proceed unless the speaker provides information based on facts and witnesses. The citizen will not be recognized for public input until the information has been furnished to the County Board Chair.

Charles Clark, UW-Manitowoc Dean and Campus Executive Officer, thanked the County Board for the support and partnership they have provided to the UW-Manitowoc. Dean Clark announced that an evening Associate Degree program will be offered this fall to accommodate the needs of the working student.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:40 pm.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Charles Nate to the Board of Adjustment for three year term expiring July 2015. Supervisor Behnke moved, seconded by Supervisor Cavanaugh to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Kevin Siehr and alternate Dave Murack to the Joint Dispatch Board for a two year term expiring August 2014. Supervisor Hoffman moved, seconded by Supervisor Hoff to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Scott Schneider representing Two Rivers Fire Department and alternate Gene LeClair to the Joint Dispatch Board. Supervisor Korinek moved, seconded by Supervisor Burke to approve the appointments. Upon voice vote, the motion carried unanimously.

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

Board of Health: Supervisor Vogel moved, seconded by Supervisor Weiss to adopt Resolution 1 (2012/2013-29) Approving Out Of State Travel (Amy Wergin). Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

**RESOLUTION APPROVING OUT OF STATE TRAVEL
(Amy Wergin)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has experienced an unusual outbreak of Hepatitis C that
2 has implications for public health practice nationally; and
3

4 WHEREAS, the American Public Health Association has accepted a report on the local
5 outbreak to be presented at the APHA Annual Conference; and
6

7 WHEREAS, Amy Wergin will be the lead presenter and her participation in the
8 conference will allow her to share her knowledge of the outbreak and to gain knowledge and
9 skills to improve public health programming in Manitowoc County; and
10

11 WHEREAS, the conference will be held in San Francisco, California on October 27-31,
12 2012; and
13

14 WHEREAS, the costs for the conference, lodging, airfare, and meals will be covered by
15 the Public Health Emergency Preparedness Grant;
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
18 Supervisors authorizes Amy Wergin to travel out-of-state to attend the APHA Annual
19 Conference in San Francisco, California on October 27-31, 2012.

Dated this 17th day of July 2012.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Estimated expenses of \$2,000 to be paid for by the Public Health Preparedness Grant. Salary and benefit costs are estimated at \$1,215.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Supervisor Gerroll moved, seconded by Supervisor Korinek to adopt Resolution 2 (2012-2013-30) Amending County Board Rule 11 (Electronic Mail). Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

**RESOLUTION AMENDING COUNTY BOARD RULE 11
(Electronic Mail)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the county clerk serves as the clerk to the county board pursuant to Wis.
2 Stat. § 59.23 and is responsible for keeping a record of the board's proceedings, resolutions, and
3 decisions and for performing all duties prescribed by law or required by the board in connection
4 with its meetings and transactions; and
5

6 WHEREAS, the county clerk uses electronic mail to distribute information to county
7 board members in the most efficient and cost-effective way possible; and
8

9 WHEREAS, County Board Rule 11 pertaining to electronic mail needs to be revised to
10 prescribe the efficient way for the county clerk and county board members to communicate
11 electronically with those county board members who do not use electronic mail;
12

13 NOW, THEREFORE, BE IT RESOLVED that County Board Rule 11(c) is amended to
14 read as follows:
15

16 (c) A supervisor who does not wish to use email to conduct county business must
17 notify the county board chair and the county clerk. Email sent to the supervisor's county
18 email account will be automatically forwarded to the county clerk, who will provide the
19 supervisor with a hard copy of that email.
20

21 AND BE IT FURTHER RESOLVED that County Board Rule 11(d) is amended to read
22 as follows:
23

24 (d) The county clerk will distribute meeting notices and other information to each
25 supervisor by email at the same time that meeting notices and other information are
26 distributed to the news media. The county clerk will distribute meeting notices and other
27 information by regular mail to any supervisor who has notified the clerk that he or she
28 does not wish to use email to conduct county business.
29

30 AND BE IT FURTHER RESOLVED that County Board Rule 11(f) is amended to read
31 as follows:
32

33 (f) A supervisor who uses email to share information with all of the members
34 of a board, commission, or committee shall send a copy of the email to the county clerk.
35

36 AND BE IT FURTHER RESOLVED that this rule change is effective August 1, 2012.

Dated this 17th day of July 2012.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 3 (2012/2013-31). Upon vote, the motion carried unanimously.

No. 2012/2013 - 31

**RESOLUTION DENYING CLAIM
(Eugene Schmidt)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Eugene Schmidt filed a claim dated April 30, 2012 seeking reimbursement
2 of medical expenses, compensation for pain and suffering, and mileage for doctor's visits that he
3 states resulted from an accident on February 10, 2012 when he slipped and fell on a wet floor
4 inside the entryway to courthouse; and

5
6 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to
7 its insurance carrier; and

8
9 WHEREAS, the county's insurance carrier has reviewed the claim and relevant records
10 and recommends that the claim be denied; and

11
12 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the
13 claim and recommend that the claim be denied;

14
15 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
16 Supervisors that the claim is denied and that the Corporation Counsel and County Clerk are
17 directed to provide such notice of the denial of the claim as may be required.

Dated this 17th day of July 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey gave a brief report.

Highway Committee: Supervisor Gerroll gave a brief report. Their next meeting will be August 9.

Human Services Board: Supervisor Metzger gave a brief report.

Lakeland Care District Board: Supervisor Brey reported that their annual meeting will be July 18.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner reported that the Land Conservation Committee will meet on July 19 and the Natural Resources and Education Committee will meet on August 2.

Personnel Committee: Supervisor Behnke gave a brief report.

Planning and Park Commission: Supervisor Waack gave a brief report.

Supervisor Waack moved, seconded by Supervisor Maresh to adopt Resolution 4 (2012/2013-32) Authorizing Grant Application (Cherney Maribel Caves County Park). Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 32

**RESOLUTION AUTHORIZING GRANT APPLICATION
(Cherney Maribel Caves County Park)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County and the Wisconsin Speleological Society have been
2 using generators to supply power for the caving efforts within Cherney Maribel Caves County
3 Park, but those generators are no longer able to provide adequate power; and
4

5 WHEREAS, the Wisconsin Legislature has provided matching grants to assist
6 governmental units in developing park and recreation facilities and grant funds could be used for
7 a project to provide electricity to Cherney Maribel Caves County Park, which would allow for
8 continued development of the cave system and supply security lighting for the parking lot and
9 restrooms; and
10

11 WHEREAS, the estimated project cost is \$25,250, which will be funded with \$12,625 in
12 State grant funds, with the remaining balance provided by two private foundations;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Park Supervisor is authorized to apply
15 for and accept a Wisconsin Department of Natural Resources grant of \$12,625 for the
16 installation of power and lighting at Cherney Maribel Caves County Park; and
17

18 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents
19 and take the actions necessary to undertake, direct, and complete the project authorized in the
20 grant; and

21
22 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and
23 federal rules for the program; will be responsible for updating plans and monitoring ongoing
24 operations; will obtain written approval from the Wisconsin Department of Natural Resources
25 before making changes in the project; and will maintain a record of expenditures; and
26

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

Dated this 17th day of July 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$25,250 will be
paid using \$12,625 in State funds, with the balance being paid from two
private foundations.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waak moved, seconded by Supervisor Burke to enact Ordinance 5 (2012/2013-33)
Amending Zoning Map (Ronald Reif). Upon vote, the motion carried unanimously.

No. 2012/2013 - 33

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

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 June 25, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the amended petition be approved
6 for the reasons stated in 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 NW¼, SW¼, Section 3, T20N-R23E, Town of
12 Kossuth, commencing at the W¼ corner of said Section 3; thence southerly

13 approximately 33 feet to the south r/w of Quarter Road which is the point of real
14 beginning; thence continue southerly approximately 500 feet; thence easterly
15 approximately 700 feet; thence northerly approximately 500 feet; thence westerly
16 along the south r/w of Quarter Road approximately 700 feet to the point of real
17 beginning, said parcel containing approximately 8.03 acres of land, is hereby
18 rezoned from EA, Exclusive Agriculture, to LE, Large Estate.

Dated this 17th day of July 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Vogel gave a brief report.

Public Works Committee: Supervisor Weiss gave a brief report.

Miscellaneous: Corporation Counsel Steve Rollins explained the effect of Resolution 6.

Supervisor Behnke moved, seconded by Supervisor Baumann to adopt Resolution 6 (2012/2013-34) Approving Extension of Existing Agreement and Entering into a New Agreement (Bay Area Counties Consortium – Workforce Development). Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 34

**RESOLUTION APPROVING EXTENSION OF EXISTING
AGREEMENT AND ENTERING INTO A NEW AGREEMENT
(Bay Area Counties Consortium - Workforce Development)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board adopted a resolution at its June meeting that
2 authorized entering into a new intercounty consortium agreement under which
3 Outagamie County would join with Brown, Door, Florence, Kewaunee, Manitowoc,
4 Marinette, Menominee, Oconto, Shawano and Sheboygan counties in the Bay Area
5 Counties Consortium for Workforce Development; and
6
7 WHEREAS, the new agreement cannot yet be signed because the Governor has not
8 yet made a final determination about whether Outagamie County will be allowed to
9 become a member of the Bay Area Counties Consortium; and
10

11 WHEREAS, the existing intercounty consortium agreement expired at the end of
12 June; and
13

14 WHEREAS, it is in Manitowoc County's interest to continue its participation in the
15 Bay Area Counties Consortium until such time as a new intercounty consortium
16 agreement can be finalized;
17

18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board
19 authorizes the County Executive to execute a retroactive extension of the existing
20 intercounty consortium agreement and to enter into a new intercounty consortium
21 agreement, with such revisions as may be recommended by the County Executive
22 and the Corporation Counsel in cooperation with the other members of the Bay Area
23 Counties Consortium, and for the County Executive to serve as the county's
24 representative to the consortium's board with all expenses, if any, to be paid with
25 funds appropriated for the operation of the office of the County Executive.

Dated this 17th day of July 2012.

Respectfully submitted by Paul Hansen, Chair.

FISCAL IMPACT: Indeterminable. Mileage and other expenses will depend on number
and location of meetings.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Behnke to adopt Resolution 7
(2012/2013-35) Authorizing Participation in Northeastern Wisconsin Housing Consortium.
Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman
voted no; all other supervisors voted aye.

No. 2012/2013 - 35

**RESOLUTION AUTHORIZING PARTICIPATION IN
NORTHEASTERN WISCONSIN HOUSING CONSORTIUM**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County recognizes the need for its residents to have decent,
2 affordable, and properly maintained housing; and
3

4 WHEREAS, the Wisconsin Department of Administration, Division of Housing
5 administers the Community Development Block Grant (CDBG) Housing Program and
6 provides grants to local units of government for housing programs for low and moderate
7 income households; and
8

9 WHEREAS, the State has determined that, beginning in 2012, CDBG Housing Program
10 grants will be given to county consortia instead of to individual municipalities; and
11

12 WHEREAS, Manitowoc County is required, as a condition of participation in the CDBG
13 Housing Program, to enter into a written cooperative agreement with other counties under
14 Wis. Stat. § 66.0301 and to form the Northeast Wisconsin Housing Consortium; and
15

16 WHEREAS, Manitowoc County contemplates participating with the other members of the
17 Northeastern Wisconsin Housing Consortium in applying for CDBG Housing Program
18 funds; and
19

20 WHEREAS, Brown County will act as the lead county for the Consortium and will assume
21 lead responsibility for all administrative, compliance, fiscal, monitoring, and policy
22 matters;
23

24 NOW, THEREFORE BE IT RESOLVED that Manitowoc County agrees to participate in
25 the development of a cooperative agreement pursuant to Wis. Stat. § 66.0301 for the
26 creation of a Northeastern Wisconsin Housing Consortium; in the submission of an
27 application for CDBG Housing Program funds through the Consortium created by the
28 cooperative agreement; and in the implementation of any CDBG Housing Program that is
29 approved by the Wisconsin Department of Administration, Division of Housing.

Dated this 17th day of July 2012.

Respectfully submitted by the Planning and Park Commission and the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Announcements: Supervisor Burke invited everyone to the Relay for Life event.

Supervisor Maresh moved to adjourn, seconded by Supervisor Vogel, and the motion was adopted by acclamation. The meeting adjourned at 8:32 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, August 21, 2012

7:00 P.M.

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 August 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 25 members present: Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On a motion by Supervisor Brey, seconded by Supervisor Henrickson the July 17, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

The 2012 Fairest of the Fair Erika Soukup talked about her dairy background and involvement with the fair. Ms. Soukup thanked the Board for their support of the fair and the expo grounds.

Public Works Director Jeff Beyer talked about the potential for contracting Swine Flu and informed everyone that they should wash their hands at the sanitation stations.

County Executive Bob Ziegelbauer presented a Proclamation Commemorating Robert "Bob" Wenzel to members of the Wenzel family. Tom Wenzel said that his father would be honored by the recognition.

Chairperson Hansen read a Proclamation Recognizing Fall Prevention Awareness Month.

Chairperson Hansen read a Proclamation Declaring September Juror Appreciation Month.

County Executive Bob Ziegelbauer discussed the possible relocation of the Health Department to a site that can accommodate their needs. County Executive Ziegelbauer explained that the current building is dilapidated and the building at 1028 South 9th Street has become available.

Public Works Director Jeff Beyer gave an overview of the history of the current Health Department building that was remodeled in 1988 with a projected life expectancy of eight years. Mr. Beyer explained that the current building has been cited by the Women, Infants, and Children Program for lack of space for file cabinets privacy concerns and infant car seat training. The project plan includes remodeling the 1028 South 9th property, demolishing the building and garage at 823 Washington Street to create additional parking with a completion date of July 2013. The total Project cost is estimated at \$1,565,000. He answered supervisors' questions.

County Executive Bob Ziegelbauer reported that the 2013 budget process has begun. Mr. Ziegelbauer discussed the current job evaluation study and explained that there will be no pay rate reductions for current employees while implementing the new plan.

Personnel Director Sharon Cornils gave a Power Point presentation that reviewed the goals of the wage study and explained the job evaluation process that has been completed by the Personnel Department. Ms. Cornils discussed the process for employees to request a reconsideration of the banding of positions. With County Board approval, implementation of the wage schedule will be December 23, 2012. She answered supervisors' questions.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:52 p.m.

No one present who was allowed to speak wished to address the Board, subsequently Chairperson Hansen closed public input.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointment of alternate Rose Kocourek to the Board of Adjustment to complete a vacancy expiring July 2015. Supervisor Weiss moved, seconded by Supervisor Vogt to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Supervisor Chuck Hoffman to the Planning and Park Commission to complete a vacancy expiring July 2019. Supervisor Weiss moved, seconded by Supervisor Maresh to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Dean Dvorak, Colin Rayford, and Michelle Yanda to the Land Information Council for a two year term expiring September 1, 2014. Supervisor Hoff moved, seconded by Supervisor Vogel to approve the appointments. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Wagner gave a brief report. Their next meeting will be August 28.

Board of Health: Supervisor Vogel gave a brief report.

Executive Committee: Chairperson Hansen gave a brief report and answered supervisors' questions.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report.

Finance Committee: Supervisor Brey gave a brief report.

Highway Committee: Supervisor Gerroll gave a brief report.

Supervisor Gerroll moved, seconded by Supervisor Behnke to adopt Resolution 1 (2012/2013-36) Petitioning for Airport Improvement Aid. Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Kolman voted no, all others supervisors voted aye.

No. 2012/2013 - 36

**RESOLUTION PETITIONING
FOR AIRPORT IMPROVEMENT AID**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County, Wisconsin is authorized by Wis. Stat. § 114.11 to
2 acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an
3 airport, and
4

5 WHEREAS, Manitowoc County desires to develop or improve the Manitowoc County
6 Airport, located in Manitowoc County, Wisconsin and desires to make a PETITION FOR
7 AIRPORT PROJECT to the Secretary of the Wisconsin Department of Transportation stating
8 that:
9

10 The airport should generally conform to the requirements for a General Aviation
11 type airport as defined by the Federal Aviation Administration;
12

13 The character, extent, and kind of improvements desired under the project are land
14 acquisition to address safety concerns and any necessary related work; and
15

16 The airport project is necessary to meet the existing and future needs of the airport;
17

18 and
19

20 WHEREAS, airport users have been consulted in formulating the proposed
21 improvements; and
22

23 WHEREAS, a public hearing was held prior to the filing of this petition in accordance

24 with Wis. Stat. § 114.33(2), as amended, and a transcript of the hearing is transmitted with the
25 petition; and
26

27 WHEREAS, Manitowoc County is required by Wis. Stat. § 114.32(5) to designate the
28 Secretary of the Wisconsin Department of Transportation as its agent to accept, receive, receipt
29 for, and disburse any funds granted by the United States under the federal Airport and Airway
30 Improvement Act and is authorized by law to designate the Secretary as its agent for other
31 purposes;
32

33 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
34 Supervisors that a petition for federal or state aid, or both, in the following form is hereby
35 approved:
36

37 The petitioner, desiring to sponsor an airport development project with federal and
38 state aid or state aid only, in accordance with the applicable state and federal laws,
39 respectfully represents and states:
40

41 1. That the airport, which it desires to develop, should generally conform to the
42 requirements for a General Aviation type airport as defined by the Federal
43 Aviation Administration.
44

45 2. That the character, extent, and kind of improvements which it desires under
46 the project are as follows:
47

- 48 • Airport Layout Plan (ALP) update;
- 49 • Automated Weather Observing System (AWOS) upgrade;
- 50 • Clear and maintain runway approaches as stated in
- 51 Transportation Administrative Code Chapter 55;
- 52 • Land acquisition for airport development and runway
- 53 approaches;
- 54 • Replace runway and taxiway lighting;
- 55 • Runway extension feasibility and user study;
- 56 • Runway extension master plan and environmental assessment
- 57 (EA);
- 58 • Sealcoat and crackfill airport pavements;
- 59 • Wildlife study; and
- 60 • Any necessary related work.

61
62 3. That the airport project, which your petitioner desires to sponsor, is necessary
63 to meet the existing and future needs of the airport;
64

65 and
66

67 BE IT FURTHER RESOLVED that it is recognized that the improvements petitioned for
68 as listed will be funded individually or collectively as funds are available, with specific project

69 costs to be approved as work is authorized, the proportionate cost of the airport development
70 projects described above which are to be paid by Manitowoc County to the Secretary of the
71 Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in
72 trust for the purposes of the project; any unneeded and unspent balance after the project is
73 completed is to be returned to Manitowoc County by the Secretary; Manitowoc County will,
74 subject to available appropriations, make available any additional monies that may be found
75 necessary, upon request of the Secretary, to complete the project as described above; the
76 Secretary shall have the right to suspend or discontinue the project at any time additional monies
77 are found to be necessary by the Secretary and Manitowoc County does not provide the same;
78 and
79

80 BE IT FURTHER RESOLVED that the Secretary is hereby designated as Manitowoc
81 County's agent and is requested to agree to act as such in matters relating to the airport
82 development project described above; is hereby authorized as Manitowoc County's agent to
83 make all arrangements for the development and final acceptance of the completed project
84 whether by contract, agreement, force account, or otherwise and particularly to accept, receive,
85 receipt for, and disburse federal monies or other monies, either public or private, for the
86 acquisition, construction, improvement, maintenance and operation of the airport; to acquire
87 property or interests in property by purchase, gift, lease, or eminent domain under Wis. Stat. Ch.
88 32; to supervise the work of any engineer, appraiser, negotiator, contractor, or other person
89 employed by the Secretary; to execute any assurances or other documents required or requested
90 by any agency of the federal government; and to comply with all federal and state laws, rules,
91 and regulations relating to airport development projects; and
92

93 BE IT FURTHER RESOLVED that Manitowoc County requests that the Secretary
94 provide, pursuant to Wis. Stat. § 114.33(8)(a), that Manitowoc County may acquire certain parts
95 of the required land or interests in land that the Secretary shall find necessary to complete the
96 aforesaid project; and
97

98 BE IT FURTHER RESOLVED that Manitowoc County agrees to maintain and operate
99 the airport in accordance with the conditions established in Wis. Admin. Code Ch. Trans 55 or in
100 accordance with any Airport Owner Assurances enumerated in any Federal Block Grant
101 Agreement necessary to fund the proposed improvements; and
102

103 BE IT FURTHER RESOLVED that the County Executive and the County Clerk are
104 authorized to sign and execute any Agreement and Federal Block Grant Owner Assurances
105 authorized by this Resolution and necessary to fund the proposed improvements.

Dated this 21st day of August 2012.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: No tax levy impact and, based on the funding mechanism, no budget
modifications are required at this time. If the petition is successful, the
county will be eligible for grant funding for land acquisition and necessary

work relating to the proposed improvements. Any necessary budget amendments will be brought to the County Board for approval.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Metzger gave a brief report. Their next meeting will be August 24.

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

Supervisor Wagner moved, seconded by Supervisor Burke to adopt Resolution 2 (2012/2013-37) Authorizing Multi-County Older Americans Act Program Agreement (ADRC of the Lakeshore). Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no, all other supervisors vote aye.

No. 2012/2013 - 37

**RESOLUTION AUTHORIZING MULTI-COUNTY
OLDER AMERICANS ACT PROGRAM AGREEMENT
(ADRC of the Lakeshore)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board previously endorsed the concept of providing Older
2 Americans Act (OAA) services through a multi-county agency and has authorized the Director
3 of the Aging & Disability Resource Center of the Lakeshore (ADRC) and other county officials
4 to meet and confer with Kewaunee county officials for the purpose of preparing an
5 intergovernmental cooperation agreement that would allow the ADRC to provide OAA services
6 to residents of both counties; and
7

8 WHEREAS, the County Board directed that the Commission on Aging make a
9 recommendation to the county board regarding any agreement with Kewaunee County that
10 would address the composition and responsibilities of the Commission on Aging; the services
11 and means by which those services are to be provided to the residents of each county; the
12 responsibilities of each county to provide staff, equipment, infrastructure, office space, legal and
13 personnel services, and other support; and accounting, budgeting, and funding procedures; and
14

15 WHEREAS, the Kewaunee and Manitowoc County Corporation Counsels have prepared
16 an Older Americans Act Agreement that has been reviewed by representatives from both
17 counties and the Commission on Aging, which recommends that Manitowoc County enter into
18 the proposed agreement;
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
21 Supervisors authorizes the County Executive to sign the Older Americans Act Service

22 Agreement on behalf of Manitowoc County.

Dated this 21st day of August 2012.

Respectfully submitted by the Natural Resources & Education Committee.

FISCAL IMPACT: Tax levy impact will be determined by appropriation included in adopted annual budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Holschbach to adopt Resolution 2a (2012/2013-38) Authorizing Out-of-State Travel (Kelly Klein and Cathy Ley). Upon discussion and vote, the motion carried with 22 ayes and 3 noes. Supervisors Kohlman, Korinek, and Tittl voted no, all other supervisors voted aye.

No. 2012/2013 - 38

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Kelly Klein and Cathy Ley)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Department of Health Services (DHS) encourages Aging and Disability
2 Resource Centers to work with local hospitals to provide transition coaching to Medicare
3 patients who are at risk of readmission to the hospital within 30 days of discharge; and
4

5 WHEREAS, DHS encourages Aging and Disability Resource Centers to train transition
6 coaches in an evidence-based model; and
7

8 WHEREAS, the Aging and Disability Resource Center of the Lakeshore (ADRC) has
9 been provided 2011 carryover funds to be used for the costs of training in an evidence-based
10 model and has the opportunity to send both the Transition Coordinator and Transition
11 Coordinator Coach to this training at the University of Colorado, Aurora, Colorado on October
12 4, 2012; and
13

14 WHEREAS, no County tax levy dollars will be needed to pay for travel and training
15 expenses; and
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
18 Supervisors authorizes Kelly Klein and Cathy Ley to travel out of state to attend Transition
19 Coordinator and Transition Coordinator Coach training at the University of Colorado in Aurora,
20 Colorado on October 4, 2012.

Dated this 21st day of August 2012.

Respectfully submitted by the Natural Resources & Education Committee.

FISCAL IMPACT: Travel and training costs will be covered by carryover funding provided by the Department of Health Services. Total estimated cost is \$9,375 (\$6,000 for registration, \$1,750 for meals, lodging, and transportation, and \$1,625 for wages and benefits).

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Behnke gave a brief report. Their next meetings will be September 9 and September 17.

Supervisor Behnke moved, seconded by Supervisor Hoff to adopt Resolution 3 (2012/2013-39) Amending Overtime Calculation Rules for Special Operations, Scuba, and Canine Call-Outs. Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no, all other supervisors voted aye.

No. 2012/2013 - 39

**RESOLUTION AMENDING OVERTIME CALCULATION RULES FOR
SPECIAL OPERATIONS, SCUBA, AND CANINE CALL-OUTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, employees can voluntarily agree to participate as members of the Special
2 Operations Squad, Scuba Team, and Canine Unit, and are required to respond to calls for service
3 with no advance notice; and
4

5 WHEREAS, situations requiring the call out of the Special Operations Squad, Scuba
6 Team, and Canine Units have the potential for greater risk, and there is no guarantee of the
7 duration of the call-out; and
8

9 WHEREAS, current overtime rules provide for the payment of overtime when more than
10 10 hours have been worked in a shift, when more than 171 hours have been worked in a 28-day
11 work cycle, and for all time worked on holidays; and
12

13 WHEREAS, paying nonrepresented, nonexempt employees at an overtime rate during
14 Special Operations, Scuba, and Canine call-outs will provide an incentive for hourly staff to
15 voluntarily participate on these teams;
16

17 NOW, THEREFORE, BE IT RESOLVED that time actually worked by nonrepresented,
18 nonexempt employees during a call-out of the Special Operations Squad, Scuba Team, and
19 Canine Unit will be compensated at an overtime rate; and
20

21 BE IT FURTHER RESOLVED that this policy will be implemented effective September

22 2, 2012, which is the first day of the next 28-day pay cycle.

Dated this 21st day of August 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Increases annual personnel costs by approximately \$3,250, which will be paid from the current budget appropriation.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack gave a brief report.

Public Safety Committee: Supervisor Henrickson gave a brief report. Their next meeting will be September 12.

Supervisor Henrickson moved, seconded by Supervisor Nickels to adopt Resolution 4 (2012/2013-40) Authorizing Out-of-State Travel (Nancy Crowley). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no, all other supervisors voted aye.

No. 2012/2013 - 40

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Nancy H. Crowley)**

1 WHEREAS, Emergency Management Director Nancy H. Crowley is on the Steering
2 Committee for the National Radiological Emergency Preparedness (NREP) Conference; and
3

4 WHEREAS, as a member of the Steering Committee, she is expected to attend the
5 mid-year planning meeting that will be held in Austin, Texas in October 2012; and
6

7 WHEREAS, all travel expenses will be borne by NextEra Energy Point Beach;
8

9 NOW, THEREFORE, BE IT RESOLVED the Manitowoc County Board of Supervisors
10 authorizes Nancy H. Crowley to travel out-of-state to attend the mid-year NREP Steering
11 Committee meeting in Austin, Texas on October 17-19, 2012.

Dated this 21st day of August 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Travel expenses (airfare, hotel, meals, and surface transportation) are estimated at \$900, are included in the Emergency Management Budget, and will be reimbursed by NextEra Energy. Salary and benefit costs are estimated at \$1,268, and 32% of the salary and benefit costs will be reimbursed by NextEra Energy.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Vogel to adopt Resolution 4a (2012/2013-41) Authorizing Out-of-State Travel (Curtis Raube). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no, all other supervisors voted aye.

No. 2012/2013 - 41

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Curtis Raube)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Department recognizes the importance of
2 training in the field of computer forensics and need to stay current with the ever-changing field
3 of computer technology through continuing education; and
4

5 WHEREAS, Deputy Curtis Raube is the only officer certified as a Computer Forensics
6 Investigator who can to assist in specialized investigations and support local law enforcement
7 agencies and the District Attorney's Office; and
8

9 WHEREAS, AccessData Corporation will provide Deputy Raube with Mobile Forensics
10 software training as part of a computer forensics software package that was recently purchased
11 by the Sheriff's Department and;
12

13 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
14 Supervisors authorizes Deputy Curtis Raube to travel out-of-state to attend the three-day
15 AccessData training program on computer forensics in Sterling, Virginia from September 18 –
16 20, 2012.

Dated this 21st day of August 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Total estimated cost is \$2,041 (Mileage - \$131; Airfare - \$240; Lodging - \$432; Meals - \$213; Ground Transportation in Virginia - \$75; Wages and benefits - \$950).

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Weiss moved, seconded by Supervisor Cavanaugh to adopt Resolution 5 (2012/2013-42) Authorizing Clean Sweep and Drug Collection Program Grant Application. Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no, all other supervisors voted aye.

**RESOLUTION AUTHORIZING CLEAN SWEEP AND
DRUG COLLECTION PROGRAM GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County recognizes the benefit of providing programs for the
2 proper disposal and storage of household and agricultural hazardous waste and drugs; and
3

4 WHEREAS, Manitowoc County's Clean Sweep and Drug Collection Programs offer
5 education and assistance to citizens in the identification, proper handling, and disposal of
6 household and agricultural hazardous waste and drugs through the distribution of public
7 information materials, presentations to citizen groups, and designated days for the collection and
8 disposal of household and agricultural hazardous waste and unwanted drugs and medications;
9 and
10

11 WHEREAS, Manitowoc County has successfully organized and conducted Clean Sweep
12 and Drug Collection Programs in the past, has declared its intent to conduct annual Clean Sweep
13 and Drug Collection Programs subject to public response and the appropriation of sufficient
14 funding, plans to conduct collections in 2013, and wishes to apply for state grants to support the
15 Household and Agricultural Clean Sweep and Drug Collection programs; and
16

17 WHEREAS, Calumet, Fond du Lac, Outagamie, Sheboygan, and Winnebago Counties
18 have also successfully organized and conducted Clean Sweep and Drug Collection Programs in
19 the past, have declared their intent to conduct annual Clean Sweep and Drug Collection
20 Programs subject to public response and sufficient funding, are planning collections for 2013,
21 and wish to apply for state grants to support the Household and Agricultural Clean Sweep and
22 Drug Collection Programs; and
23

24 WHEREAS, Calumet, Fond du Lac, Outagamie, Sheboygan, and Winnebago Counties
25 have successfully organized and conducted joint Clean Sweep and Drug Collection programs in
26 the past, realize the economic benefits and efficiencies that result from conducting joint
27 programs, and want to conduct joint programs again in 2013; 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
31 their areas of expertise; and
32

33 WHEREAS, Calumet, Fond du Lac, Manitowoc, Outagamie, Sheboygan, and Winnebago
34 Counties, if awarded a state grant for a joint Household and Agricultural Clean Sweep and Drug
35 Collection Program, will carry out all activities described in the state grant application; will
36 allow employees from the Wisconsin Department of Natural Resources and the Wisconsin
37 Department of Agriculture, Trade and Consumer Protection access to inspect any Clean Sweep
38 or Drug Collection Program site; and will maintain records documenting all expenditures made
39 for the Clean Sweep and Drug Collection Programs; and

40 WHEREAS, Calumet, Fond du Lac, Manitowoc, Outagamie, Sheboygan, and Winnebago
41 Counties will submit a final report to the Wisconsin Department of Agriculture, Trade and
42 Consumer Protection describing all Clean Sweep and Drug Collection Program activities,
43 achievements, and problems; comparing the actual programs with the activities and objectives
44 proposed in the application; providing samples of information/education brochures, data on
45 participation rates and waste quantities collected, and documentation of project costs; and
46 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 Calumet, Fond du Lac, Manitowoc, Outagamie, Sheboygan, and
51 Winnebago County Household and Agricultural Hazardous Waste Clean Sweep and Drug
52 Collection Programs during 2013; and

53
54 BE FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes
55 the Public Works Director to enter into any agreements necessary to conduct the joint Household
56 and Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs during 2013.

Dated this 21st day of August 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No fiscal impact in 2012. No tax levy impact in 2013 because appropriate revenue and expenditure line items in the 2013 budget will include equal amounts that will not exceed the amount of any grant awarded.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Weiss reported that their next meeting will be September 12.

Safety Net Accountability Panel: Supervisor Henrickson gave a brief report.

Transportation Coordinating Committee: Supervisor Weiss gave a brief report.

Miscellaneous: Supervisor Brey moved, seconded by Supervisor Vogel to adopt Resolution 6 (2012/2013-43) Authorizing Purchase of Property and Relocation of Health Department (1028 South 9th Street, Manitowoc, Wisconsin). Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no, all other supervisors voted aye.

No. 2012/2013 - 43

**RESOLUTION AUTHORIZING PURCHASE OF PROPERTY
AND RELOCATION OF HEALTH DEPARTMENT
(1028 South 9th Street, Manitowoc, Wisconsin)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the current Health Department building was purchased in 1986 to provide
2 offices for the Department of Aging and to provide storage because of space shortages at the
3 County Office Building, which was then located on Michigan Avenue; and
4

5 WHEREAS, the current Health Department building was remodeled in the early 1990's to
6 provide space for the county's nursing staff; and
7

8 WHEREAS, the building was again remodeled in the mid-1990's to house the newly
9 formed Health Department, which incorporated the county's nursing department; the City of
10 Manitowoc Nursing Department; the City of Manitowoc Environmental Health Sanitarians; and
11 the Women, Infants, and Children (WIC) program; and
12

13 WHEREAS, the second remodeling was undertaken as a stopgap measure until other space
14 became available because the remodeled building still did not meet all of the newly formed
15 Health Department's space needs; and
16

17 WHEREAS, the mechanical systems that were installed in the building in 1988, which had
18 a life expectancy of only 12 years, were not upgraded during the second remodeling; and
19

20 WHEREAS, the county subsequently took out an Option to Purchase the Michigan Shores
21 Office Building at 1028 South 9th Street to address space needs at the County Office Building on
22 Michigan Avenue, but did not exercise that option because the Michigan Shores Office Building
23 was not large enough to accommodate all of the County's space needs, and, instead, constructed
24 the County Office Complex on Expo Drive and left the Health Department at its present
25 location; and
26

27 WHEREAS, the Public Works Committee has determined that the current Health
28 Department Building still does not meet the Health Department's space needs; and
29

30 WHEREAS, the building located at 1028 South 9th Street, which is now known as the
31 United One Building, is large enough to meet the space and operational needs of the Health
32 Department, has a listed assessed value of \$959,000, and can be purchased for an agreed-upon
33 price of \$610,000; and
34

35 WHEREAS, the estimated cost to remodel the United One Building; relocate the Health
36 Department from its present location on Washington Street; demolish the Washington Street
37 building and garage; construct a new garage behind the Communications and Technology
38 Building; and regrade, relocate utilities, and provide additional parking at the Courthouse is
39 \$955,000; and
40

41 WHEREAS, the Public Works Committee has reviewed these cost estimates and
42 recommends that the County Board approve purchasing and remodeling of the property located
43 at 1028 South 9th Street, Manitowoc, Wisconsin; relocating the Health Department to the
44 remodeled building; demolishing the Washington Street building and garage; and other
45 associated improvements – collectively, the "Project" – at a total Project cost of \$1,565,000;
46

47 NOW, THEREFORE, BE IT RESOLVED that the County Board approves purchasing the
48 building located at 1028 South 9th Street for \$610,000 and the remodeling of the building; the
49 relocation of the Health Department to the remodeled building; the demolition of the building
50 and garage on Washington Street; the construction of a garage behind the Communications and
51 Technology Building; and regrading, relocating utilities, and providing additional parking at the
52 courthouse, and associated improvements at a cost of \$955,000, for a total Project cost not to
53 exceed \$1,565,000; and
54

55 BE IT FURTHER RESOLVED that the County Board authorizes the Comptroller to
56 transfer up to \$675,000 from various funds to a Public Health Department Capital Project Fund
57 to be used for purchase and engineering work, to be repaid in full to the various funds from a
58 note or bond to be issued in 2013 or from a combination of a note or bond and 2012 fund
59 surpluses, as may be the case; and
60

61 BE IT FURTHER RESOLVED that the total Project cost of \$1,565,000 shall be included
62 in the 2012 and 2013 budgets, in a separate resolution authorizing the issuance of a bond or note
63 in 2013, or from a combination of a bond or note issued in 2013 and 2012 fund surpluses, subject
64 to the approval of the County Board; and
65

66 BE IT FURTHER RESOLVED that the County Executive, the Comptroller, the Public
67 Works Director, and such other county officials as may be required are authorized to execute
68 such contracts and take such other actions as may be necessary to complete the Project.

Dated this 21st day of August 2012.

Respectfully submitted by the Public Works Committee, Board of Health, and Finance Committee.

FISCAL IMPACT: Authorizes the expenditure of up to \$1,565,000 for the Project in 2012-13.

APPROVED: Bob Ziegelbauer, County Executive.

Announcements: Chairperson Hansen reminded supervisors to request approval from the Chair for mileage reimbursement prior to any travel.

Supervisor Behnke moved to adjourn, seconded by Supervisor Tittl, and the motion was adopted by acclamation. The meeting adjourned at 9:09 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, September 18, 2012

7:00 P.M.

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 September 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 24 members present: Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Gerroll was excused.

On a motion by Supervisor Brey, seconded by Supervisor Henrickson the August 21, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Hansen and Supervisor Wagner presented a Proclamation Honoring 4-H Week to 4-H and Youth Development Educator Kevin Palmer. Mr. Palmer gave an overview of 4-H activities which include project scrapbooks and record books, the 50th anniversary of Camp TaPaWingo celebration on September 16, and 4-H Family Fun Night at Expo on September 25.

Chairperson Hansen presented a Proclamation Declaring Crime Prevention Month to Sheriff Rob Hermann. On behalf of everyone involved in law enforcement, Sheriff Hermann thanked the Board for the recognition and invited everyone to the Crime Prevention Day event on October 20 at the Expo.

Chairperson Hansen presented a Proclamation Recognizing Wisconsin Disability Employment Awareness Month to ADRC of the Lakeshore Director Judy Rank. Ms. Rank thanked the Board for the proclamation and noted that she was appreciative of employers who connect with the community and hire employees with disabilities.

Sheriff Rob Hermann addressed the Board regarding the impact of closing the Juvenile Detention Center. Sheriff Hermann explained that potential cost to transport juveniles from Sheboygan to Manitowoc for court proceedings could be \$50,000. If the JDC is

decommissioned and then reopened, the cost would be substantial to bring the safety and security system up to code. Sheriff Hermann noted that personnel in the JDC are also used for warrant pickups and assist in the adult jail. He was concerned that the loss of three positions, with the closing of the facility, would significantly impact the security of the adult jail inmates. Sheriff Hermann concluded that the decision whether the facility is closed or remains open is to be made by the County Board. He answered supervisors' questions.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:45 p.m.

Maura Yost, City of Manitowoc, and a former employee of Human Services addressed the Board regarding the need for a Human Services Director. Ms. Jost explained that the Human Services Department had a budget surplus during a five year span when there was a director, and during the last five years without one, the Human Services Department experienced a deficit. She also discussed legal issues relating to not having a director. Ms. Jost urged the Board to fund the position of Human Services Director.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:53 p.m.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Valerie Mellon to the Bay-Lake Regional Planning Commission for a six year term expiring October 2018. Supervisor Behnke moved, seconded by Supervisor Hoffman to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Wagner gave a brief report. The next meeting will be October 23.

Board of Health: Supervisor Vogel gave a brief report. The next meeting will be October 11.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. The next meeting will be October 3.

Finance Committee: Supervisor Brey gave a brief report.

Human Services Board: Supervisor Metzger gave a brief report and answered supervisors' questions. The next meeting will be September 27.

Lakeland Care District: Supervisor Brey gave a brief report.

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

Personnel Committee: Supervisor Behnke gave a brief report and answered supervisors' questions. The next meeting will be October 2.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Korinek to enact Ordinance 1 (2012/2013-44) Amending Zoning Map (Matt and Lynn Kutz). Upon vote, the motion carried unanimously.

No. 2012/2013 - 44

**ORDINANCE AMENDING ZONING MAP
(Matt and Lynn Kutz)**

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 August 27, 2012; and
3

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

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

11 Lot 1, commencing at the south ¼ corner of Section 10, T21N-R22E, Town of
12 Cooperstown, Manitowoc County, Wisconsin; thence along the southerly line of the
13 SE ¼ North 90°00'00" East 324.36 feet to the point of beginning; thence along the
14 easterly line of the Wisconsin Department of Natural Resources Recreational Trail
15 North 5°04'00" East 212.42 feet; thence continuing 322.36 feet along the arc of a
16 2,980.59 foot radius curve to the left whose long chord bears North 1°58'06" East
17 322.21 feet; thence North 90°00'00" East 221.14 feet; thence South 1°37'23" West
18 288.25 feet; thence South 87°10'14" East 147.20 feet; thence South 3°27'52" West
19 53.28 feet; thence South 85°03'31" East 129.43 feet; thence South 16°40'21" West
20 181.50 feet; thence South 90°00'00" West 463.47 feet to the point of beginning
21 including those lands previously conveyed for highway purposes, said parcel
22 containing approximately 3.982 acres of land, is hereby rezoned from Large Estate
23 Residential (LE) and Rural Residential (RR) to Small Estate Residential (SE); and
24

25 Lot 2, commencing at the south ¼ corner of Section 10, T21N-R22E, Town of
26 Cooperstown, Manitowoc County, Wisconsin; thence along the southerly line of the
27 SE ¼ North 90°00'00" East 258.10 feet to the point of beginning; thence along the
28 easterly line of the Wisconsin Department of Natural Resources Recreational Trail
29 North 5°04'00" East 218.27 feet; thence continuing 978.38 feet along the arc of a
30 2,914.59 foot radius curve to the left whose long chord bears North 4°33'00" West
31 973.80 feet; thence North 14°10'00" West 138.43 feet; thence South 89°55'49" East

32 560.64 feet; thence South 1°59'45" West 383.67 feet; thence South 56°41'18" West
33 152.25 feet; thence South 1°57'25" West 321.21 feet; thence south 90°00'00" west
34 221.14 feet; thence 322.36 feet along the arc of a 2,980.59 foot radius curve to the
35 right whose long chord bears South 1°58'06" West 322.21 feet; thence South
36 5°04'00" West 212.42 feet; thence South 90°00'00" West 66.26 feet to the point of
37 beginning including those lands previously conveyed for highway purposes, said
38 parcel containing approximately 8.262 acres of land, is hereby rezoned from Small
39 Estate Residential (SE) and Exclusive Agriculture (EA) to Large Estate Residential
40 (LE); and

41
42 Lot 3, commencing at the south ¼ corner of Section 10, Town of Cooperstown,
43 Manitowoc County, Wisconsin; thence along the southerly line of the SE ¼ North
44 90°00'00" East 787.83 feet to the point of beginning; thence North 16°40'21" East
45 181.50 feet; thence North 85°03'31" West 129.43 feet; thence North 3°27'52" East
46 53.28 feet; thence North 87°10'14" West 147.20 feet; thence North 1°37'23" East
47 288.25 feet; thence North 1°57'25" East 321.21 feet; thence North 56°41'18" East
48 152.25 feet; thence South 90°00'00" East 344.13 feet; thence South 0°00'00" West
49 938.24 feet; thence South 90°00'00" West 269.82 feet to the point of beginning
50 including those lands previously conveyed for highway purposes, said parcel
51 containing approximately 9.051 acres of land, is hereby rezoned from Large Estate
52 Residential (LE) and Exclusive Agriculture (EA) to General Agriculture (GA).

Dated this 18th day of September 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Cavanaugh to enact Ordinance 2 (2012/2013-45) Amending Zoning Map (Jamie and Amanda Lambert). Upon vote, the motion carried unanimously.

No. 2012/2013 - 45

**ORDINANCE AMENDING ZONING
(Jamie and Amanda Lambert)**

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 August 27, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 NE ¼ SW¼ of Section 6, T21N-R24E, Town of
12 Mishicot, Manitowoc County, Wisconsin described as; commencing at the South
13 ¼ corner of Section 6; thence along the easterly line of the SW¼ North 0°59'27"
14 West 1,331.42 feet to the point of beginning; thence North 89°28'46" West 405.02
15 feet; thence North 0°59'27" West, 1,309.10 feet; thence South 89°35'33" East 405.00
16 feet to the Center of Section 6 being a found Aluminum Monument; thence along the
17 easterly line of the SW ¼ South 0°59'27" East 1,309.90 feet to the point of
18 beginning, subject to easements and right of ways of record, said parcel containing
19 approximately 1.40 acres of land and is hereby rezoned from General Agriculture
20 (GA) to Small Estate Residential (SE).

Dated this 18th day of September 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 3 (2012/2013-46)
Amending Zoning Map (Lee Schisel). Upon discussion and vote, the motion carried
unanimously.

No. 2012/2013 - 46

**ORDINANCE AMENDING ZONING
(Lee Schisel)**

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 August 27, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 W½, NE¼, Section 17, T18N-R22E, Town of
12 Liberty. Commencing at the N ¼ corner of said Section 17; thence Southerly
13 approximately 33 feet to the south r/w of Hill Creek Raod which is the point of real
14 beginning; thence continue southerly approximately 745 feet; thence easterly
15 approximately 660 feet; thence northerly approximately 745 feet; thence westerly
16 along the south r/w of Hill Creek Road approximately 130 feet; thence southerly
17 approximately 181 feet; thence westerly approximately 296 feet; thence northerly
18 approximately 177 feet; thence westerly along the south r/w of Hill Creek Road
19 approximately 240 feet to the point of real beginning. Said parcel contains
20 approximately 10.0 acres of land is hereby rezoned EA Exclusive Agriculture
21 District to GA General Agriculture District.

Dated this 18th day of September 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Burke to enact Ordinance 4 (2012/2013-47)
Amending Zoning (Earl Voss). Upon vote, the motion carried unanimously.

No. 2012/2013 - 47

**ORDINANCE AMENDING ZONING
(Earl Voss)**

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 August 27, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 a part of the NE ¼ of the SW ¼ and the SE ¼ of the SW
12 ¼, Section 31, T17N-R22E, Town of Meeme, Manitowoc County, Wisconsin,

described as Lot 4 of existing CSM located in V23 P61, said parcel containing approximately 11.47 acres of land, is hereby rezoned from General Agriculture (GA) to Large Estate Residential (LE).

Dated this 18th day of September 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 5 (2012/2013-48) Repealing Manitowoc County Code Chapter 24, Large Wind Energy Systems, and Chapter 25, Small Wind Energy Systems. Upon discussion and vote, the motion carried unanimously.

No. 2012/2013 - 48

**ORDINANCE REPEALING MANITOWOC COUNTY CODE
CHAPTER 24, LARGE WIND ENERGY SYSTEMS, AND
CHAPTER 25, SMALL WIND ENERGY SYSTEMS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, 2009 Wisconsin Act 40 directed the Public Service Commission (PSC) to promulgate administrative rules that specify the restrictions a political subdivision may impose on the installation or use of a wind energy system; and

WHEREAS, the PSC promulgated Wis. Admin. Code Ch. PSC 128, Wind Energy Systems, which limits a local unit of government's ability to enact and enforce regulations pertaining to wind energy systems and provides that a local unit of government may not enact or enforce any regulation that is more restrictive than permitted by the administrative rules; and

WHEREAS, PSC 128 prescribes specific time lines for processing applications for wind energy systems and gives a local unit of government time to enact a wind energy systems ordinance after it receives an application for a wind energy system if the local unit of government does not have an ordinance in place; and

WHEREAS, the Planning and Zoning Director and the Corporation Counsel have briefed the Executive Committee on the impact of PSC 128 on Manitowoc County's wind energy systems ordinances and have explained that the county's wind energy systems ordinances are unenforceable and need to be replaced; and

WHEREAS, the Executive Committee concluded that the county should repeal its existing wind energy systems ordinances and subsequently enact new ordinances in order to

22 maximize the tools made available by PSC 128 to best protect the health and welfare of the
23 county's residents and to ensure that the owners of wind energy systems pay a reasonable
24 application fee or reimburse the county for its reasonable expenses relating to the review and
25 processing of an application for a wind energy system;

26
27 WHEREAS, the Planning and Park Commission, after providing the required notice, held
28 a public hearing on August 27, 2012 on a petition for a zoning ordinance amendment to repeal
29 Manitowoc County Code Chapter 24, Large Wind Energy Systems, and Manitowoc County
30 Code Chapter 25, Small Wind Energy Systems; and

31
32 WHEREAS, the Planning and Park Commission, after a careful consideration of
33 testimony and an examination of the facts, recommends that Manitowoc County Code Chapter
34 24, Large Wind Energy Systems, and Manitowoc County Code Chapter 25, Small Wind Energy
35 Systems, be repealed in order to facilitate the enactment of a new Wind Energy Systems
36 Ordinances that will comply with PSC 128 and that will maximize the tools made available by
37 PSC 128 to best protect the health and welfare of the county's residents and to ensure that the
38 owners of wind energy systems pay a reasonable application fee or reimburse the county for its
39 reasonable expenses relating to the review and processing of any application for a wind energy
40 system;

41
42
43 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
44 ordain as follows:

45
46 Manitowoc County Code Chapter 24, Large Wind Energy Systems, and Manitowoc
47 County Code Chapter 25, Small Wind Energy Systems, are repealed effective September 30,
48 2012.

Dated this 18th day of September 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 6 (2012/2013-49) Amending Manitowoc County Code Ch. 8 General Zoning and Land Use Regulation (Technical Amendments and Corrections). Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 49

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 8
GENERAL ZONING AND LAND USE REGULATION
(Technical Amendments and Corrections)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Manitowoc County adopted a comprehensive revision of Manitowoc County Code Ch. 8, General Zoning and Land Use Regulation, on November 7, 2011; and

WHEREAS, it was anticipated that technical amendments would be made following a review of the ordinance by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), which has now been completed; and

WHEREAS, the Planning and Zoning Department has received comments and suggestions from various townships and others who are affected by the ordinance recommending corrections or minor changes to the ordinance; and

WHEREAS, the Planning and Park Commission, after providing the required notice, held a public hearing on a petition for a zoning ordinance amendment on August 27, 2012; and

WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and an examination of the facts, recommends certain technical amendments to the General Zoning and Land Use Regulation Ordinance;

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

Manitowoc County Code sec. 8.07, Definitions, "agricultural accessory use" is amended by striking "(4) Hunting shacks or warming shacks provided that no water or sewage facilities are included."

Manitowoc County Code sec. 8.09(2), pertaining to exclusive agriculture, principal uses, is amended as follows:

- (b) Essential services that are required or authorized to be located in a specific place under state or federal law.

Manitowoc County Code sec. 8.09(2), pertaining to principal uses in an exclusive agriculture district, is amended by striking "(e) Kennels."

Manitowoc County Code sec. 8.09(3), pertaining to accessory uses in an exclusive agriculture district, is amended as follows:

- (c) Roadside stand, one, consistent with Wis. Stat. § 91.01(1), which must be placed outside the right-of-way and which may not interfere with or present a hazard to any person, property, or traffic.

Manitowoc County Code sec. 8.09(4), pertaining to conditional uses in an exclusive

agriculture district, is amended as follows:

(4) Conditional Uses. A conditional use permit may be issued in an EA district only if all the following apply:

- The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and the use is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district;
- The use and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district;
- The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law;
- The use is reasonably designed to minimize conversion of land at and around the site of the use from agriculture or open space use;
- The use does not substantially impair or limit the current or future agricultural use of other protected farmland; and
- Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

The following uses may be allowed in an EA district upon the issuance of a conditional use permit:

- (a) Agriculture-related uses.
- (b) Community uses consistent with Wis. Stat. § 91.46(5).
- (c) Directional signs.
- (d) Infrastructure, consistent with Wis. Stat. § Stat. 91.46(4), ~~that is compatible with the district,~~ including agricultural aeronautic facilities; communication uses, such as antennae, broadcast towers, cell towers, and transmission lines; drainage facilities; electrical transmission lines; gas, oil, and other pipelines; large wind energy systems; rail facilities; roads; solar energy facilities; and transportation uses.
- (e) Nonmetallic mining consistent with Wis. Stat. § 91.46(6).

88 (f) Public uses consistent with Wis. Stat. § 91.46(5).

89
90 (g) Utilities consistent with Wis. Stat. § 91.46(4).

91
92 Manitowoc County Code sec. 8.09(7)(b), pertaining to rezoning land out of an exclusive
93 agriculture district, is amended as follows:

94
95 (b) ~~Any ordinance amendments and any comprehensive ordinance revision must be~~
96 ~~certified by Wisconsin Land and Water Conservation Board in order for~~
97 ~~landowners in the EA district to qualify for tax credits. Manitowoc County shall~~
98 ~~submit a report, with an accompanying map, to the Department of Agriculture,~~
99 ~~Trade and Consumer Protection by March 1 of each year showing the total acres~~
100 ~~rezoned out of Exclusive Agriculture districts in the previous year.~~

101
102 Manitowoc County Code sec. 8.10(3)(gm), pertaining to accessory uses in a general
103 agriculture district, is created to read as follows:

104
105 (gm) Solar energy systems.

106
107 Manitowoc County Code sec. 8.10(4)(t), pertaining to conditional uses in a general
108 agriculture district, is created to read as follows:

109
110 (t) Other small businesses not specifically listed, but which are deemed by the Board
111 to be similar to those listed.

112
113 Manitowoc County Code sec. 8.20(5), Restoration of Nonconforming Structures, is
114 amended by striking “Wis. Stat. § 60.61(5m) and inserting “Wis. Stat. § 59.69(10m).”

115
116 Manitowoc County Code sec. 8.22(1)(a), pertaining to farm consolidation, is amended by
117 striking the word “and.”

118
119 Manitowoc County Code sec. 8.22(1)(b), pertaining to farm consolidation, is amended as
120 follows:

121
122 (b) the second parcel is at least 20 acres; and

123
124 Manitowoc County Code sec. 8.22(1)(c), pertaining to farm consolidation, is created to
125 read as follows:

126
127 (c) the ratio of non-farm residential acreage to farm acreage must not exceed 1:20.

128
129 Manitowoc County Code sec. 8.24(4), pertaining to use restrictions, is amended as
130 follows:

131
132 (4) A principal structure must be located on a lot and only one ~~principal structure~~

133 residence may be constructed, erected, or moved onto a lot.

134
135 Manitowoc County Code sec. 8.31(1), pertaining to automobile wrecking yards, dumping
136 grounds, junk yards, sanitary land fills, and salvage yards, is amended as follows:

- 137
138 (1) Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or
139 salvage yard must be located so that it does not prevent or interfere with the
140 proper development of the surrounding area.

141
142 Manitowoc County Code sec. 8.32, pertaining to cemeteries, is amended as follows:

- 143
144 (2) Any burial plot or structure within any cemetery established since the effective
145 date of this ordinance must be set back at least 100 feet from any street or
146 highway right-of-way line.

147
148 Manitowoc County Code sec. 8.39(3)(g), pertaining to manufactured homes and mobile
149 homes, is amended as follows:

- 150
151 (g) The exterior siding material must be residential in appearance; may consist of
152 clapboards, concrete, masonry, simulated clapboards such as conventional vinyl
153 or metal siding, stucco, wood, wood shingle shakes, or a similar material; but may
154 not include smooth, ribbed, or corrugated metal or plastic panels. The exterior
155 siding or skirting material must extend to ground level, except that when a solid
156 concrete or masonry perimeter foundation is used, the siding material need not
157 extend below the top of the foundation.

158
159 Manitowoc County Code sec. 8.40(7)(c), pertaining to uses and other business activities
160 in Manufactured Home Parks, is repealed.

161
162 Manitowoc County Code sec. 8.41(3), pertaining to outdoor wood burning furnaces is
163 amended as follows:

- 164
165 (3) No detached energy system may be located in a front-~~or side~~ yard.

166
167 Manitowoc County Code sec. 8.41(3), pertaining to setbacks and other minimums for
168 outdoor wood burning furnaces, is amended as follows:

- 169
170 (34) Setbacks and Other Minimums.

- 171
172 (a) A detached energy system ~~in an agricultural district~~ must be setback at
173 least 100 feet from any side or rear lot line.

- 174
175 (b) A detached energy system ~~in an agricultural district~~ must be setback at
176 least 200 feet from any residence on an adjacent parcel.

(c) ~~A detached energy system in an agricultural district must be setback at least 100 feet from the front or side yard of any residence on an adjacent parcel.~~

(d) ~~A detached energy system in a residential district must be setback at least 200 feet from any side or rear lot line.~~

(e) ~~A detached energy system in an agricultural district must be setback at least 200 feet from any residence on an adjacent parcel.~~

(f) ~~A detached energy system in a residential district must be setback at least 200 feet from the front or side yard of any residence on an adjacent parcel.~~

(g) The minimum stack height for any detached energy system is 20 feet, except that a lesser stack height which meets the manufacturer's minimum specifications is allowed for any system that is Phase 2 Qualified under the U.S. Environmental Protection Agency's 2008 Hydronic Heater Program.

(d) A detached energy system that was legally installed prior to the effective date of this ordinance may be replaced with a different unit in the same location and is not subject to the setbacks specified in this section.

Manitowoc County Code sec. 8.42(4)(f) pertaining to recreation vehicles, is amended as follows:

(f) If it is located on a residential parcel, it may be used to provide living space or overnight accommodations for up to 14 days at a time, but for no more ~~that~~ than a total of 30 days in a calendar year.

Manitowoc County Code sec. 8.42(5), pertaining to recreation vehicles, is amended as follows:

(5) A park trailer may be used to provide ~~to provide~~ temporary living quarters or overnight accommodations subject to the following conditions:

Manitowoc County Code sec. 8.42(5)(g), pertaining to recreation vehicles, is amended as follows:

(g) It may be used to provide living space or overnight accommodations for no more ~~that~~ than a total of 180 days in a calendar year.

Manitowoc County Code sec. 8.44(8)(a), pertaining to campaign or ballot initiative signs, is amended as follows:

- 223 (a) Campaign or Ballot Initiative Signs. A sign erected on behalf of a candidate for
224 public office or a ballot initiative may not be erected more than 30 days prior to
225 the primary election and must be removed within 15 days following the general
226 election. The maximum size of a campaign or ballot initiative sign, other than a
227 billboard, is ~~16~~ 32 square feet ~~in a nonresidential zoning district and 8 square feet~~
228 ~~in a residential zoning district~~. A campaign or ballot initiative sign may not be
229 located in or over a public right-of-way or within 15 feet of a public right-of-way
230 at an intersection. A campaign or ballot initiative sign in a residential zoning
231 district may not be illuminated.

232
233 Manitowoc County Code sec. 8.44(8)(n), pertaining to political signs, is amended as
234 follows:

- 235
236 (n) Political Signs. A political sign that pertains to a political cause or issue must be
237 removed within 15 days following the date that the political cause or issue is
238 resolved. The maximum size of a political sign, other than a billboard, is ~~16~~ 32
239 square feet ~~in a nonresidential zoning district and 8 square feet in a residential~~
240 ~~zoning district~~. A political sign may not be located in or over a public
241 right-of-way or within 15 feet of a public right-of-way at an intersection. A
242 political sign in a residential zoning district may not be illuminated.

243
244 Manitowoc County Code sec. 8.44(9)(c), pertaining to removal, repair, and compliance orders
245 with respect to signs, is amended as follows:

- 246
247 (c) If the action specified in the order is not taken within the time required, the
248 department may remove or cause the sign to be removed. The cost of removing
249 the sign will be imposed as a special charge against the real property on which the
250 sign was located and the property owner will be billed for the special charge. If
251 the special charge is not paid within 30 days from the date of billing, it will
252 become a lien against the property and the delinquent special charge may be
253 included in the next or current tax roll for collection and settlement pursuant to
254 Wis. Stat. § 66.0627.

255
256 Manitowoc County Code sec. 8.50, pertaining to zoning permits, is amended by striking
257 the words “roadside stand.”

258
259 This ordinance will become effective on October 1, 2012.

Dated this 18th day of September 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack gave a brief report. The next meeting will be September 24.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Waack moved, seconded by Supervisor Vogel to adopt Resolution 7 (2012/2013-50) Authorizing Memorandum of Understanding (Tactical Emergency Medical Support). Upon vote, the motion carried unanimously.

No. 2012/2013 - 50

**RESOLUTION AUTHORIZING MEMORANDUM OF UNDERSTANDING
(Tactical Emergency Medical Support)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Department maintains a Special Operations
2 Squad (SOS), which is a team composed of personnel from the Sheriff's Department, the City of
3 Manitowoc Police Department, and the City of Two Rivers Police Department, that responds in
4 situations requiring the use of special weapons and tactics; and

5
6 WHEREAS, Dr. Michael J. Rosenberg practices at Holy Family Memorial Medical
7 Center (HFMMC) and wishes to provide support for the SOS team by serving as its Tactical
8 Emergency Medical Support (TEMS) Doctor; and

9
10 WHEREAS, Holy Family Memorial Medical Center is willing to support Dr.
11 Rosenberg's interest in serving as a TEMS Doctor by providing equipment and insurance; and

12
13 WHEREAS, the Sheriff's Department, Dr. Rosenberg, and HFMMC have agreed upon a
14 Memorandum of Understanding that define their respective roles and responsibilities; and

15
16 WHEREAS, the Memorandum of Understanding has been reviewed by the Corporation
17 Counsel and the Public Safety Committee;

18
19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board authorizes
20 the Sheriff to enter into a Memorandum of Understanding for Tactical Emergency Medical
21 Support with Dr. Michael J. Rosenberg and Holy Family Memorial Medical Center.

Dated this 18th day of September 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson reported that the next meeting will be October 10.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Weiss moved, seconded by Supervisor Brey to adopt Resolution 8 (2012/2013-51) Authorizing Amendment to Telecommunication Tower Lease Agreement (Saxonburg Tower). Upon discussion and vote, the motion carried unanimously.

No. 2012/2013 - 51

**RESOLUTION AUTHORIZING AMENDMENT TO
TELECOMMUNICATION TOWER LEASE AGREEMENT
(Saxonburg Tower)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has upgraded its radio system and finds that it no longer
2 needs to operate a tower located on property that it leases from Jerry Pravechek Jr. on Saxonburg
3 Road in Mishicot, Wisconsin; and
4

5 WHEREAS, Jerry Pravechek Jr. has a use for the tower and is interested in acquiring it
6 from the County; and
7

8 WHEREAS, the Public Works Director has negotiated an amendment to the
9 Telecommunication Tower Lease Agreement that will transfer ownership of the Saxonburg
10 Tower to Jerry Pravechek Jr. and relieve the county of the approximately \$20,000 it would cost
11 to removing the tower and restoring the property upon termination of the lease; and
12

13 WHEREAS, the Public Works Committee has reviewed the amendment, finds that it is in
14 the best interest of the County, and recommends that the County Board approve the amendment;
15 and
16

17 WHEREAS, the Corporation Counsel has reviewed and approved the amendment as to
18 form;
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
21 Supervisors approves the proposed amendment and authorizes the Public Works Director to
22 execute the Amendment To Telecommunication Tower Lease Agreement for the Saxonburg
23 Tower.

Dated this 18th day of September 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Manitowoc County will receive \$1 as payment for the transfer and will be relieved of the cost of removing the tower.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson stepped out of the room.

Supervisor Weiss moved, seconded by Supervisor Tittl to adopt Resolution 9 (2012/2013-52) Authorizing Viebahn Tower Transfer Agreement. Upon discussion and vote, the motion carried unanimously with 23 ayes.

No. 2012/2013 - 52

RESOLUTION AUTHORIZING VIEBAHN TOWER TRANSFER AGREEMENT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has upgraded its radio system and finds that it no longer
2 needs to operate a tower located on property owned by the City of Manitowoc at the intersection
3 of Viebahn Street and 35th Street; and
4

5 WHEREAS, the City of Manitowoc has a use for the tower that is located on its property
6 and is interested in acquiring the Tower from the County; and
7

8 WHEREAS, the Public Works Director has negotiated an agreement with the City to
9 transfer ownership of the Viebahn Tower to the City and the transfer agreement has been
10 reviewed and approved by the Corporation Counsel; and
11

12 WHEREAS, the Public Works Committee has reviewed the proposed transfer agreement,
13 agrees that the transfer is in the best interest of the County and the City; and recommends that
14 the County Board approve the transfer agreement;
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
17 Supervisors approves the Viebahn Tower Transfer Agreement and authorizes the County
18 Executive and the County Board Chairman to execute the Agreement on behalf of Manitowoc
19 County.

Dated this 18th day of September 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Manitowoc County will receive \$1 as payment for the transfer and will be relieved of the costs of maintaining or removing the tower.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson returned.

Miscellaneous: Supervisor Metzger moved, seconded by Supervisor Brey to adopt Resolution 10 (2012/2013-53) Amending 2012 Budget (Human Services). Upon vote, the motion carried unanimously.

No. 2012/2013 - 53

**RESOLUTION AMENDING 2012 BUDGET
(Human Services)**

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, in large part because the State of Wisconsin now uses a third-party vendor for Children's Long-Term Support Programs, instead of paying providers through county Human Services Departments; and

A/C NO.	ACCOUNT NAME	DEBIT	CREDIT	NEW BALANCE
45068.52310	Crisis Respite Day Care	26,000		26,000
45065.52310	Crisis Respite Day Care		26,000	0
44078.43560.53	SSI/MA Burials Revenue	120,078		0
44078.55014	SSI/MA Burials Expense		120,078	0
43472.43560.85	Autism Intensive DD Rev.	165,418		10,557
43472.46640	Insurance Pmts WPS TPA		11,550	11,550
43472.51997	Allocated Admin.		955	10,557
43472.51998	Allocated Case Mgmt.		9,157	11,550
43472.52334	Services		153,868	10,112
45059.51997	Allocated Admin.	955		88,572
45062.51998	Allocated Case Mgmt.	9,157		216,202
43474.43560.85	Autism Post-Inten. DD Rev	232,399		19,565
43474.46640	Insurance Pmts WPS TPA		56,298	56,298
43474.51997	Allocated Admin.	3,081		19,565
43474.51998	Allocated Case Mgmt.	9,751		56,298

34	43474.52334	Services		176,101	12,832
35	45059.51997	Allocated Admin.		3,081	91,653
36	45062.51998	Allocated Case Mgmt.		9,751	225,953
37					
38	43475.43560.85	CLTS-DD-CA Revenue	50,533		7,800
39	43475.46640	Insurance Pmts WPS TPA		44,199	44,199
40	43475.51997	Allocated Admin.	1,495		7,800
41	43475.51998	Allocated Case Mgmt.	11,143		20,394
42	43475.52334	Services		57,010	23,805
43	43475.52490	TPA Local Share Expense	50,676		50,676
44	45059.51997	Allocated Admin.		1,495	91,022
45	45062.51998	Allocated Case Mgmt.		11,143	236,502
46					
47	43476.43560.85	CLTS-PD-COP	9,087		636
48	43476.46640	Insurance Pmts WPS TPA		3,677	3,677
49	43476.52334	Services		5,410	0
50					
51	43478.43560.85	CLTS-DD-Family Support	89,744		4,892
52	43478.46640	Insurance Pmts WPS TPA		27,588	27,588
53	43478.51997	Allocated Admin.		1,299	4,892
54	43478.51998	Allocated Case Mgmt.	12,694		27,588
55	43478.52334	Services		62,156	11,395
56	45059.51997	Allocated Admin.	1,299		89,723
57	45062.51998	Allocated Case Mgmt.		12,694	249,196
58					
59	43479.43560.85	CLTS-MH-CA	217,377		32,338
60	43479.46640	Insurance Pmts WPS TPA		67,696	67,696
61	43479.51997	Allocated Admin.	5,349		32,338
62	43479.51998	Allocated Case Mgmt.	12,276		49,434
63	43479.52334	Services		280,704	67,696
64	43479.52490	TPA Local Share Expense	131,023		177,818
65	45059.51997	Allocated Admin.		5,349	95,075
66	45062.51998	Allocated Case Mgmt.		12,276	261,472
67					
68	43480.43560.85	CLTS-MH-State Match	12,330		863
69	43480.46640	Insurance Pmts WPS TPA		2,451	2,451
70	43480.52334	Services		9,879	0
71					
72	43482.43560.82	Autism, Intensive-SED	184,601		10,103
73	43482.46640	Insurance Pmts WPS TPA		12,936	12,936
74	43482.51997	Allocated Admin.		2,635	10,103
75	43482.51998	Allocated Case Mgmt.		966	12,936
76	43482.52334	Services		171,665	3,601
77	45059.51997	Allocated Admin.	2,635		92,444

78	45062.51998	Allocated Case Mgmt.	966		260,506
79					
80	43483.43560.82	Autism, Intensive-SED	35,981		990
81	43483.46640	Insurance Pmts WPS TPA		2,046	2,046
82	43483.51997	Allocated Admin.		1,709	990
83	43483.51998	Allocated Case Mgmt.		2,571	2,046
84	43483.52334	Services		33,935	0
85	45059.51997	Allocated Admin.	1,709		90,735
86	45062.51998	Allocated Case Mgmt.	2,571		257,935
87					
88	43484.43560.85	CLTS-DD-State Match	291,744		19,497
89	43484.46640	Insurance Pmts WPS TPA		191,310	191,310
90	43484.51997	Allocated Admin.		865	19,497
91	43484.51998	Allocated Case Mgmt.	5,868		25,806
92	43484.52334	Services		100,434	191,310
93	45059.51997	Allocated Admin.	865		91,579
94	45062.51998	Allocated Case Mgmt.		5,868	263,803
95					
96	43486.43560	CLTS-PD-State Match	29,022		1,482
97	43486.46640	Insurance Pmts WPS TPA		8,514	8,514
98	43486.51997	Allocated Admin.		514	1,482
99	43486.51998	Allocated Case Mgmt.		191	8,514
100	43486.52334	Services		20,508	0
101	45059.51997	Allocated Admin.	514		91,065
102	45062.51998	Allocated Case Mgmt.	191		263,612
103					
104	43487.43560.85	CLTS-DD-CA	40,289		9,943
105	43487.46640	Insurance Pmts WPS TPA		32,604	32,604
106	43487.51997	Allocated Admin.	4,514		9,942
107	43487.51998	Allocated Case Mgmt.	14,889		32,604
108	43487.52334	Services		59,843	0
109	43487.52490	TPA Local Share Expense	52,158		52,158
110	45059.51997	Allocated Admin.		4,514	95,579
111	45062.51998	Allocated Case Mgmt.		14,889	278,501
112					
113	43488.43560.85	CLTS-PD-Family Support	13,371		718
114	43488.46640	Insurance Pmts WPS TPA		3,102	3,102
115	43488.51997	Allocated Admin.		267	718
116	43488.51998	Allocated Case Mgmt.		695	3,102
117	43488.52334	Services		10,269	0
118	45059.51997	Allocated Admin.	267		95,312
119	45062.51998	Allocated Case Mgmt.	695		262,917
120					
121		TOTALS	1,854,715	1,854,715	0

122
123 WHEREAS the Human Services Board and the Finance Committee recommend that the
124 County Board amend the Human Services Department budget to reflect the following changes;
125

126 NOW, THEREFORE, BE IT RESOLVED that the 2012 Human Services Department
127 budget is amended by the amounts shown above and that the Comptroller/Auditor is directed to
128 record such information in the official books of the County for the year ending December 31,
129 2012 as may be required.

Dated this 18th day of September 2012.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: Decreases net budgeted revenues and expenses by \$1,018,001.

APPROVED: Bob Ziegelbauer, County Executive.

Safety Net Accountability Panel: Supervisor Henrickson gave a brief report.

Announcements: Chairperson Hansen thanked Supervisors Kohlman and Nickels for appearing on radio shows.

Chairperson Hansen announced that Supervisor Vogt will attend the WCA Convention

Chairperson Hansen announced that there will be a meeting of the Committee of the Whole after the public hearing on October 29. He answered supervisors' questions.

Supervisor Waack moved to adjourn, seconded by Supervisor Henrickson, and the motion was adopted by acclamation. The meeting adjourned at 8:54 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, October 9, 2012

7:00 P.M.

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 9th day of October 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 24 members present: Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogt, Waack, Wagner, and Weiss. Supervisor Vogel was excused.

On a motion by Supervisor Brey, seconded by Supervisor Burke the September 18, 2012 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Brey moved, seconded by Supervisor Hoff to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Hansen read a Proclamation Declaring "America Recycles Day."

Chairperson Hansen and County Clerk Jamie Aulik presented a proclamation Proclaiming October 2012 as Voter Registration Month to Two Rivers City Clerk Kim Graves. City Clerk Graves thanked the Board for the proclamation and commented that she hoped this proclamation may urge eligible voters to register before the November election. Clerk Aulik explained that there are 47,200 registered voters out of approximately 62,223 eligible voters in Manitowoc County.

County Executive Bob Ziegelbauer presented the 2013 Proposed Budget. Executive Ziegelbauer explained that this will be the seventh year that a typical taxpayer will see a slight decrease in the tax dollars that are paid to the county while the budget adheres to the two previously held goals of maintaining the line on property taxes while delivering essential services to our citizens and providing stable employment whenever possible for county employees. The proposed budget will also be posted on the county website.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:35 p.m.

Maura Yost, City of Manitowoc, and a former employee of Human Services gave a PowerPoint presentation to illustrate a provision in Wisconsin Statute Chapter 59.17 regarding the appointment of a Human Services Director. Ms. Yost explained that the choice to appoint or not appoint a Human Services Director is the authority of the County Board.

Gary Kohls, Town of Mishicot, spoke in support of the rezoning request on his property.

Craig Kohls, Town of Mishicot, addressed the Board in support of the rezoning request. Mr Kohls explained that farmland would be preserved.

Nancy Slattery, Town of Cooperstown, encouraged the Board to approach their work with the energy to discover new solutions that can work with less money.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:49 p.m.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Jody Beyer, Christine Kocourek, Mike Plate, Russell Zipperer, and Rob Voss to the Expo-Ice Center Board for a three year term expiring December 31, 2015; and Michelle Hackmann to complete a vacancy on the Expo-Ice Center Board expiring December 31, 2013. Supervisor Behnke moved, seconded by Supervisor Cavanaugh to approve the appointments. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Wagner reported that the ADRC will meet on October 23 and the Commission on Aging will meet on November 1.

Board of Health: The next meeting will be October 11.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. The next meeting will be November 7.

Finance Committee: Supervisor Brey gave a brief report.

Supervisor Brey moved, seconded by Supervisor Korinek to adopt Resolution 1 (2012/2013-54) Authorizing Sale of Tax-Deeded Property to Former Owner (1615 Emmet Street, Two Rivers). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING SALE OF
TAX-DEEDED PROPERTY TO FORMER OWNER
(1615 Emmet Street, Two Rivers)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County acquired title to property formerly owned by Rebecca
2 Owens that is located at 1615 Emmet Street in Two Rivers, Wisconsin through an in rem tax
3 foreclosure property on September 6, 2012; and
4

5 WHEREAS, Manitowoc County served a NOTICE TERMINATING TENANCY AND
6 NOTICE TO VACATE AND SURRENDER PROPERTY on the occupant of the property on
7 September 17, 2012; and
8

9 WHEREAS, Rebecca Owens contacted the Treasurer and the Corporation Counsel on
10 September 18, 2012 and explained that she had been living out of state; that notices sent to the
11 Emmet Street address had not been forward to her by the family member who was residing on
12 the property; that she has recently moved back to the state and now occupies the property; that
13 she would like to redeem the property by paying the delinquent taxes, interest, and penalties; and
14 that she is willing to pay the costs incurred by the county in connection with the foreclosure and
15 redemption of the property; and
16

17 WHEREAS, Rebecca Owens would be entitled to receive any amount in excess of the
18 delinquent taxes and costs due to the county when the property is sold; and
19

20 WHEREAS, the Treasurer, Corporation Counsel, and Public Works Director recommend
21 that the county quit claim the property to Rebecca Owens in order to return the property to the
22 tax rolls and to avoid incurring carrying costs and other liabilities, provided that Rebecca Owens
23 pays the delinquent taxes, penalties, interests, which will total \$6,666.47 if paid by October 30,
24 plus \$250 for the costs incurred by the county in connection with the foreclosure and redemption
25 of the property;
26

27 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
28 Supervisors authorizes the conveyance of the property located at 1615 Emmet Street, Two
29 Rivers, Wisconsin to Rebecca Owens by quit claim deed upon payment of the delinquent taxes,
30 interest, penalties, and costs incurred by the county in connection with the foreclosure and
31 redemption of the property; and
32

33 BE IT FURTHER RESOLVED that the County Clerk, the County Treasurer, the
34 Corporation Counsel, and such other county employees and officials as may be necessary are
35 directed to take the steps necessary to convey the property to Rebecca Owens by quit claim deed.

Dated this 9th day of October 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Increases revenue by \$6916.47.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report. The next meeting will be November 13.

Human Services Board: Supervisor Metzger gave a brief report. The next meeting will be October 25.

Lakeland Care District: Supervisor Brey gave a brief report and answered supervisors' questions.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report. The next meeting will be November 1.

Personnel Committee: Supervisor Behnke gave a brief report. The next meeting will be November 6.

Supervisor Behnke moved, seconded by Supervisor Maresh to adopt Resolution 2 (2012-2013-55) Approving Amended Policy on Compensation During Temporary Assignments. Upon vote, the motion carried unanimously.

No. 2012/2013 - 55

**RESOLUTION APPROVING AMENDED POLICY ON
COMPENSATION DURING TEMPORARY ASSIGNMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Resolution No. 2011/2012-70 provided that a comprehensive wage study be
2 conducted, that the results be presented to the County Board, and that a set of consolidated wage
3 schedules be developed and implemented effective December 23, 2012; and
4

5 WHEREAS, during the wage study, it became apparent that the current policy regarding
6 compensation during temporary assignments needed to be revised to meet the county's needs;
7 and
8

9 WHEREAS, the Personnel Committee has provided the County Board with a proposed
10 amended policy on compensation during temporary assignments that clearly defines when
11 additional compensation will be paid, specifies the amount of the additional compensation to be
12 paid, and eliminates an existing six month cap on temporary assignments that interferes with the
13 efficient operation of Manitowoc County government; and

14
15 NOW, THEREFORE, BE IT RESOLVED that the proposed amended Employee Policy
16 Manual Section 11.04, Compensation During Temporary Assignments, is approved and will
17 become effective on the same date as the consolidated wage schedules.

Dated this 9th day of October 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Korinek to enact Ordinance 3 (2012/2013-56) Amending Zoning Map (Gary and Joan Kohls). Upon discussion and vote, the motion carried unanimously.

No. 2012/2013 - 56

**ORDINANCE AMENDING ZONING MAP
(Gary and Joan Kohls)**

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 24, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 NW ¼ of the SE ¼, Section 8, T20N-R24E, Town of
12 Mishicot, Manitowoc County, Wisconsin, commencing at the E ¼ corner of said
13 Section 8; thence westerly approximately 1353 feet to the west r/w of CTH B; thence
14 southerly along the west r/w of CTH B approximately 1078 feet which is the point of
15 real beginning; thence westerly approximately 900 feet; thence southerly
16 approximately 242 feet; thence easterly approximately 900 feet; thence northerly
17 along the west r/w of CTH B approximately 242 feet to the point of real beginning,
18 said parcel containing approximately 5.0 acres of land, is hereby rezoned from EA,
19 Exclusive Agriculture, to LE, Large Estate Residential.

Dated this 9th day of October 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack reported that the next meeting will be October 22.

Public Safety Committee: Supervisor Henrickson reported that the next meeting will be October 10.

Public Works Committee: Supervisor Weiss reported that the next meeting will be October 10.

Miscellaneous: Chairperson Hansen reported that he approved an out-of-state travel request by the Sheriff's Department for Andrew Beck.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Baumann, and the motion was adopted by acclamation. The meeting adjourned at 8:06 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, October 15, 2012

5:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Manitowoc County Courthouse, Room B-15, in the City of Manitowoc, being the 15th day of October 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 5:00 p.m.

Roll call: 15 members present: Bauknecht, Baumann, Burke, Cavanaugh, Dufek, Hansen, Henrickson, Hoff, Holschbach, Maresh, Metzger, Nickels, Vogt, Waack, and Weiss.

Supervisors Behnke, Brey, Gerroll, Hoffman, Kohlman, Kopecky, Korinek, Tittl, Vogel, and Wagner were excused.

Sheriff Hermann introduced Nancy Thelen, from the Department of Corrections - Office of Detention Facilities Northeast Region Jail Inspector. She briefed the board members on her role as a jail inspector, federal laws, and some Manitowoc County specific issues associated with the jail.

The supervisors were given a tour of the Manitowoc County Jail and Juvenile Detention Center by Sheriff Rob Hermann.

Supervisor Holschbach left at 6:28 p.m.

Supervisors Baumann, Cavanaugh, Maresh, Vogt, and Waack left at 6:30 p.m.

Supervisor Burke moved to adjourn, seconded by Supervisor Hoff, and the motion was adopted by acclamation. The meeting adjourned at 6:52 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Monday, October 29, 2012

7:00 P.M.

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 October 2012, for the purpose of conducting the Annual Meeting and Public Hearing on the Budget as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 25 members present: Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On a motion by Supervisor Behnke, seconded by Supervisor Tittl the October 9, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer gave a brief overview of the 2013 Proposed Budget. He said this was the best budget available because it stretches dollars as much as possible. He cautioned against borrowing money for operating expenses, and noted a couple of changes in the budget which will make Manitowoc County sustainable into the future.

Chairperson Hansen read a proclamation which declared the month of October as Breast Cancer Awareness Month. He noted that many high school students have taken the lead on bringing awareness of this issue locally.

At 7:12 p.m. Chairperson Hansen opened the public input on the 2013 Proposed Budget.

Maura Yost, City of Manitowoc, advocated for the appointment of a Human Services Department Director. She noted that the Human Services Board and Personnel Committee passed a resolution supporting the creation of the position, and if they would keep the levy dollars allocated to the Human Services Department the same amount in 2013 as 2012, the position could be funded.

Cindy Schroeder, City of Manitowoc and an employee of the Human Services Department, spoke against the change from sick leave to a system of personal days and short term disability.

She said that in some cases, the 5 days that employees get on an annual basis will go very fast.

Diane Leonhard, City of Manitowoc and an employee of the Human Services Department, spoke against the change from sick leave to personal days and short term disability. She noted that short term disability wouldn't cover employees who have to take care of family members due to illness. She said that she wasn't abusing the current sick leave policy, and that illnesses aren't planned.

Jason Yost, Town of Newton and an employee of the Manitowoc County Sheriff's Office spoke against the closing of the Juvenile Detention Center (JDC). He said that the JDC was a useful, immediate tool for the legal system and a positive option for our community. Also, the Sheriff's Office needs to be adequately staffed so they aren't set up to fail.

No one else present wished to speak at the public hearing on the 2013 proposed budget, subsequently Chairperson Hansen closed public input at 7:28 p.m.

Chairperson Hansen opened public input on any non-budget items. No one present wished to speak on non-budget items, subsequently Chairperson Hansen closed public input at 7:29 p.m.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Kopecky, and the motion was adopted by acclamation. The meeting adjourned at 7:29 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, November 20, 2012

7:00 P.M.

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 20th day of November 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 25 members present: Bauknecht, Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On a motion by Supervisor Behnke, seconded by Supervisor Tittl the October 15, 2012, October 29, 2012, and the October 29, 2012 Committee of the Whole meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Brey 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 Hansen declared public input open at 7:05 p.m.

Chip "Maura" Yost, City of Manitowoc, gave a presentation supporting the need for a Human Services Director position in order to comply with state law. Ms. Yost explained that the department experienced a greater budget deficit during the five years when there was no director. She urged the Board to approve one Human Services Director position.

Joe Keil, City of Manitowoc and a Sheriff's Department employee, addressed the Board regarding wage comparisons that were used for the recent wage study. Mr. Keil discussed personal experiences as a patrol officer which, in his opinion could not be compared to any position in the private sector. He also spoke in opposition to the removal of the current sick leave policy and asked the Board to take a close look at the budget.

James Theyerl, Town of Manitowoc, requested to speak. The Chair denied the request because Mr. Theyerl had made accusations at a prior County Board meeting, and until he could provide proof, the Chair said that Mr. Theyerl would not be allowed to speak during Public Input.

Jason Jost, City of Manitowoc and Manitowoc County Jail Administrator, requested the Board to approve an adequate the number of positions needed to staff the jail and maintain compliance with state law.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:24 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Melvin Bourgeois and Mary Noah to the ADRC of the Lakeshore Board for a two year term expiring December 31, 2014. Supervisor Wagner moved, seconded by Supervisor Maresh to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Captain JoAnn Mignon and alternate Tim Barber to the Joint Dispatch Board for a two year term expiring December 31, 2014. Supervisor Henrickson moved, seconded by Supervisor Hoff to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Tom Hoffman to the Veterans' Service Commission for a three year term expiring December 2015. Supervisor Brey moved, seconded by Supervisor Tittl to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Wagner moved, seconded by Supervisor Holschbach to adopt Resolution 1 (2012/2013-57) Amending 2012 Budget (Aging & Disability Resource Center). Upon vote, the motion carried unanimously.

No. 2012/2013 - 57

RESOLUTION AMENDING 2012 BUDGET (Aging & Disability Resource Center)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. (Agency) and the
2 Department of Health Services have changed the formulas they use to allocate Older Americans
3 Act grant funds and state funds to the Aging and Disability Resource Center (ADRC); and
4

5 WHEREAS, the ADRC Board recommends that the county amend the 2012 budget to
6 reflect the following changes in revenue and expenditures for the Title III programs, the
7 Nutrition Services Incentive Program (NSIP), the Alzheimer's Family Caregiver Support
8 Program (AFCSP), and the ADRC programs:
9

10	Revenue or	Account		
11	Expense	Number	Description	Amount
12				
13	Revenue	46525.43566.05	IIIB Information & Assistance	(\$1,420)
14	Expenses	46525.52999	Contracted Services	(\$1,420)
15				
16	Revenue	46100.43566.01	IIIC1 Congregate Meals	(\$887)
17	Expenses	46100.52940	Contracted Food	(\$887)
18				
19	Revenue	46250.43566.03	IIIC2 Home Delivered Meals	(\$2,002)
20	Expenses	46250.52940	Contracted Food	(\$2,002)
21				
22	Revenue	46325.43566.12	IIID Prevention Health	(\$28)
23	Expenses	46325.52108	Public Health	(\$28)
24				
25	Revenue	46430.43566.14	IIIE Family Caregiver	\$14
26	Expenses	46430.52999	Contracted Services	\$14
27				
28	Revenue	46100.43566.04	Congregated Meal Program	\$2,749
29	Expenses	46100.52940	Contracted Food Services	\$2,749
30				
31	Revenue	46425.43566.08	AFCSP Funding	(\$2,891)
32	Expenses	46425.52999	Contracted Services	(\$2,891)
33				
34	Revenue	46400.43566.18	ADRC	\$67,032
35	Expenses	46400.51000	Personnel Costs	\$39,032
36		46400.52999	Contracted Services	\$28,000
37				

38 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
39 that the 2012 Budget is amended by the amounts stated above; that any funds remaining at the
40 end of 2012 be carried over to 2013; and that the Comptroller/Auditor is directed to record such
41 information in the official books of the County for the year ending December 31, 2012 as may be
42 required.

Dated this 20th day of November 2012.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses by \$62,576.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Waack to adopt Resolution 2 (2012/2013-58) Accepting Dementia Specialist Pilot Grant. Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

RESOLUTION ACCEPTING DEMENTIA SPECIALIST PILOT GRANT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Health Services has awarded a \$66,380 pilot
2 grant to the Aging and Disability Resource Center to fund a position for a dementia specialist;
3 and
4

5 WHEREAS, the dementia specialist funded by the pilot grant will help individuals affected
6 by dementia to remain independent in the community for as long as is appropriate and would
7 help support the needs of families affected by dementia; and
8

9 WHEREAS, the Aging and Disability Resource Center Board recommends that the Aging
10 and Disability Resource Center accept the pilot grant;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
13 Supervisors accepts the dementia pilot grant in the amount of \$66,380, that the 2012 budget is
14 amended by the amount of the grant funds received, that any funds not expended in 2012 will be
15 carried over to 2013, and that the Comptroller/Auditor is directed to record such information in
16 the official books of the County for the year ending December 31, 2012 as may be required; and
17

18 BE IT FURTHER RESOLVED that the number of authorized positions for the Aging and
19 Disability Resource Center be increased by a 1.0 full-time-equivalent Dementia Specialist
20 position; and that the position be filled in accordance with the Employee Policy Manual.

Dated this 20th day of November 2012.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases revenue and expense accounts in the 2012
budget by \$66,380.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Vogel moved, seconded by Supervisor Burke to adopt Resolution 3
(2012/2013-59) Adopting Health Department Fee Schedule (07/01/2013-06/30/2014). Upon
discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Kohlman voted no;
all other supervisors voted aye.

**RESOLUTION ADOPTING HEALTH DEPARTMENT FEE SCHEDULE
(07/01/2013 - 06/30/2014)**

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
7 (07/01/2013 - 06/30/2014) to the County Board;
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
10 Supervisors approves the proposed Health Department Fee Schedule (07/01/2013 - 06/30/2014),
11 a copy of which is to be included as an appendix to Manitowoc County Code Chapter 7, Public
12 Health.

Dated this 20th day of November 2012.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Hansen gave a brief report and answered supervisors' questions.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. Their next meeting will be December 5.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 4 (2012/2013-60) Authorizing Sale of Tax-Deeded Property to Former Owner (1314 South 9th Street, Manitowoc). Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING SALE OF
TAX-DEEDED PROPERTY TO FORMER OWNER
(1314 South 9th Street, Manitowoc)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County acquired title to property formerly owned by Jolene
2 Hooper that is located at 1319 South 9th Street in Manitowoc, Wisconsin through an in rem tax
3 foreclosure property on September 6, 2012; and
4

5 WHEREAS, Manitowoc County served a NOTICE TERMINATING TENANCY AND
6 NOTICE TO VACATE AND SURRENDER PROPERTY on the occupant of the property on
7 September 17, 2012; and
8

9 WHEREAS, Jolene Hooper has contacted the Treasurer and the Corporation Counsel,
10 explained her circumstances, and stated that she would like to redeem the property by paying the
11 delinquent taxes, interest, and penalties and the costs incurred by the county in connection with
12 the foreclosure and redemption of the property; and has tendered payment in full to the Treasurer
13 for the back taxes, interest, penalties, and costs;
14

15 WHEREAS, Jolene Hooper would be entitled to receive any amount in excess of the
16 delinquent taxes and costs that are due to the county if the property was sold; and
17

18 WHEREAS, the Treasurer, Corporation Counsel, and Public Works Director recommend
19 that the county quit claim the property to Jolene Hooper in order to return the property to the tax
20 rolls and to avoid incurring carrying costs and other liabilities;
21

22 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
23 Supervisors authorizes the conveyance of the property located at 1314 South 9th Street,
24 Manitowoc, Wisconsin to Jolene Hooper by quit claim deed in exchange for her having paid the
25 delinquent taxes, interest, penalties, and costs incurred by the county in connection with the
26 foreclosure and redemption of the property; and
27

28 BE IT FURTHER RESOLVED that the County Clerk, the County Treasurer, the
29 Corporation Counsel, and such other county employees and officials as may be necessary are
30 directed to take the steps necessary to convey the property to Jolene Hooper by quit claim deed.

Dated this 20th day of November 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Increases revenue by \$5,421.74.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Behnke to adopt Resolution 5 Adopting 2013 Budget and Property Tax Levy. Discussion followed. Supervisor Hoff moved, seconded by Supervisor Burke to table the resolution until the end of the meeting. Upon voice vote, the motion failed with 18 noes and 7 ayes. Discussion followed.

Amendment 1: Supervisor Burke moved, seconded by Supervisor Metzger to make the 1 FTE Personnel Coordinator a .5 FTE Personnel Coordinator. Upon discussion and vote, the motion failed with 23 noes and 2 ayes. Supervisors Burke and Metzger voted aye; all other supervisors' voted no. Discussion followed.

Amendment 2: Supervisor Nickels moved, seconded by Supervisor Hoff to amend the budget on page 46 to eliminate dental coverage in the amount of \$113,673 and place it into the Sheriff's Department budget for personnel costs. Upon discussion and vote, the motion failed with 4 ayes and 21 noes. Supervisors Burke, Henrickson, Holschbach, and Nickels voted aye; all other supervisors voted no.

Amendment 3: Supervisor Metzger moved, seconded by Supervisor Burke to amend the budget to create one Human Services Director position and pay for it with two retirements. Upon discussion and vote, the motion failed with 5 ayes and 20 noes. Supervisors Burke, Holschbach, Kopecky, Metzger, and Vogel voted aye; all other supervisors voted no.

Amendment 4: Supervisor Metzger moved, seconded by Supervisor Burke to amend the budget to create the position of Human Services Director using the undesignated fund balance. Upon discussion and vote, the motion failed with 8 ayes and 17 noes. Supervisors Burke, Hoff, Holschbach, Kopecky, Metzger, Nickels, Weiss, and Vogel voted aye; all other supervisors voted no.

Upon discussion and vote on Resolution 5 (2012/2013-61) Adopting 2013 Budget and Property Tax Levy as approved and presented by the Finance Committee, the motion carried with 22 ayes and 3 noes. Supervisors Burke, Holschbach, and Metzger voted no; all other supervisors voted aye.

No. 2012/2013 - 61

RESOLUTION ADOPTING 2013 BUDGET AND PROPERTY TAX LEVY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a detailed copy of the County Executive's Proposed 2013 Annual Budget
2 has been made available to each county supervisor and to the general public; and
3

4 WHEREAS, the Proposed 2013 Annual Budget was presented to the County Board at its
5 meeting on October 9, 2012; and
6

7 WHEREAS, formal publication of a budget summary and announcement of a public
8 hearing was made in accordance with Wis. Stat. § 65.90 and Wis. Stat. Ch. 985 in the
9 Manitowoc Herald Times Reporter on October 14, 2012; and

10
11 WHEREAS, a public hearing on the Proposed 2013 Annual Budget was held for the
12 purpose of obtaining public input and the Proposed 2013 Annual Budget was reviewed by the
13 County Board at its Annual Meeting on October 29, 2012; and
14

15 WHEREAS, the Proposed 2013 Annual Budget is premised upon changes in employee
16 policies, fringe benefits, and wages as described on pages 46 through 48-E of the County
17 Executive's Proposed 2013 Annual Budget; and
18

19 WHEREAS, the Proposed 2013 Annual Budget is premised upon Manitowoc County
20 entering into a Secure Juvenile Detention Services Agreement with Sheboygan County and
21 contracting with other counties as necessary to provide for the secure detention of Manitowoc
22 County juveniles as authorized by Wis. Stat. §§ 66.0301 and 302.44; and
23

24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
25 Supervisors hereby adopts a Governmental Funds Budget and a service delivery Proprietary
26 Fund Budget for the calendar year beginning January 1, 2013 as indicated in the 2013 Proposed
27 Annual Budget for Manitowoc County and any addenda, attachments, or amendments thereto;
28 and
29

30 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
31 authorizes that the following sums of money be raised for the ensuing year:
32

33 State Special Charges - Charitable & Penal	\$ 1,555.89
34 County Aid Bridges (Wis. Stat. § 82.08)	\$ 89,178.00
35 Illegal Real Estate Taxes Charged Back (Prior Year)	\$ 1,442.25
36 <u>All Other County Taxes</u>	<u>\$28,628,802.11</u>
37 Gross County Tax Levy	\$28,720,978.25; and

38

39 and
40

41 BE IT FURTHER RESOLVED that the County shall apportion the tax for Bridges under
42 Wis. Stat. § 82.08 on the taxable property of the participating districts; and
43

44 BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment,
45 State Taxes for Forestry Mill Tax, Wis. Stat. § 70.58(2), in the amount of \$880,145.23; and
46

47 BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment,
48 State Special Charges for Charitable and Penal Purposes, as follows:
49

50 County Mental Hospitals (Sheboygan) cost of proceedings	\$221.73
51 County Mental Hospitals (Waukesha) cost of proceedings	\$1,200.13
52 <u>State Institutions (Sheboygan) cost of proceedings</u>	<u>\$134.03</u>
53 TOTAL	\$1,555.89; and

54

55 BE IT FURTHER RESOLVED that county officials are hereby directed to reapportion the
56 illegal real estate taxes charged back in the amount of \$1,442.25; and
57

58 BE IT FURTHER RESOLVED that the 2013 Proposed Annual Budget for Manitowoc
59 County and any addenda, attachments, or amendments thereto are made a part of the Tax Levy;
60 and
61

62 BE IT FURTHER RESOLVED that the changes in employee policies, fringe benefits,
63 wages, and wage schedule as described on pages 46 through 48-E of the County Executive's
64 Proposed 2013 Annual Budget are approved as amended by the Finance Committee; and
65

66 BE IT FURTHER RESOLVED that the change in the wage schedule will become effective
67 on December 23, 2012 and that the remaining changes in employee policies, fringe benefits, and
68 wages will become effective on January 1, 2013; and
69

70 BE IT FURTHER RESOLVED that the County Board authorizes the County Executive
71 and such other county officials as may be appropriate to execute a Secure Juvenile Detention
72 Services Agreement with Sheboygan County and to contract with other counties as may be
73 necessary for secure juvenile detention services in accordance with Wis. Stats. §§ 66.0301 and
74 302.44; and
75

76 BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make such
77 technical corrections to the budget as may be necessary.

Dated this 20th day of November 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Requires a composite tax levy and rate, based upon the budget book as
printed, as follows:

Tax Levy of \$28,720,978.25

Composite Tax Rate of \$5.740618 per \$1,000 of equalized value.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report. Their next meeting will be
December 11.

Human Services Board: Supervisor Metzger gave a brief report. Their next meeting will be
November 29.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner
reported that the Land Conservation Committee will meet on January 17 and the Natural
Resources & Education Committee will meet on December 6.

Personnel Committee: Supervisor Behnke gave a brief report. Their next meeting will be on December 4.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 6 (2012/2013-62) Amending Zoning Map (David and Kristina Meneau). Upon discussion and vote, the motion carried unanimously.

No. 2012/2013 - 62

**ORDINANCE AMENDING ZONING MAP
(David and Kristina Meneau)**

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 October 22, 2012; 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
6 in 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 NE ¼, NW ¼, Section 8, T20N-R23E, Town of
12 Kossuth, Manitowoc County, Wisconsin, commencing at the N ¼ corner of said
13 Section 8; thence southerly approximately 45 feet to the south r/w of CTH K; thence
14 westerly along the south r/w of CTH K approximately 516 feet which is the point of
15 real beginning; thence southerly approximately 418 feet; thence westerly
16 approximately 802 feet; thence northerly approximately 418 feet; thence easterly 802
17 feet along the south r/w of CTH K to the point of real beginning, said parcel
18 containing approximately 8.52 acres of land, is hereby rezoned from LE, Large
19 Estate Residential, to SE, Small Estate Residential.

Dated this 20th day of November 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack reported that their next meeting will be on December 11.

Public Works Committee: Supervisor Weiss gave a brief report. Their next meeting will be December 12.

Public Safety Committee: Supervisor Henrickson gave a brief report. Their next meeting will be December 12.

Transportation Coordinating Committee: Supervisor Weiss reported that their next meeting will be on November 28.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Maresh, and the motion was adopted by acclamation. The meeting adjourned at 9:44 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, December 18, 2012

7:00 P.M.

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 December 2012, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

A moment of silence was observed for the families of the Newtown Connecticut massacre. Supervisor Jim Brey gave the invocation which was followed the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members present: Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Bauknecht was excused.

On a motion by Supervisor Vogt, seconded by Supervisor Henrickson the November 20, 2012 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. The changes were approved unanimously.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:08 p.m.

Joe Keil, City of Manitowoc and a Sheriff's Department employee, addressed the Board regarding what he expressed as unfair comparisons of patrol officer positions with the private sector. Mr. Keil also spoke in opposition to the proposed short term disability income continuation program. He talked about his investigation into the state health insurance premiums for state employees and their contributions to the WRS.

Gene Weyer, Town of Newton, spoke in opposition to same day voter registration.

Scottie Dayton, City of Manitowoc, expressed concern regarding same day voter registration and talked about the need for voter identification. Ms. Dayton asked the Board to vote against the resolution supporting same day voter registration.

Sulynn Moore, City of Manitowoc, spoke on same day voter registration and suggested an advisory referendum be placed on the April ballot to allow the voters to decide whether or not to have same day voter registration.

James Theyerl, Town of Manitowoc, requested to speak. The Chair denied the request because Mr. Theyerl had not provided sufficient names and contact information of witnesses for the accusations he had made at a prior County Board meeting.

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

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Patricia Dodge, Human Services Director - Business Operations Division; Nancy Randolph, Human Services Director - Child and Family Services Division; Jeff Jenswold, Human Services Director - Clinical Services Division; and Lori Garceau, Human Services Director Economic Support Division. Supervisor Behnke moved, seconded by Supervisor Brey, to approve the appointments. Upon discussion, a voice vote was conducted and the result was inconclusive. The chair asked for a show of hands for "aye" and counted 12 votes; he asked for a show of hands for "no" and counted 11 votes. He then said that he was voting "aye." The motion carried by a majority vote.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Alex Olson, Cheryl Nessman, and Robert C. Vollendorf to the Manitowoc-Calumet Library System Board of Trustees for a three year term expiring January 2016. Supervisor Henrickson moved, seconded by Supervisor Tittl to approve the appointments. Upon discussion, the motion carried by a majority voice vote.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Tom Davis to the Human Services Board for a three year term expiring December 31, 2015. Supervisor Behnke moved, seconded by Supervisor Tittl to approve the appointment. Upon discussion, the motion carried by a majority voice vote.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Melvin Bourgeois and Connie Gulash for a one year term expiring December 2014, and Shirley Fessler and Mona Lou Korstketter for a two year term expiring December 2014 to the Commission on Aging Board. Supervisor Hoffman moved, seconded by Supervisor Waack to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Supervisor Melvin Waack and Supervisor Cathy Wagner to the Commission on Aging for a term expiring April 2014. Supervisor Korinek moved, seconded by Supervisor Henrickson to approve the appointments. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Wagner gave a brief report. The next meeting will be February 26, 2013.

Supervisor Wagner moved, seconded by Supervisor Burke to adopt Resolution .01 (2012/2013-63) Authorizing Specialized Transportation Assistance Program Grant Application. Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors vote aye.

No. 2012/2013 - 63

**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
2 to grant financial aid to counties for the purpose of providing specialized transportation services
3 to persons who are elderly or disabled; and
4

5 WHEREAS, a specialized transportation assistance grant must be matched with a local
6 share equal to at least 20% of the amount of state aid for which the county applies, and
7

8 WHEREAS, the Aging & Disability Resource Center Board recommends that
9 Manitowoc County apply for grant funding which will require a local share of \$42,808; and
10

11 WHEREAS, the Manitowoc County Board of Supervisors finds that provision of
12 specialized transportation services would improve and promote the maintenance of human
13 dignity and self-sufficiency of elderly and disabled persons;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors authorizes the Aging & Disability Resource Center Director to submit an application
17 for financial assistance under Wis. Stat. § 85.21 to the Wisconsin Department of Transportation
18 for 2012, provided that the local share required for such assistance does not exceed \$42,808.
19

20 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors
21 authorizes the Aging & Disability Resource Center Director to execute a Wisconsin Department
22 of Transportation state aid contract under Wis. Stat § 85.21 on behalf of Manitowoc County,
23 provided that the local share required by the contract does not exceed \$42,88.

Dated this 18th day of December 2012.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Tax levy of \$42,808 is included in the 2012 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Vogel gave a brief report.

Supervisor Vogel moved, seconded by Supervisor Weiss to adopt Resolution 1 (2012/2013-64) Amending 2012 Budget (Health Department). Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 64

**RESOLUTION AMENDING 2012 BUDGET
(Health Department)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Manitowoc County Health Department provides numerous public health services to the residents of Manitowoc County that are funded by the return of our federal and state tax dollars through grants; and

WHEREAS, when preparing its annual budget, the Health Department can only include grant funds that it has been scheduled or contracted to receive during the calendar year covered by the budget; and

WHEREAS, the Health Department learns of changes in grant funding after the budget has been approved because various federal and state grants are administered on a state or federal fiscal year, rather than calendar year, basis; and

WHEREAS, the following changes in grant funding have taken place since the 2012 Annual Budget was approved:

Childhood Lead Poisoning Prevention	\$492
Maternal Child Health Block Grant	\$2,086
Immunization	(\$710)
Public Health Emergency Preparedness	\$14,287
WIC	(\$9,679)
WIC Peer Counseling	\$10,259
WIC Infrastructure	\$9,499; and

WHEREAS, the Board of Health recommends that the Manitowoc County Board of Supervisors amend the 2012 Annual Budget to incorporate these changes;

NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors that the appropriate revenue and expense line items in the 2012 Annual Budget are hereby amended to incorporate the changes shown above and that the Comptroller/Auditor is hereby directed to record such information in the official books of the County for the year ended December 31, 2012, as may be required.

Dated this 18th day of December 2012.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No Tax Levy Impact. Adjusts revenue and expenses by equal amounts for the program areas listed.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Hansen gave a brief report.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Hoff to adopt Resolution 2 (2012/2013-65) Amending Revolving Loan Manual. Upon vote, the motion carried unanimously.

No. 2012/2013 - 65

RESOLUTION ADOPTING AMENDED REVOLVING LOAN FUND MANUAL

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County participates in the Community Development Block
2 Grant (CDBG) program and has established a Revolving Loan Fund; and
3

4 WHEREAS, the U.S. Department of Housing and Urban Development has notified the
5 Wisconsin Department of Administration that certain modifications to the Revolving Loan Fund
6 Manual are required for compliance with federal legislation; and
7

8 WHEREAS, the required modifications have been incorporated into an amended
9 Manitowoc County Revolving Loan Fund Manual, a copy of which has been provided to the
10 County Board;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
13 Supervisors adopts the amended Manitowoc County Revolving Loan Fund Manual; and
14

15 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to forward a
16 copy of the amended Manitowoc County Revolving Loan Fund Manual to the Wisconsin
17 Department of Administration, Division of Housing.

Dated this 18th day of December 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Baumann to adopt Resolution 3 (2012/2013-66) Supporting Requiring Mortgage Assignments to be Recorded. Upon discussion and vote, the motion carried with 23 ayes and 1 abstention. Supervisor Tittl abstained; all other supervisors voted aye.

No. 2012/2013 - 66

**RESOLUTION SUPPORTING REQUIRING
MORTGAGE ASSIGNMENTS TO BE RECORDED**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a mortgage market that is characterized by the frequent transfer of the
2 beneficial interests under a mortgage or deed of trust has created gaps in the property recording
3 system that make it impossible for homeowners to find critical information about who owns their
4 loan, who they must negotiate with to achieve a loan modification, and who has the right to
5 foreclosure on their homes should they default; and

6
7 WHEREAS, in light of the on-going foreclosure crisis, homeowners need greater
8 transparency in the record of home mortgages and better access to critical information about who
9 owns their home loans;

10
11 NOW THEREFORE BE IT RESOLVED, that the Manitowoc County Board of
12 Supervisors
13 urges the Wisconsin Legislature to amend Wis. Stat. Ch. 706.05 to provide that no mortgagee,
14 trustee, or beneficiary may record a notice of default unless it has recorded its interest with the
15 appropriate county recorder at least 45 days prior to filing the notice of default and to provide
16 that all subsequent assignments of a mortgage or a beneficial interest in a deed of trust must be
17 recorded with the appropriate county recorder's office within 45 days of execution of the
18 assignment; and

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

Dated this 18th day of December 2012.

Respectfully submitted by the Finance Committee.

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 Brey moved, seconded by Supervisor Hoffman to adopt Resolution 4 (2012/2013-67) Supporting Same Day Voter Registration. Upon discussion and vote, the motion carried with 20 ayes and 4 noes. Supervisors Kohlman, Kopecky, Korinek, and Tittl voted no; all other supervisors voted aye.

No. 2012/2013 - 67

RESOLUTION SUPPORTING SAME DAY VOTER REGISTRATION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, it is a self-evident truth that more, rather than less, voter participation is
2 intrinsically desirable in a democracy and that a healthy democracy requires a high level of
3 public participation; and
4

5 WHEREAS, for more than a century the State of Wisconsin has cultivated a proud
6 tradition favoring public participation in the electoral process, as demonstrated by the fact that
7 Wisconsin's voter turnout was third in the nation in the last six general elections; and
8

9 WHEREAS, states with same day voter registration have significantly higher voter
10 participation rates than states that do not, as evidenced by studies showing 7-14% greater turnout
11 in states with same day registration; and
12

13 WHEREAS, Wisconsin is one of the most politically active states in the union and its
14 citizens consider it a civic duty to express our opinions at the ballot box and regard the right to
15 vote as a sacred trust; and
16

17 WHEREAS, voter registration is required for every citizen who is a new voter, has
18 moved, or has had a name change; and
19

20 WHEREAS, municipal clerks, many of whom are part-time, find that same day voter
21 registration contributes to a more efficient voter registration system, and election inspectors do
22 not find same day registration to be burdensome and take pride in seeing that every qualified
23 elector's voice is heard at the ballot box;
24

25 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
26 Supervisors expresses its support for same day voter registration; and
27

28 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this

29 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
30 Speaker of the Wisconsin Assembly, each legislator in the Wisconsin Senate and Assembly who
31 represents constituents from Manitowoc County, the Wisconsin Counties Association, and to all
32 Wisconsin Counties.

Dated this 18th day of December 2012.

Respectfully submitted by the Finance Committee.

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 Brey moved, seconded by Supervisor Hoffman to adopt Resolution 4a (2012/2013-68) Delegating Authority to Accept and Use Donations (Foster Care Provider Recognition). Upon vote, the motion carried unanimously.

No. 2012/2013 - 68

**RESOLUTION DELEGATING AUTHORITY TO ACCEPT AND USE DONATIONS
(Foster Care Provider Recognition)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Human Services Department is responsible for
2 providing and administering a foster care program; and
3

4 WHEREAS, the individuals and couples who open their hearts and homes to provide
5 foster care for young people on behalf of the Human Services Department provide a very
6 valuable service for the children and our county; and
7

8 WHEREAS, foster care providers receive nominal payments based on a formula
9 promulgated by the State, but those payment are small in comparison to the benefits that the
10 young people and the county receive from their service as foster care providers; and
11

12 WHEREAS, community members have donated funds to the county through the Human
13 Services Department for the purpose of conducting events, such as a banquet and a picnic, to
14 recognize the valuable service that foster care providers contribute to the community; and
15

16 WHEREAS, although a banquet was not held this year because of scheduling conflicts;

17 the Human Services Department wants to honor the wishes of those who donated funds to
18 conduct events to recognize and reward foster care parents and respite care providers for the
19 valuable service they provide to the community;

20
21 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
22 Supervisors that it delegates to the Human Services Director - Child and Family Services
23 Division and the County Executive the authority to accept, on behalf of the County Board,
24 donations from persons for the purpose of showing appreciation for and rewarding those who
25 provide foster care services; and

26
27 BE IT FURTHER RESOLVED, that the County Board authorizes and directs the Human
28 Service Department to plan, schedule, and hold an annual banquet, picnic, or both with donated
29 funds or, in the event of scheduling conflicts or by stipulation of the donor, authorizes the
30 Human Services Department, with the approval of the County Executive, to purchase and
31 distribute Chamber Bucks, other gifts, or gift certificates, as the case may be, to foster care
32 providers.

Dated this 18th day of December 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No tax levy impact. Events and rewards will be fully funded through
private donations. Staff time necessary to plan and conduct program is
included in the approved budget.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report.

Supervisor Gerroll moved, seconded by Supervisor Behnke to adopt Resolution 5 (2012/2013-
69) Urging State Legislators to Vote in Favor of Transportation Dollars for Transportation.
Upon discussion and vote, the motion carried with 23 ayes and 1 no. Supervisor Kohlman voted
no; all other supervisors voted aye.

No. 2012/2013 - 69

**RESOLUTION URGING STATE LEGISLATORS TO VOTE IN FAVOR OF
TRANSPORTATION DOLLARS FOR TRANSPORTATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin's transportation infrastructure is a fundamental component of its
2 ability to attract and retain business and produce jobs; and

3
4 WHEREAS, gas tax and vehicle registration fees comprise over 85% of the state's

5 segregated transportation account, and the revenues from these two user fees have been
6 declining and are inadequate to meet the existing transportation needs in this state; and
7

8 WHEREAS, Wisconsin's past practice of transferring money from the segregated
9 transportation fund to the general fund has eroded the public's confidence that the "user fees"
10 they pay through the state gasoline tax and vehicle registration fees will be used for their
11 intended purpose; and
12

13 WHEREAS, Wisconsin's practice of replacing the dollars transferred from the state's
14 segregated transportation fund with general obligation bonds put our state in the precarious
15 position of bonding to fund ongoing operations; and
16

17 WHEREAS, the debt service for these bonds is being paid for out of the State's general
18 fund, which hinders the State's ability to fund other programs like Shared Revenue, Youth Aids,
19 Community Aids, and Courts; and
20

21 WHEREAS, Manitowoc County placed an advisory referendum on the November 2010
22 ballot asking "Should the Wisconsin Constitution be amended to prohibit any further transfers or
23 lapses from the segregated transportation fund?" and the people of Manitowoc County
24 overwhelmingly voted – nearly 70% – in favor of this constitutional amendment; and
25

26 WHEREAS, fifty-three other counties in Wisconsin asked the same advisory referendum
27 question with similar results with an average "yes" vote of 70%; and
28

29 WHEREAS, first consideration of this constitutional amendment passed the Wisconsin
30 State Legislature overwhelmingly last session, on a bipartisan basis; and
31

32 WHEREAS, the 2012-13 session of the Wisconsin State Legislature has the opportunity
33 to pass second consideration of this constitutional amendment and give the citizens of the state
34 an opportunity to vote to amend the state constitution to ensure that transportation revenues are
35 spent for transportation purposes; and
36

37 WHEREAS, providing constitutional protection for transportation user fees will align
38 Wisconsin with our neighbors in Minnesota, Iowa, and Michigan;
39

40 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
41 Supervisors strongly urges our state representatives to vote in favor of second consideration of
42 the joint resolution to protect the transportation fund, thereby giving voters across this state the
43 opportunity to vote on a binding referendum to amend the constitution and ensure that the
44 transportation user fees they pay will be spent for transportation purposes; and
45

46 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
47 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
48 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly
49 who represents constituents from Manitowoc County.

Dated this 18th day of December 2012.

Respectfully submitted by the Highway Committee.

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.

Human Services Board: Supervisor Metzger gave a brief report. The next meeting will be January 24, 2013.

Lakeland Care District Board: Supervisor Brey reported that the next meeting will be December 19, 2012.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report. The next meeting will be February 21, 2013.

Personnel Committee: Supervisor Behnke moved, seconded by Supervisor Hoff to adopt Resolution 6 (2012/2013-70) Approving Premium for Exempt Employee Scheduled to Work on Holidays. Upon discussion and vote, the motion carried with 22 ayes and 2 noes. Supervisors Burke and Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 70

**RESOLUTION APPROVING PREMIUM FOR
EXEMPT EMPLOYEES SCHEDULED TO WORK ON HOLIDAYS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, current overtime rules authorize the payment of overtime to nonexempt
2 employees for time worked on actual holidays in recognition of the inconvenience of their being
3 required to work on a holiday; and
4

5 WHEREAS, after December 23, 2012, positions that have been converted from an hourly
6 status to a salaried status will no longer be paid an overtime premium for hours worked on actual
7 holidays; and
8

9 WHEREAS, providing a \$100 premium to exempt employees who are scheduled to work
10 on an actual holiday would recognize the inconvenience of their being required to work on the

11 holiday; and

12
13 WHEREAS, the number of employees affected by this proposal is limited and the cost of
14 the premium can be paid from budgeted funds;

15
16 NOW THEREFORE, BE IT RESOLVED that Employee Policy Manual § 12.03(1) is
17 amended to read as follows:

18
19 (1) Full-time employees will be granted ten paid holidays. Holidays for part-time
20 employees are prorated upon the basis of the percentage of full-time paid. Actual holidays are
21 New Years Day, Spring Holiday, Memorial Day, July 4, Labor Day, Thanksgiving Day, Day
22 after Thanksgiving, Christmas Eve, Christmas Day, and New Year's Eve. An actual holiday that
23 falls on a Saturday may be observed on the preceding Friday, and an actual holiday that falls on
24 a Sunday may be observed on the following Monday.

25
26 BE IT FURTHER RESOLVED that Employee Policy Manual § 18.02(5) is created to
27 read as follows:

28
29 (5) An exempt employee who is scheduled to work on actual holiday will be paid a
30 \$100 premium for each actual holiday worked.

31
32 BE IT FURTHER RESOLVED that this change in policy is effective on December 23,
2012.

Dated this 18th Day of December 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Estimated to be \$2,500 annually (wages only)

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Maresh to adopt Resolution 7 (2012/2013-71) Converting Sick Leave Policy to Short Term Disability Income Continuation Program as amended by the Personnel Committee. Discussion followed.

Amendment 1: Supervisor Holschbach moved, seconded by Supervisor Nickels to Substitute Amendment No. 1 to Resolution Converting Sick Leave Policy to Short Term Disability Income Continuation Program.

Chairperson Hansen called for a recess at 8:22 p.m. The meeting reconvened at 8:30 p.m.

Upon discussion and vote, the motion failed with 10 ayes and 14 noes. Supervisors Brey, Burke, Dufek, Holschbach, Kopecky, Metzger, Nickels, Vogel, Waack, and Weiss voted aye; all other supervisors voted no. Discussion followed.

Amendment 2: Supervisor Holschbach moved, seconded by Supervisor Burke to substitute Amendment No. 2 to Resolution Converting Sick Leave Policy to Short Term Disability Income Continuation Program. Upon discussion and vote, the motion failed with 10 ayes and 14 noes. Supervisors Brey, Burke, Dufek, Holschbach, Kopecky, Metzger, Nickels, Vogel, Wagner, and Weiss voted aye; all other supervisors voted no. Discussion followed.

Amendment 3: Supervisor Hoff moved, seconded by Supervisor Burke to amend Resolution Converting Sick Leave Policy to Short Term Disability Income Continuation Program to include six sick leave days per year and bank 54 FMLA days. Upon discussion and vote, the motion failed with 10 ayes and 14 noes. Supervisors Brey, Burke, Dufek, Hoff, Holschbach, Metzger, Nickels, Vogel, Wagner, and Weiss voted aye; all other supervisors voted no.

Upon vote on the Resolution Converting Sick Leave Policy to Short Term Disability Income Continuation Program as Amended by the Personnel Committee, the motion carried with 16 ayes and 8 noes. Supervisors Brey, Burke, Dufek, Hoff, Holschbach, Metzger, Nickels, and Vogel voted no; all other supervisors voted aye.

No. 2012/2013 - 71

**RESOLUTION CONVERTING SICK LEAVE POLICY TO
SHORT TERM DISABILITY INCOME CONTINUATION PROGRAM**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the current sick leave policy provides full time employees with 15
2 paid sick leave days per year, annual sick leave buybacks, and a retirement payout of unused sick
3 leave; and

4
5 WHEREAS, the expense liability associated with providing 15 days of sick leave
6 is \$1,025,127, and approximately 35% of this liability will be paid out at a future date at a
7 higher rate of pay; and

8
9 WHEREAS, the cost of sick leave taken in 2011 was \$582,498, the average cost
10 of the annual sick leave buyback is \$150,000, and sick leave payouts upon retirement in 2011
11 was \$241,648; and

12
13 WHEREAS, the 2011 Comprehensive Annual Financial report shows the value of
14 sick leave for those employees eligible for a retirement benefit under Wisconsin Retirement
15 System to be \$883,160; and

16
17 WHEREAS, the total amount of the sick leave liability as of September 30, 2012
18 is \$5,024,544; and
19

20 WHEREAS, the Personnel Committee has provided the County Board with a
21 copy of the proposed revisions to the Employee Policy Manual that will convert the county from
22 its existing sick leave policy to a policy that provides five paid family medical leave days per
23 year and a short term disability income continuation program; and
24

25 WHEREAS, the proposed conversion will allow employees with sick leave
26 balances to use sick leave in accordance with existing policies, stop the accrual of future
27 liabilities, credit employees with five paid family medical leave days per year to deal with
28 serious health conditions of the employee or employee's family that necessitate an absence from
29 work, and provide employees who do not have a sick leave balance with income continuation
30 during periods of disability;
31

32 NOW, THEREFORE, BE IT RESOLVED that the proposed changes to the
33 Employee Policy Manual, which convert the county from its existing sick leave policy to a
34 policy of five sick leave days per year, provide for a roll-over of unused sick leave days at the
35 end of each year to a family medical leave (FML) bank up to a maximum of 25 days, and
36 institute a short term disability income continuation program, are hereby adopted; and
37

38 BE IT FURTHER RESOLVED that sick leave accruals will cease as of
39 December 31, 2012; and
40

41 BE IT FURTHER RESOLVED that the final annual sick leave buyback will
42 occur in January 2013; and
43

44 BE IT FURTHER RESOLVED that employees with accrued sick leave will be
45 able to use sick leave in accordance with the existing policies defined in Section 12.08 of the
46 Employee Policy Manual; and
47

48 BE IT FURTHER RESOLVED that sick leave payouts upon retirement will
49 continue as defined in Section 12.09 of the Employee Policy Manual; and
50

51 BE IT FURTHER RESOLVED that the revision to Section 12.05(11) which
52 defines the provision of family medical leave days is approved; and
53

54 BE IT FURTHER RESOLVED that Section 12.10 which defines the short term
55 disability income continuation policy of Manitowoc County is approved; and
56

57 BE IT FURTHER RESOLVED that the Personnel Director and the Corporation
58 Counsel are directed to prepare such revisions to the Employee Policy Manual as may be
59 required.

Dated the 18th Day of December 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Eliminating the annual sick leave buyback saves an estimated \$150,000 annually. Eliminating sick leave eliminates the accrual of an unfunded, vested liability, will reduce the overall sick leave liability, and eventually eliminate sick leave payouts upon retirement.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 7b (2012/2013-72) Amending Zoning Map (Jerome and Joan Behnke). Upon vote, the motion carried unanimously.

No. 2012/2013 - 72

**ORDINANCE AMENDING ZONING MAP
(Jerome and Joan Behnke)**

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 December 11, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 SE ¼, SE ¼, Section 25, T19N-R21E, Town of
12 Rockland, Manitowoc County, Wisconsin, commencing at the SE corner of said
13 Section 25; thence northerly approximately 385 feet; thence westerly approximately
14 33 feet to the west r/w of Einberger Road which is the point of real beginning;
15 thence westerly approximately 392 feet; thence northeasterly approximately 413
16 feet; thence easterly approximately 309 feet; thence southerly along the west r/w of
17 Einberger approximately 502 feet to the point of real beginning, said parcel
18 containing approximately 3.49 acres of land, is hereby rezoned from GA, General
19 Agriculture District, to SE, Small Estate Residential District.

Dated this 18th day of December 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 7c (2012/2013-73) Amending Zoning Map (Richard and Ann Dufek). Upon vote, the motion carried unanimously.

No. 2012/2013 - 73

**ORDINANCE AMENDING ZONING MAP
(Richard and Ann Dufek)**

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 December 11, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 SW ¼, SE ¼, Section 9, T20N-R23E, Town of
12 Kossuth, Manitowoc County, Wisconsin, commencing at the S ¼ corner of said
13 Section 9; thence northerly approximately 33 feet to the north r/w of Polifka Road;
14 thence easterly along the north r/w of Polifka Road approximately 535 feet which is
15 the point of real beginning; thence continue easterly along the north r/w of Polifka
16 Road approximately 330 feet; thence northerly along the west r/w of Popelar Road
17 approximately 241 feet; thence southeasterly approximately 330 feet to the point of
18 real beginning, said parcel containing approximately 1.0 acre of land, is hereby
19 rezoned from LE, Large Estate District, to RR, Rural Residential District.

Dated this 18th day of December 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Baumann to enact Ordinance 7d (2012/2013-74) Amending Zoning Map (John Hager and Walter Guns). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP
(John Hager and Walter Guns)**

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 December 11, 2012; and
3

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

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

11 Part of Lot 1 of Certified Survey Map Volume 28 Page 291 which is Part of the NW
12 ¼ NW ¼, Section 3, T21N-R22E, Town of Cooperstown, Manitowoc County,
13 Wisconsin, commencing at the NW corner of Section 3; thence along the northerly
14 line of the NW ¼ south 89° 19' 54" east 842.48 feet; thence south 6° 07' 55" east
15 61.53 feet to the southerly line of Cooperstown Road being the point of beginning;
16 thence along said line south 89° 28' 11" east 22.28 feet; thence continuing north 80°
17 04' 18" east 51.17 feet thence continuing south 89° 28' 11" east 249.74 feet; thence
18 continuing north 80° 31' 20" east 101.60 feet; thence north 0° 41' 19" east 33.13 feet;
19 thence along said line south 89° 19' 54" east 35.78 feet; thence south 1° 04' 57" west
20 135.03 feet; thence south 23° 32' 26" west 253.39 feet; thence north 85° 47' 28" west
21 325.01 feet; thence north 6° 07' 55" west 289.37 feet the point of beginning, said
22 parcel containing approximately 2.9 acres of land, and is hereby rezoned from LE,
23 Large Estate Residential District, to SE, Small Estate Residential District; and
24

25 Part of Lot 1 and all of Lot 2 of Certified Survey Map Volume 28 Page 291 being
26 part of the NE¼ NE¼ and also part of NW¼ NW¼, Section 3, T21N-R22E, Town of
27 Cooperstown, Manitowoc County, Wisconsin, commencing at the NW corner of
28 Section 3; thence along the northerly line of the NW ¼ south 89° 19' 54" east 842.48
29 feet; thence south 6° 07' 55" east 350.90 feet to the point of beginning; thence south
30 85° 47' 28" east 325.01 feet; thence north 23° 32' 26" east 253.39 feet; thence north
31 1° 04' 57" east 135.03 feet; thence south 89° 19' 54" east 210.25 feet; thence south
32 0° 40' 07" west 209.92 feet; thence south 65° 32' 54" west 135.05 feet; thence south
33 15° 56' 24" west 570.94 feet; thence south 73° 29' 58" west 415.36 feet; thence north
34 29° 58' 41" east 178.66 feet; thence north 6° 07' 55" west 439.52 feet to the point of
35 beginning, said parcel containing approximately 6.30 acres of land, is hereby
36 rezoned from NA, Natural Area District, and RR, Rural Residential District, to LE,
37 Large Estate District.

Dated this 18th day of December 2012.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Cavanaugh to enact Ordinance 7e (2012/2013-75) Amending Zoning Map (Melvin Mangin). Upon vote, the motion carried unanimously.

No. 2012/2013 - 75

**ORDINANCE AMENDING ZONING MAP
(Melvin Mangin)**

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 December 11, 2012; and
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of
5 testimony and an examination of the facts, recommends that the petition be approved for the
6 reasons stated in 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 NE ¼, SE ¼, Section 8, T19N-R22E, Town of Cato,
12 Manitowoc County, Wisconsin, commencing at the E ¼ corner of said Section 8;
13 thence southerly approximately 223 feet; thence westerly approximately 33 feet to
14 the west r/w of Menchalville Road which is the point of real beginning; thence
15 continue southerly along the west r/w of Menchalville Road approximately 307 feet;
16 thence westerly approximately 142 feet; thence northerly approximately 307 feet;
17 thence easterly 142 feet to the point of real beginning, said parcel containing
18 approximately 1.0 acre of land, is hereby rezoned from EA, Exclusive Agriculture
19 District, to RR, Rural Residential District.

Dated this 18th day of December 2012.

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 Vogel to enact Ordinance 8 (2012/2013-76) Amending Manitowoc County Code §§ 4.13(6) & (9) (Coroner's Fees). Upon discussion and vote, the motion carried with 21 ayes and 3 noes. Supervisors Kohlman, Tittl, and Wagner voted no; all other supervisors vote aye.

No. 2012/2013 - 76

**ORDINANCE AMENDING MANITOWOC COUNTY CODE §§ 4.13(6) & (9)
(Coroner's Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, various sections of the Wisconsin Statutes, including but not limited to §§
2 69.18(2)(d)(3) and 979.12, grant the county authority to establish fees for services provided by
3 the Coroner; and
4

5 WHEREAS, the Public Safety Committee has reviewed the fees that the Coroner is
6 authorized to charge, finds that the county's fees are lower than most other counties and do not
7 fully cover the cost of the services provided, recommends that the fees the Coroner is authorized
8 to charge be updated to more accurately reflect the actual cost of the specific services provided;
9 and recommends that the county code be amended so that the fees the Coroner is authorized to
10 charge are consolidated in a single section of the code;
11

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

15 Manitowoc County Code § 4.13(6) is amended by striking the words "and the Coroner"
16 and "or the Coroner."
17

18 Manitowoc County Code § 4.13(6)(a) is amended by striking the words "or the Coroner
19 or their respective designees" and replacing them with the words "or the Sheriff's designee."
20

21 Manitowoc County Code § 4.13(9) is repealed and recreated to read as follows:
22

23 (9) The Coroner's office shall charge the following fees for services, in addition to
24 any other fee authorized by the Wisconsin Statutes and the Manitowoc County
25 Code:
26

27 (a) Cremation authorization: \$125 per body cremated.
28

29 (b) Death certificate processing: \$25.
30

- 31 (c) Disinterment authorization: \$75 per grave opened.
32
33 (d) Morgue use: \$35 per day for the retention of a body at the morgue after
34 the first day.
35
36 (e) Records: 25¢ per side for a black and white photocopy of a letter or legal
37 size document and the actual cost of reproduction for color copies, other
38 paper sizes, or special materials, such as transparencies.
39
40 (f) Records certification: \$25.
41
42 (g) Photographs: 50¢ per photograph if printed on plain paper, \$1 per
43 photograph if printed on photographic paper, 50¢ per photograph plus the
44 cost of digital media if provided in digital format; or the actual cost is
45 printed by a commercial service.
46
47 (h) A fee authorized by this section may be waived by the Coroner under the
48 following circumstances:
49
50 1. the body has been donated to medical science;
51
52 2. the deceased or other financially responsible party is indigent and
53 the fee is to be paid by a county or state agency, and no positive
54 fiscal result would be realized by the County; or
55
56 3. the financially responsible party files an affidavit of indigency
57 with the Coroner's office.
58

59 This ordinance is effective January 1, 2013.

Dated this 18th day of December 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT:

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Baumann to adopt Resolution 8a (2012/2013-77) Regarding Joint Determination of Adequate Staffing needs of Manitowoc Jail Pursuant to Wis. Admin. Code § DOC 350.07(2). Upon vote, the motion carried unanimously.

No. 2012/2013 - 77

**RESOLUTION REGARDING JOINT DETERMINATION
OF ADEQUATE STAFFING NEEDS OF MANITOWOC COUNTY JAIL
PURSUANT TO WIS. ADMIN. CODE § DOC 350.07(2)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Corrections has promulgated Wis. Admin.
2 Code § DOC 350.07 pertaining to double occupancy of cells in county jails; and
3

4 WHEREAS, Wis. Admin. Code § DOC 350.07(2) requires that the county board and
5 sheriff jointly determine the adequate staffing needs required to ensure the health, safety, and
6 security of the jail staff and inmates when using cells for double occupancy, and further requires
7 that county board and sheriff reduce their joint determination to writing and file a copy of that
8 determination, signed by the sheriff and representatives of the county board, with the Wisconsin
9 Department of Corrections; and
10

11 WHEREAS, the Sheriff has advised the Public Safety Committee that adequate jail
12 staffing consists of 42.25 full-time-equivalent positions (32 full-time jail staff and 13 part-time
13 jail staff working 10.25 full-time-equivalent positions) and 9.1 full-time-equivalent jail support
14 staff; and
15

16 WHEREAS, the Sheriff states that he has determined that the jail staff described above is
17 adequate to ensure the health, safety, and security of the jail staff and inmates when using cells
18 for double occupancy; and
19

20 WHEREAS, the Public Safety Committee has reviewed and concurs with the Sheriff's
21 determination and recommends that the county board enter into the joint written determination
22 required by Wis. Admin. Code § DOC 350.07(2);
23

24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
25 Supervisors accepts the recommendation of the Public Safety Committee and, with the Sheriff,
26 jointly determines that the staffing described above provides the adequate staffing required to
27 ensure the health, safety, and security of the jail staff and inmates when using cells for double
28 occupancy; and
29

30 BE IT FURTHER RESOLVED that the County Board Chair and the Sheriff are
31 authorized to countersign this resolution and the County Clerk is directed to file a certified copy
32 of this resolution, countersigned by the County Board Chair and the Sheriff, with the Wisconsin
33 Department of Corrections.

Dated this 18th day of December 2012.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson reported that the next meeting will be January 9, 2013.

Public Works Committee: Supervisor Weiss gave a brief report. The next meeting will be January 9, 2013.

Transportation Coordinating Committee: Supervisor Weiss gave a brief report. The next meeting will be February 20, 2013.

Miscellaneous: Supervisor Kevin Behnke moved, seconded by Supervisor Brey to adopt Resolution 9 (2012/2013-78) Approving Town of Centerville Zoning Ordinance (Ordinance Amending General Code of Ordinances). Upon vote, the motion carried unanimously.

No. 2012/2013 - 78

**RESOLUTION APPROVING TOWN OF CENTERVILLE ZONING ORDINANCE
(Ordinance Amending General Code of Ordinances)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a zoning ordinance under Wis. Stat. § 59.69;
2 and
3

4 WHEREAS, the Town of Centerville has, in accordance with Wis. Stat. § 60.62, adopted
5 amendments to its zoning ordinance as part of an amendment to its general code of ordinances
6 that was adopted on November 13, 2012; and
7

8 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances are subject to
9 county board approval in counties that have adopted a zoning ordinance under Wis. Stat. §
10 59.69; and
11

12 WHEREAS, the Town of Centerville has submitted the amendments to its zoning
13 ordinance to the county board for approval;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors approves the amendments to the zoning ordinance that were adopted by the Town
17 Board of the Town of Centerville on November 13, 2012.

Dated this 18th day of December 2012.

Respectfully submitted by Kevin L. Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved to adjourn, seconded by Supervisor Gerroll, 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

Tuesday, January 15, 2013

7:00 P.M.

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 January 2013, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 23 members present: Baumann, Behnke, Brey, Burke, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Rasmus, Vogel, Waack, Wagner, and Weiss. Supervisors Nickels and Vogt were excused.

On a motion by Supervisor Brey, seconded by Supervisor Behnke the December 18, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Board Chairperson Hansen read certificates of appreciation for retiring employees Cheryl Bohm with 14 years at Human Services, Denise Fischer with 26 years at Human Services, Alan Gajewski with 40 years at Human Services, Linda Schroeder with 38 years at Human Services, and William Stricklin with 14 years at the Sheriff's Department.

Public Works Director Jeff Beyer presented retiring employee Sue Klein with a certificate of appreciation for 10 years of service with the Public Works Department.

COMMUNICATIONS

Chairperson Hansen referred a request by the Town of Mishicot to enact a temporary moratorium on wind turbines to the Planning and Park Commission.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:10 p.m.

Jim Langnese, City of Manitowoc and a District 1 City Council aldermanic candidate, addressed the Board regarding wind energy and asked the Board to closely look at the issues involved with wind turbines.

Bernie Starzewski, Town of Eaton, spoke in support of erecting wind towers in Manitowoc County. Mr. Starzewski explained that he spoke with property owners from Fond du Lac County who have no problems with the towers erected on their property. Mr. Starzewski commented that wind towers will bring employment, income for farmers, and clean energy to Manitowoc County.

Jayne Rulseh, City of Two Rivers, addressed the Board in support of erecting wind towers in Manitowoc County. Ms. Rulseh talked about an opportunity to create jobs with the Great Lakes Wind Initiative Project and asked the Board to look at the complete picture before making a decision.

Maura Yost, City of Manitowoc, addressed the Board regarding a County Code revision to include four divisional Human Service Directors, the status of an Attorney General's opinion on the creation of the four Human Service Directors, the County Board vote tabulation practices, and the Schenck's value stream mapping services.

Dean Anhalt, Town of Mishicot, spoke in support of a moratorium on wind towers. Mr. Anhalt referred to a study conducted on the Shirley Wind Farms that resulted in findings of low frequency noise from the wind turbines. Mr. Anhalt urged the Board to maintain health and safety for the citizens.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:28 p.m.

APPOINTMENTS BY CHAIRPERSON

Chairperson Hansen recommended the appointment of Martha Rasmus for Supervisory District 8. Supervisor Brey moved, seconded by Supervisor Henrickson, to approve the appointment. Upon vote, the appointment was confirmed by a majority voice vote. The Oath of Office was administered by the Deputy County Clerk.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Supervisor Mike Bauknecht to the Human Services' Board to complete a vacancy expiring April 2015. Supervisor Henrickson moved, seconded by Supervisor Behnke to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Jay Muchin, to the Ethics Board for a three year term expiring February 28, 2016. Supervisor Holschbach moved, seconded by Supervisor Hoff to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Rachel Gillis to the Manitowoc-Calumet Library System Board of Trustees for a three year term expiring January 2016. Supervisor Korinek moved, seconded by Supervisor Bauknecht to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Board of Health: Supervisor Vogel reported that the next meeting will be February 14.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. The next meeting will be February 6.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 1 (2012/2013-79) Authorizing Out-of-State Travel (Mike Wingender). Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors vote aye.

No. 2012/2013 - 79

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Mike Wingender)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Information Systems Department maintains and supports critical
2 hardware and software systems that assist the Human Services Department and provide
3 supportive services to the citizens of Manitowoc County, and
4

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

9 WHEREAS, the CMHC Systems Administrator Training is the primary means by which
10 Manitowoc County can stay current with these changes, learn new methodologies, and
11 participate in hands-on training to improve the skill sets required to maintain the systems; and
12

13 WHEREAS, the CMHC Systems Administrator Training is provided only at the
14 NetSmart headquarters in Dublin, Ohio; and
15

16 WHEREAS, the Information Systems Department recently hired a new employee to
17 provide the services of the CMHC Systems Administrator;
18

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
20 Supervisors authorizes CMHC Administrator Mike Wingender to attend the five-day CMHC
21 Systems Administrator Training in Dublin, Ohio from February 4 through February 8, 2013.

Dated this 15th day of January 2013.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs, not to exceed \$5,310, are included in the adopted 2013 Information Systems budget. Estimated wages and benefits for the time at conference is \$1,626.38.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Metzger reported that the next meeting will be January 24.

Lakeland Care District Board: Supervisor Brey reported that the next meeting will be January 16.

Personnel Committee: Supervisor Behnke reported that the next meeting will be January 29.

Planning and Park Commission: Supervisor Waack reported that the next meeting will be January 28.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner gave a brief report. The Land Conservation Committee will meet on January 17 and the Natural Resources & Education Committee will meet on February 21.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Burke moved to adjourn, seconded by Supervisor Gerroll, and the motion was adopted by acclamation. The meeting adjourned at 7:53 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, February 26, 2013

7:00 P.M.

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 February 2013, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 20 members present: Baumann, Brey, Cavanaugh, Dufek, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Metzger, Nickels, Rasmus, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Bauknecht, Behnke, Burke, Gerroll, and Maresh were excused.

On a motion by Supervisor Brey, seconded by Supervisor Henrickson the January 15, 2013 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Kopecky moved, seconded by Supervisor Korinek to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Board Chairperson Hansen presented a Proclamation Commemorating Perry Rutherford to Marge and Kevin Rutherford. Mr. Rutherford thanked the Board for the honor given to his father who enjoyed his time on the Board.

County Board Chairperson Hansen presented a Proclamation Commemorating Jerome Nelson to the Nelson family. On behalf of the family, Rachel thanked the Board for the honor.

Public Works Director Jeff Beyer gave a brief history of Expo activities and discussed implemented changes that have increased revenues. Comptroller Todd Reckelberg referred to a handout which illustrated three activity accounts that capture revenues from Expo Activities, the County Fair, and the Ice Center. There was a slight gain in revenue for 2012.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:30 p.m.

Bernie Starzewski, Town of Eaton, addressed the claim of low level noise emitted from wind towers. Mr. Starzewski commented that this has not been measured in any other industry and the county should not become involved in these matters as the Public Service Commission covers all potential wind turbine issues.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:34 p.m.

APPOINTMENTS BY CHAIRPERSON

Chairperson Hansen recommended the appointment of Martha Rasmus to the Public Works Committee to complete a vacancy expiring April 2014. Supervisor Holschbach moved, seconded by Supervisor Henrickson, to approve the appointment. Upon voice vote, the motion carried unanimously.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Gary Shavlik and alternate Lee Stadler to the Local Emergency Planning Committee for a two year term expiring March 2015. Supervisor Weiss moved, seconded by Supervisor Hoff to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Debra Heus to the Manitowoc-Calumet Library System Board of Trustees complete a vacancy expiring January 2014. Supervisor Henrickson moved, seconded by Supervisor Vogt to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Aging & Disability Resource Center of the Lakeshore Board: Supervisor Wagner gave a brief report on the ADRC Board and on the Commission on Aging.

Board of Health: Supervisor Vogel reported that the next meeting will be March 14.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. The next meeting will be March 6.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Holschbach to adopt Resolution 1 (2012/2013-80) Authorizing Out-of-State Travel (Matt Fricke). Upon vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 80

RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL (Matt Fricke)

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

8
9 WHEREAS, the annual Aegis software systems conference is the primary means by which
10 Manitowoc County can stay current with these changes and provides an excellent forum to exchange
11 ideas, learn new methodologies, and participate in hands-on seminars to improve the skill sets
12 required to maintain the systems;

13
14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
15 authorizes Aegis Administrator Matt Fricke to attend the three-day Annual Aegis MSP Users
16 Conference in Scottsdale, AZ from April 21 through April 23, 2013.

Dated this 26th day of February 2013.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs not to exceed \$2,345 (Conference - \$ 1,125;
Hotel - \$300; Air - \$580; Meals - \$126; Mileage - \$214) are included in the
approved Information Systems budget. Estimated wages and benefits for the
time at conference is \$ 836.55.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Vogt gave a brief report.

Lakeland Care District Board: Supervisor Brey gave a brief report.

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

Personnel Committee: Supervisor Vogt moved, seconded by Supervisor Vogel to adopt Resolution
2 (2012/2013-81) Amending 2013 Budget (Sheriff's Department Staffing). Upon discussion and
vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman vote no; all other supervisors
voted aye.

No. 2012/2013 - 81

**RESOLUTION AMENDING 2013 BUDGET
(Sheriff's Department Staffing)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Sheriff and the County Board have made a joint determination regarding
2 adequate staffing needs of the Manitowoc County Jail pursuant to Wis. Admin. Code § DOC

3 350.07(2); and
4

5 WHEREAS, an adjustment to the level of staffing authorized in the 2013 approved budget
6 is necessary to conform to the level of staffing specified in the joint determination regarding
7 adequate staffing needs of the Manitowoc County Jail;
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
10 hereby amends the 2013 approved budget as follows:
11

- 12 • the number of full-time corrections officers shown on page 27 in the table of
13 positions for the Sheriff is increased from 19.0 to 20.0;
14
- 15 • the number of part-time corrections officer full-time equivalents shown on
16 page 27 in the table of positions for the Sheriff is increased from 8.5 to
17 10.25; and
18
- 19 • the number of part-time corrections officers shown on page 27 in the table
20 of positions for the Sheriff is increased from 11.0 to 13.0; and
21

22 BE IT FURTHER RESOLVED that the Comptroller/Auditor, Personnel Director, and such
23 other county officials as are appropriate are authorized to take such actions as may be necessary to
24 effect this change.

Dated this 26th day of February 2013.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Kopecky to
adopt Resolution 2a (2012/2013-82) Authorizing Contract with Bay-Lake Regional Planning
Commission (Hazard Mitigation Plan Update). Upon discussion and vote, the motion carried with
19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 82

**RESOLUTION AUTHORIZING CONTRACT WITH
BAY-LAKE REGIONAL PLANNING COMMISSION
(Hazard Mitigation Plan Update)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County needs to update its Hazard Mitigation Plan in order to
2 continue the County's eligibility for Federal Emergency Management Agency (FEMA) grant

3 programs and disaster assistance for Manitowoc County; and

4
5 WHEREAS, Manitowoc County intends to apply for a grant through the FEMA Hazard
6 Mitigation Grant Program to develop the Hazard Plan update and will request that the Bay-Lake
7 Regional Planning Commission assist in the preparation of the Hazard Mitigation Plan update; and

8
9 WHEREAS, the total cost to update the Hazard Mitigation Plan is estimated at \$50,888,
10 which will require a 12.5 percent local match of \$6,381 that may be met through in-kind services;

11
12 NOW, THEREFORE, BE IT RESOLVED THAT the Manitowoc County Board of
13 Supervisors authorizes the County Executive, the County Clerk, and such other officials as may be
14 necessary, to execute such papers and to take such other actions as needed to enter into an
15 agreement with Bay-Lake Regional Planning Commission to update the Hazard Mitigation Plan; and

16
17 BE IT FURTHER RESOLVED the Comptroller/Auditor is directed to record such
18 information in the official books of the County for the year ending December 31, 2013 as may be
19 required.

Dated this 26th day of February 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by an amount not
to exceed \$50,888. Local match of \$6,381 will be provided from in-kind
services presently included in budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 3 (2012/2013-83)
Amending Zoning Map (Patrick and Paula Schuette). Upon vote, the motion carried unanimously.

No. 2012/2013 - 83

**ORDINANCE AMENDING ZONING MAP
(Patrick and Paula Schuette)**

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 January 28; 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 SW ¼, NW ¼, Section 11, T21N-R23E, Town of
12 Gibson, Manitowoc County, Wisconsin, commencing at the W ¼ corner of said Section
13 11; thence easterly approximately 1980 feet which is the point of real beginning; thence
14 continue easterly approximately 660 feet; thence northerly approximately 1320 feet;
15 thence westerly approximately 660 feet; thence southerly approximately 1320 feet to
16 the point of real beginning, said parcel containing approximately 20.0 acres of land, is
17 hereby rezoned from EA, Exclusive Agriculture, to NA, Natural Area.

Dated this 26th day of February 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Baumann to enact Ordinance 4 (2012/2013-84) Amending Zoning Map (Ford Thompson). Upon vote, the motion carried with 19 ayes and 1 abstention. Supervisor Korinek abstained; all other supervisors voted aye.

No. 2012/2013 - 84

**ORDINANCE AMENDING ZONING MAP
(Ford Thompson)**

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 January 28; 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 Parcel 1, being part of Lot 2 Certified Survey Map Volume 30 Page 213, being part of
12 the NW ¼, SW ¼, and SW ¼, NW ¼, Section 25, T21N-R23E, Town of Gibson,
13 Manitowoc County, Wisconsin described as; beginning at the northwest corner of Lot
14 2 of Certified Survey Map Volume 30 Page 213; thence North 89 57'40" East 807.15
15 feet to a point on a traverse line of the East Twin River; thence along said line South 19

06'27" West 200.18 feet; thence continuing South 03° 54' 46" West 112.58 feet; thence continuing South 62° 24' 24" East 162.01 feet; thence continuing South 14° 12' 11" West 39.72 feet; thence continuing South 71° 44' 06" West 82.48 feet; thence continuing South 42° 40' 57" West 141.74 feet; thence continuing South 6° 42' 39" East 103.81 feet; thence South 89° 56' 50" West 100.00 feet; thence South 0° 03' 10" East 918.20 feet to the centerline of Rockledge Road; thence along said line North 59° 41' 20" West 34.19 feet; thence 0° 03' 10" West 292.81 feet; thence North 76° 30' 47" West 49.26 feet; thence North 0° 49' 01" West 171.71 feet; thence North 21° 47' 01" West 194.02 feet; thence North 13° 56' 17" West 157.32 feet; thence North 39° 51' 53" West 43.17 feet; thence North 79° 01' 44" West 137.17 feet; thence North 16° 20' 36" East 95.00 feet; thence North 22° 57' 02" West 95.01 feet; thence North 4° 59' 26" West 157.07 feet; thence North 19° 09' 08" West 79.96 feet; thence North 44° 50' 18" West 50.00 feet; thence North 75° 43' 51" West 53.00 feet; thence North 48° 48' 41" West 40.02 feet; thence North 21° 49' 29" West 125.02 feet; thence North 27° 10' 32" West 88.79 feet; to the point of beginning; said parcel containing approximately 10.591 acres of land, is hereby rezoned from EA, Exclusive Agriculture, to GA, General Agriculture;

and

Parcel 2, being part of Lot 2 Certify Survey Map Volume 30 Page 213, being part of the NW ¼, SW ¼, and SW ¼, SW ¼, NW ¼, Section 25, T21N-R23E, Town of Gibson, Manitowoc County, Wisconsin described as; beginning at the southwest corner of Lot 2 of Certified Survey Map Volume 30 Page 213 and the centerline of Rockledge Road; thence North 30° 11' 59" East 176.59 feet; thence South 69° 42' 14" East 80.39 feet; thence South 86° 42' 02" East 30.07 feet; thence North 41° 23' 53" East 34.97 feet; thence South 76° 30' 47" East 49.26 feet; thence South 0° 03' 10" East 292.81 feet; thence North 59° 41' 20" West 294.18 feet; thence continuing 13.32 feet along the arc of a 572.96 foot radius curve to the left whose long chord bears North 60° 21' 19" West 13.32 feet; to the point of beginning; said parcel containing approximately .25 acres of land, is hereby rezoned from EA, Exclusive Agriculture, to RR Rural Residential.

Dated this 26th day of February 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Cavanaugh to enact Ordinance 5 (2012/2013-85) Amending Zoning Map (United Vision Dairy, LLC). Upon vote, the motion carried with 18 ayes and 2 noes. Supervisors Kopecky and Korinek voted no; all other supervisors voted aye.

No. 2012/2013 - 85

**ORDINANCE AMENDING ZONING MAP
(United Vision Dairy, LLC)**

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 January 28; 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 NE ¼, SE ¼, Section 29, T21N-R24E, Town of
12 Mishicot, Manitowoc County, Wisconsin, commencing at the E ¼ corner of said
13 Section 29; thence westerly approximately 33 feet to the west r/w of East Assman Road
14 which is the point of real beginning; thence continue westerly approximately 1100 feet;
15 thence southeasterly approximately 500 feet; thence easterly approximately 850 feet;
16 thence northerly along the west r/w of Assman Road approximately 460 feet to the point
17 of real beginning, said parcel containing approximately 10.0 acres of land, is hereby
18 rezoned EA, Exclusive Agriculture, to GA, General Agriculture.

Dated this 26th day of February 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 6 (2012/2013-86)
Amending Manitowoc County Code §§ 21.06 and 21.07. Upon vote, the motion carried with 19
ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 86

ORDINANCE AMENDING MANITOWOC COUNTY CODE §§ 21.06 AND 21.07

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a nonmetallic mining ordinance under authority
2 granted by Wis. Stat. Ch. 295; and
3

4 WHEREAS, Wis. Stat. § 295.13(3) provides that a county ordinance applies to the entire
5 area of the county, except for cities, villages, and towns that enact and administer a nonmetallic
6 mining reclamation ordinance under Wis. Stat. § 295.14;

7
8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
9 ordain as follows:

10
11 Manitowoc County Code § 21.06(1) pertaining to applicability is amended to read as
12 follows:

13
14 (1) This chapter applies to all nonmetallic mining sites within Manitowoc County
15 operating on or commencing to operate after August 1, 2001, except as exempted by
16 sec. 21.07.

17
18 Manitowoc County Code § 21.07, which pertains to exemptions, is amended to read as
19 follows:

20
21 This ordinance does not apply to the following:

22
23 Manitowoc County Code § 21.07(13) is created to read as follows:

24
25 (13) Any area with a city, village, or town that has enacted and administers an
26 ordinance under Wis. Stat. § 295.14.

Dated this 26th day of February 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 7 (2012/2013-87)
Amending Manitowoc County Code Chapter 8 to Comply with Wis. Admin. Code ch. PSC 128.
Upon discussion and vote, the motion carried with 18 ayes and 2 noes. Supervisors Hoffman and
Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 87

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 8
TO COMPLY WITH WIS. ADMIN. CODE CH. PSC 128**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Public Service Commission has promulgated Wis. Admin. Code
2 Ch. 128 pertaining to Wind Energy Systems; and
3

4 WHEREAS, Wis. Admin. Code § 128.10(1) provides that a political subdivision may not

5 enact an ordinance whose requirements on the installation or use of a wind energy system are more
6 restrictive than specified in Wis. Admin. Code Ch. PSC 128; and

7
8 WHEREAS, Wis. Stat. § 66.0401(4)(f) permits a political subdivision to deny an application
9 for approval of a wind energy system in certain cases if the proposed site of the wind energy system
10 is in an area primarily designated for future residential or commercial development; and

11
12 WHEREAS, Manitowoc County Code Chapter 8, General Zoning and Land Use Regulations,
13 contains several provisions with respect to the siting of wind energy systems that are more restrictive
14 than Wis. Admin. Code Ch. PSC 128; and

15
16 WHEREAS, Manitowoc County is in the process of developing wind energy system
17 ordinances that comply with the requirements of Wis. Admin. Code Ch. PSC 128;

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

21
22 Manitowoc County Code sec. 8.09(2)(em) is created to read as follows:

23
24 (em) Large wind energy systems, consistent with Wis. Stat. § 91.44(1)(f), provided that
25 the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128
26 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted
27 by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the
28 wind energy system is in an area primarily designated for future residential or commercial
29 development.

30
31 Manitowoc County Code sec. 8.09(4)(d) is amended by striking “large wind energy
32 systems;”.

33
34 Manitowoc County Code sec. 8.10(2)(em) is created to read as follows:

35
36 (em) Large wind energy systems, provided that the large wind energy system complies
37 with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to
38 Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political
39 subdivisions to deny an application if the proposed site of the wind energy system is in an area
40 primarily designated for future residential or commercial development.

41
42 Manitowoc County Code sec. 8.10(4)(j) is amended by striking “large wind energy
43 systems;”.

44
45 Manitowoc County Code sec. 8.11(2)(e) is created to read as follows:

46
47 (e) Large wind energy systems, provided that the large wind energy system complies with
48 the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis.
49 Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political

subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.11(4)(e) is amended by striking “large wind energy systems;”.

Manitowoc County Code sec. 8.12(2)(e) is created to read as follows:

(e) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.13(2)(e) is created to read as follows:

(e) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.14(2)(dm) is created to read as follows:

(dm) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.15(2)(d) is created to read as follows:

(d) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.16(2)(tm) is created to read as follows:

(tm) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.17(2)(o) is amended by striking “large wind energy systems;”.

Manitowoc County Code sec. 8.17(2)(pm) is created to read as follows:

(pm) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

Manitowoc County Code sec. 8.18(2)(em) is created to read as follows:

(em) Large wind energy systems, provided that the large wind energy system complies with the requirements of Wis. Admin. Code Ch. PSC 128 and any ordinance adopted pursuant to Wis. Admin. Code § 128.10, subject to the authority granted by Wis. Stat. § 66.0401(f) to political subdivisions to deny an application if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development.

This ordinance is effective March 9, 2013.

Dated this 26th day of February 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack reported that the next meeting will be March 25.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Baumann to adopt Resolution 8 (2012/2013-88) Authorizing Out-of-State Travel (Connie Bashaw). Upon vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 88

**RESOLUTION AUTHORIZING OUT-OF-STATE
(Connie Bashaw)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Joint Dispatch Center relies heavily on the Aegis software system to assist the law enforcement, fire, and emergency medical service providers that serve the citizens of

3 Manitowoc County; and

4
5 WHEREAS, an annual Aegis software systems conference is the primary means by which
6 Manitowoc County is able to stay current with system changes, learn new methodologies, and
7 improve the skill sets required to use the system;

8
9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
10 authorizes Joint Dispatch Center Supervisor Connie Bashaw to attend the Annual Aegis MSP Users
11 Conference in Scottsdale, Arizona from April 21 through April 24, 2013.

Dated this 26th day of February 2013.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Costs not to exceed \$2345 for registration, lodging,
meals, and transportation are included in the 2013 joint dispatch center
budget. Wage and benefits cost to attend conference is \$1407.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Kopecky to adopt Resolution 9 (2012/2013-
89) Authorizing Out-of-State Travel (Nancy H. Crowley). Upon vote, the motion carried with 19
ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 89

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Nancy H. Crowley)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Emergency Management Director Nancy H. Crowley is a member of the
2 Steering Committee and Board of Directors for the National Radiological Emergency Preparedness
3 (NREP) Conference; and

4
5 WHEREAS, Nancy H. Crowley, as a member of the Committee and Board, is expected to
6 attend and assist in the delivery of the annual Conference that will be held in Austin, Texas from
7 April 6 through 12, 2013; and

8
9 WHEREAS, all expenses, including approximately 32% of her salary and fringe benefit
10 costs, will be borne by NextEra Energy Point Beach;

11
12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 authorizes Nancy H. Crowley to travel out-of-state to attend the 2013 NREP Conference and
14 Committee meetings in Austin, Texas from April 6 through 12, 2013.

Dated this 26th day of February 2013.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Conference costs, not to exceed \$3,000 for registration, transportation, lodging, and meals, will be fully reimbursed by NextEra Energy and is included in the Emergency Management budget; estimate salary and benefit costs is \$2,170, with approximately one-third of those costs reimbursed by a NextEra Energy grant.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Cavanaugh to adopt Resolution 10 (2012/2013-90) Accepting Donation from Wisconsin County Police Association for Sheriff's Department Honor Guard. Upon vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 90

**RESOLUTION ACCEPTING DONATION FROM WISCONSIN COUNTY
POLICE ASSOCIATION FOR SHERIFF'S DEPARTMENT HONOR GUARD**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Department Honor Guard participates in
2 funerals, public appearances, and community events; and
3

4 WHEREAS, officers who serve as Honor Guards must wear special uniforms and possess
5 ceremonial items; and
6

7 WHEREAS, the Wisconsin County Police Association has donated \$500 to defer expenses
8 and purchase equipment for the Honor Guard;
9

10 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
11 accepts the donation from the Wisconsin County Police Association in the amount of \$500 to be
12 deposited in an account designated for the Manitowoc County Sheriff's Department Honor Guard;
13 and
14

15 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
16 information in the official books of the County for the year ending December 31, 2013 as may be
17 required.

Dated this 26th day of February 2013.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Cavanaugh to adopt Resolution 11 (2012/2013-91) Accepting Click It or Ticket Enforcement Grant Funds. Upon vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 91

**RESOLUTION ACCEPTING CLICK IT OR TICKET
ENFORCEMENT GRANT FUNDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Department has been awarded a Click It or
2 Ticket Enforcement Grant in the amount of \$4,000 from the Wisconsin Department of
3 Transportation; and
4

5 WHEREAS, the grant funds will be used by the Operations/Patrol Division to assist with
6 enforcement and encourage the wearing of seatbelts in Manitowoc County; and
7

8 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
9 authorizes the Manitowoc County Sheriff's Department to accept the \$4,000 grant, which will be
10 used to purchase equipment for the department; and
11

12 BE IT FURTHER RESOLVED that the 2013 budget is amended by the amount of the grant
13 funds received and that the Comptroller/Auditor is directed to record such information in the official
14 books of the County for the year ending December 31, 2013 as may be required.

Dated this 26th day of February 2013.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues (21200.43601) and expenditures (21200.58100) by \$4,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson reported that the next meeting will be March 13.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Weiss moved, seconded by Supervisor Hoff to adopt Resolution 12 (2012/2013-92) Authorizing Out-of-State Travel (Bill Jones). Upon vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Bill Jones)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

5 WHEREAS, Bill Jones is the Communication Systems Engineer for the Public Works
6 Department who provides support and oversight for the County's 911 equipment; and
7

8 WHEREAS, Intrado, which manufactures the equipment and designs the software used by
9 Manitowoc County's 911 system, offers the training necessary for our Communication Systems
10 Engineer to stay current and support the 911 system; and
11

12 WHEREAS, Manitowoc County will save over \$20,000 per year for each of the next 5 years
13 by having our Communications Systems Engineer trained and able to perform support and oversight
14 services for the 911 system in house instead of having to contract them out;
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
17 authorizes Communication Systems Engineer Bill Jones to attend the training program at the Intrado
18 training facility in Longmont, Colorado from May 26 through June 7, 2013.

Dated this 26th day of February 2013.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Travel and estimated training costs are \$12,651 (Training - \$ 9,000; Hotel -
\$1,600; Air Fare - \$500; Meals - \$858; Car Rental - \$693) are included in the
approved Public Works Department budget. Estimated wages and benefits
for the time at training is \$3,802.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Weiss moved, seconded by Supervisor Kopecky to adopt Resolution 13 (2012/2013-93)
Authorizing Revised Viebahn Tower Transfer Agreement. Upon vote the motion carried
unanimously.

**RESOLUTION AUTHORIZING REVISED
VIEBAHN TOWER TRANSFER AGREEMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board of Supervisors approved an agreement between
2 Manitowoc County, the City of Manitowoc, and Manitowoc Public Utilities on September 18, 2012
3 that provided for the transfer of ownership of the Viebahn Tower; and
4

5 WHEREAS, Manitowoc Public Utilities has withdrawn from participating in the agreement,
6 but the City and County wish to continue with the transfer of ownership and have negotiated a
7 revised transfer agreement; and
8

9 WHEREAS, the revised transfer agreement has been reviewed and approved by the
10 Corporation Counsel; and
11

12 WHEREAS, the Public Works Committee has reviewed the revised transfer agreement,
13 agrees that it is in the best interest of the County and the City; and recommends that the County
14 Board approve the revised transfer agreement;
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
17 approves the revised Viebahn Tower Transfer Agreement and authorizes the County Executive and
18 the County Board Chairman to execute the Agreement on behalf of Manitowoc County; and
19

20 BE IT FURTHER RESOLVED that the Public Works Director is authorized to negotiate
21 such other changes to the agreement as may be necessary, subject to review by the Corporation
22 Counsel and approval by the Public Works Committee.

Dated this 26th day of February 2013.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Manitowoc County will receive \$1 as payment for the transfer and will be
relieved of the costs of maintaining or removing the tower.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Weiss reported that their next meeting will be March 13.

Transportation Coordinating Committee: Supervisor Weiss reported that their next meeting will be
March 27.

Supervisor Brey moved to adjourn, seconded by Supervisor Korinek, and the motion was adopted
by acclamation. The meeting adjourned at 8:15 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, March 19, 2013

7:00 P.M.

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 March 2013, for the purpose of transacting business as a Board of Supervisors.

Chairperson Biff Hansen called the meeting to order at 7:00 p.m.

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

Roll call: 23 members present: Bauknecht, Baumann, Behnke, Brey, Cavanaugh, Dufek, Gerroll, Hansen, Henrickson, Hoff, Hoffman, Holschbach, Kohlman, Kopecky, Korinek, Maresh, Metzger, Nickels, Rasmus, Vogel, Vogt, Waack, and Weiss. Supervisors Burke and Wagner were excused.

On a motion by Supervisor Brey, seconded by Supervisor Henrickson the February 26, 2013 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Behnke moved, seconded by Supervisor Hoffman to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Board Chairperson Hansen read a Certificate of Appreciation for Cheryl Basken for 24 years of service.

County Board Chairperson Hansen presented a Proclamation in Honor of National Public Safety Telecommunicators Week to Nancy Crowley, Director of Emergency Services. Ms. Crowley commented that she appreciated accepting the proclamation on behalf of the staff.

County Board Chairperson Hansen presented a Proclamation Declaring Child Abuse and Neglect Prevention Month. Chair Hansen talked about child abuse and neglect in Manitowoc County.

County Board Chairperson Hansen presented a Proclamation Designating Work Zone Safety Awareness Week to Highway Commissioner Gary Kennedy. Commissioner Kennedy explained that more highway workers are killed in their role than police. He thanked the Board for their support.

County Executive Bob Ziegelbauer and Chairperson Hansen presented a Proclamation Thanking Paul Tittl for his service on the County Board. Representative Tittl expressed gratitude for the honor and invited anyone with a personal issue concerning a problem with a governmental agency to contact him.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Hansen declared public input open at 7:14 p.m.

Anita Roberts, Town of Two Creeks, addressed the Board regarding concerns with the proposed wind energy ordinances. Ms. Roberts was concerned about inadequate setbacks, lack of measurement of low frequency noise, minimum limited safety standards, shadow flicker, and electrical pollution. She thanked the Corporation Counsel and the Planning and Park Commission for their continued open communication.

Maura Yost, Town of Centerville, addressed the Board regarding the creation of four Human Services Directors. Ms. Yost questioned whether a self-organized county with a County Executive could create a Human Services Department with multiple directors and referred to the definition of director as one in charge of an entire department. She asked the Board to address the issue of the vacant Human Services' Director position.

Jerome Hlinak, Town of Mishicot, talked about his concerns with the Public Service Commission Chapter 128 which regulates wind towers. He asked the County Board to monitor the project so the standards are maintained. He expressed concern that there are definite health issues associated with wind towers and the PSC is not protecting citizens.

James Theyerl, Town of Manitowoc, requested to speak. The Chair denied the request because Mr. Theyerl had not provided sufficient names and contact information of witnesses for the accusations he had made at a prior County Board meeting.

No one else present wished to speak, subsequently Chairperson Hansen closed public input at 7:32 p.m.

APPOINTMENTS BY CHAIRPERSON

Chairperson Hansen recommended the appointment of Supervisor Chuck Hoffman to the Wisconsin Counties Utility Tax Association to complete a vacancy expiring April 2014. Supervisor Maresh moved, seconded by Supervisor Henrickson, to approve the appointment. Upon voice vote, the motion carried unanimously.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Dr. Mary Jo Capodice, Shirley Fessler, Michele Frozena, and Frank Rodriguez to the Board of Health for a two year term expiring April 2015. Supervisor Holschbach moved, seconded by Supervisor Korinek to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Supervisor Todd Holschbach to the Manitowoc-Calumet Library System Board of Trustees for a three year term expiring April 30, 2016. Supervisor Brey moved, seconded by Supervisor Baumann to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of Supervisor Rick Henrickson, Joyce Kress-Hauser, and Nancy Randolph to the Long Term Support Planning Committee for a three year term expiring April 2016. Supervisor Cavanaugh moved, seconded by Supervisor Kopecky to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointment of Supervisor Rita Metzger to the Community Action Program to complete a vacancy expiring April 2014. Supervisor Vogt moved, seconded by Supervisor Henrickson to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Hansen presented County Executive Ziegelbauer's appointments of John Burris and alternate Bonny Range to the Local Emergency Planning Committee to complete a vacancy expiring September 2013. Supervisor Hoffman moved, seconded by Supervisor Henrickson to approve the appointments. Upon voice vote, the motion carried unanimously.

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

Aging and Disability Resource Center of the Lakeshore Board: Supervisor Waack moved, seconded by Supervisor Holschbach to adopt Resolution 1 (2012/2013-94) Authorizing Grant Application to Expand Living Well Program. Upon vote the motion carried with 22 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors vote aye.

No. 2012/2013 - 94

**RESOLUTION AUTHORIZING GRANT APPLICATION
TO EXPAND LIVING WELL PROGRAM**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Health Services is making grant funding available
2 to Aging and Disability Resource Centers to support local coordination of activities that result in the
3 delivery of Chronic Disease Self-Management Education (CDSME); and
4

5 WHEREAS, the Aging and Disability Resource Center Board recommends that the ADRC
6 be authorized to apply for and accept this grant funding to expand the Living Well programs in
7 Manitowoc and Kewaunee Counties;
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
10 authorizes the Aging and Disability Resource Center to apply for CDSME grant funds in the amount
11 of \$7,800 for a three year period and to accept such grant funds as may be awarded to be used to
12 expand the Living Well program in Manitowoc and Kewaunee Counties; and
13

14 BE IT FURTHER RESOLVED that the 2013 budget be amended by the amount of the grant
15 funds received and that the Comptroller/Auditor is directed to record such information in the official
16 books of the County for the year ending December 31, 2013 as may be required, with any remaining
17 funds carried over to 2014.

Dated this 19th day of March 2013.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Amends the Aging Services Special Revenue Fund Revenues and Expenditures in the 2013 Budget by equal amounts, if awarded by the State.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Kopecky to adopt Resolution 2 (2012/2013-95) Authorizing Care Transition Program Carry-Over Funding Grant Application. Upon vote, the motion carried with 22 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 95

**RESOLUTION AUTHORIZING CARE TRANSITION PROGRAM
CARRY-OVER FUNDING GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Health Services awarded the ADRC carry-over
2 funds to develop the Care Transition program with Holy Family Memorial and Aurora in 2012; and
3

4 WHEREAS, the Aging and Disability Resource Center did not capture all of its allocated
5 funding for the 2012 fiscal year; and
6

7 WHEREAS, the Aging and Disability Resource Center Board recommends that the ADRC
8 be authorized to apply for and accept 2012 carry-over funding if awarded;
9

10 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
11 authorizes the Aging and Disability Resource Center to apply for carry-over funds to continue its
12 Care Transition program in 2013 and to accept such funding as may be awarded; and
13

14 BE IT FURTHER RESOLVED that the 2013 budget be amended by the amount of the grant
15 funds awarded, if any, and that the Comptroller/Auditor is directed to record such information in the
16 official books of the County for the year ending December 31, 2013 as may be required.

Dated this 19th day of March 2013.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Amends the Aging Services Special Revenue Fund Revenues and Expenditures in the 2013 Budget by equal amounts, if awarded by the State.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Vogel gave a brief report. The next meeting will be April 11.

Expo-Ice Center Board: Supervisor Cavanaugh gave a brief report. The next meeting will be April 3.

Finance Committee: Supervisor Brey gave a brief report.

Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 3 (2012/2013-96) Denying Claim (Brian and Kay Koenigs). Upon vote, the motion carried unanimously.

Res. No. 2012/2013 - 96

**RESOLUTION DENYING CLAIM
(Brian and Kay Koenigs)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Brian & Kay Koenigs filed a claim dated February 21, 2013 seeking money
2 damages as the result of an accident on February 14, 2013 in which a vehicle driven by Kay Koenigs
3 struck and damaged a Manitowoc County snowplow; and
4

5 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to
6 its insurance carrier, the county's insurance carrier has reviewed the claim and relevant records, and
7 the county's insurance carrier recommends that the claim be denied and disallowed; and
8

9 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the claim
10 and recommend that the claim be denied and disallowed;
11

12 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
13 that the claim is disallowed and denied and that the Corporation Counsel and County Clerk are
14 directed to provide notice of the disallowance and denial of the claim as may be required.

Dated this 19th day of March 2013.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report. The next meeting will be April 9.

Human Services Board: Supervisor Metzger gave a brief report. The next meeting will be March 28.

Lakeland Care District Board: Supervisor Brey gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Waack reported that the next meeting will be March 21.

Personnel Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 3a (2012/2013-97) Amending Employee Policy Manual § 8.08 (Gifts, Gratuities, and Kickbacks). Upon discussion and vote, the motion carried with 14 ayes and 9 no. Supervisors Cavanaugh, Henrickson, Holschbach, Kohlman, Kopecky, Korinek, Metzger, Nickels, and Rasmus voted no; all other supervisors voted aye.

No. 2012/2013 - 97

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 8.08
(Gifts, Gratuities, and Kickbacks)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County owes it to its employees to provide clear guidance so that
2 they have the information necessary to comply with Manitowoc County's employment policies and
3 its ethics code; and
4

5 WHEREAS, Holy Family Memorial's reimbursement of co-pays required under the county's
6 group health plan caused employees to unknowingly become implicated in potential policy
7 violations, ethical conflicts, and tax complications, and it demonstrated a need to clarify our policy
8 on gifts and gratuities; and
9

10 WHEREAS, the Personnel Committee has provided the County Board with a proposed
11 amendment to Employee Policy Manual § 8.08 that explicitly prohibits the acceptance of kickbacks;
12 and
13

14 WHEREAS, the Personnel Committee recommends that the County Board find that any
15 employee who voluntarily discloses that he or she has been promised or received a co-pay
16 reimbursement from Holy Family Memorial should be held harmless from any violation of
17 Manitowoc County's employment policies and ethics code;
18

19 NOW THEREFORE, BE IT RESOLVED that Employee Policy Manual § 8.08 be amended
20 as recommended by the Personnel Committee; and
21

22 BE IT FURTHER RESOLVED that an employee who, in compliance with Manitowoc
23 County Code §§ 30.22 and 30.23, makes a timely voluntary disclosure that he or she has been
24 promised or received a co-pay reimbursement from Holy Family Memorial will be held harmless

25 from a violation of Manitowoc County's employment policies and ethics code for the
26 reimbursement, provided that the reimbursement is for services that were scheduled on or before
27 February 28, 2013; that the services have already been provided or will be provided on or before
28 March 31, 2013; and that the disclosure is received no later than March 31, 2013.

Dated this 19th day of March 2013.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Korinek to enact Ordinance 4 (2012/2013-98) Amending Zoning Map (William Bergner). Upon vote, the motion carried unanimously.

No. 2012/2013 - 98

**ORDINANCE AMENDING ZONING MAP
(William Bergner)**

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 February 25; 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 SW ¼, SE ¼, Section 32, T18N-R22E, Town of Liberty,
12 Manitowoc County, Wisconsin, commencing at the S ¼ corner of said Section 32;
13 thence easterly approximately 825 feet; thence northerly approximately 45 feet to the
14 north r/w of CTH F which is the point of real beginning; thence continue northerly
15 approximately 420 feet; thence westerly approximately 155 feet; thence northerly
16 approximately 839.76 feet; thence easterly approximately 673.09 feet; thence southerly
17 approximately 431.49 feet; thence westerly approximately 30 feet; thence southerly
18 approximately 820.52 feet to the north r/w of CTH F; thence westerly along the north
19 r/w of CTH F approximately 460.29 feet to the point of real beginning, said parcel
20 containing approximately 17.08 acres of land, is hereby rezoned from Exclusive
21 Agriculture (EA) to General Agriculture (GA).
22

Dated this 19th day of March 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 5 (2012/2013-99) Amending Zoning Map (Jeremy and Cheyenne LeClair). Upon vote, the motion carried unanimously.

No. 2012/2013 - 99

**ORDINANCE AMENDING ZONING MAP
(Jeremy and Cheyenne LeClair)**

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 February 25, 2013; 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 SE ¼, NW ¼, Section 19, T21N-R24E, Town of
12 Mishicot, Manitowoc County, Wisconsin, commencing at the center of said Section 19
13 which is the point of real beginning westerly 955.31 feet; thence northerly
14 approximately 255.11 feet; thence westerly approximately 336 feet; thence northerly
15 approximately 49.5 feet; thence easterly approximately 336 feet; thence northerly
16 approximately 1008.38 feet; thence easterly approximately 955.14 feet; thence southerly
17 1306.75 feet to the point of real beginning, said parcel containing approximately 28.94
18 acres of land, is hereby rezoned from Exclusive Agriculture (EA) to General Agriculture
19 (GA).

Dated this 19th day of March 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Cavanaugh to enact Ordinance 6 (2012/2013-100) Amending Manitowoc County Code Sec. 8.50 (Zoning Permit Expiration). Upon discussion and vote, the motion carried unanimously.

No. 2012/2013 - 100

**ORDINANCE AMENDING MANITOWOC COUNTY CODE SEC. 8.50
(Zoning Permit Expiration)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code provides for the issuance of zoning permits for
2 the construction, erection, movement, or alterations of structures, but does not provide for the
3 expiration of those permits; and
4

5 WHEREAS, it is in the county's interest to provide for the expiration of zoning permits if
6 the applicant or a successor-in-interest to the applicant does not act on the permit within a
7 reasonable period of time because of changes in circumstance over time may render the proposed
8 action undesirable;
9

10 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
11 ordain as follows:
12

13 Manitowoc County Code sec. 8.50(1m) is created to read as follows:
14

15 (1m) Expiration. A zoning permit expires if the construction, erection, movement, or
16 alteration of the structure for which the permit was issued is not commenced within 24
17 months from the date of the permit.
18

19 This ordinance is effective March 31, 2013.

Dated this 19th day of March 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 7 (2012/2013-101) Amending Creating Manitowoc County Code Ch. 24 (Large Wind Energy Systems). Upon vote, the motion carried unanimously.

**ORDINANCE CREATING MANITOWOC COUNTY CODE CH. 24
(Large Wind Energy Systems)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Public Service Commission has promulgated Wis. Admin. Code
2 Ch. 128 pertaining to Wind Energy Systems, which provides that if a political subdivision wants
3 installation or use of wind energy systems with a capacity of less than one hundred megawatts to be
4 regulated, the political subdivision must enact a local ordinance; and

5
6 WHEREAS, Wis. Admin. Code § 128.10(1) provides that a political subdivision may not
7 enact an ordinance whose requirements on the installation or use of a wind energy system are more
8 restrictive than specified in Wis. Admin. Code Ch. PSC 128; and

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

12
13 Manitowoc County Code Chapter 24, Large Wind Energy Systems, is adopted as follows:

14
15 **LARGE WIND ENERGY SYSTEMS**

16
17 **I. General Provisions.**

- 18
19 24.01 Title.
20 24.02 Authority.
21 24.03 Purpose.
22 24.04 Applicability.
23 24.05 Statutes, Regulations, and Rules.
24 24.06 Severability.
25 24.07 Effective Date.

26
27 **II. Definitions.**

- 28
29 24.08 Definitions.

30
31 **III. Application, Filing, and Approval Requirements.**

- 32
33 24.09 Application Requirements.
34 24.10 Filing Requirements.
35 24.11 Approval and Permit Requirement.
36 24.12 Conditions Required for Approval.

37
38 **IV. Local Regulations.**
39

40 24.13 Aerial Spraying.
41 24.14 Airport Approach Protection.
42 24.15 Annual Reports.
43 24.16 Emergency Procedures.
44 24.17 Financial Responsibility.
45 24.18 Information.
46 24.19 Lighting.
47 24.20 Monetary Compensation for Nonparticipating Residences.
48 24.21 Noise.
49 24.22 Ownership Change.
50 24.23 Permits.
51 24.24 Signal Interference.
52 24.25 Soil and Drainage System Protection.
53 24.26 Studies.

54
55 V. Local Procedure.

56
57 24.27 Costs and Fees.
58 24.28 Consultants.
59 24.29 Completeness Review.
60 24.30 Requests for Additional Information.
61 24.31 Approval Review.
62 24.32 Written Decision.
63 24.33 Modifications.
64 24.34 Third-Party Construction Inspector.
65 24.35 Postconstruction Filing Requirement.
66 24.36 Compliance Monitoring.
67 24.37 Decommissioning Review.
68 24.38 Appeals.

69
70 VI. Complaints.

71
72 24.39 Complaint Notice Requirements.
73 24.40 Complaint Monitoring.
74 24.41 Complaint Process.

75
76 VII. Violations, Enforcement, and Penalties.

77
78 24.42 Violations.
79 24.43 Enforcement.
80 24.44 Penalties.

81
82 I. GENERAL PROVISIONS

83
84 24.01 Title.

85

This ordinance may be referred to as the Large Wind Energy Systems Ordinance, the Large Wind Ordinance, or the LWES Ordinance.

24.02 Authority.

This ordinance is adopted pursuant to Wis. Stat. § 66.0401 and Wis. Admin. Code § PSC 128.

24.03 Purpose.

The purpose of this ordinance is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local regulations on the installation and use of large wind energy systems that are authorized by, compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease its efficiency, or allow for an alternative system of comparable cost and efficiency.

24.04 Applicability.

This ordinance applies to all lands within the boundaries of the county lying outside the limits of incorporated cities and villages.

24.05 Statutes, Regulations, and Rules.

(1) This ordinance is subject to the provisions of the Wisconsin Statutes and all regulations and rules promulgated thereunder.

(2) Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 are adopted and incorporated by reference.

24.06 Severability.

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

24.07 Effective Date.

The effective date of this ordinance is March 31, 2013.

II. DEFINITIONS.

24.08 Definitions.

“Department” means the Manitowoc County Planning and Zoning Department.

“Department director” or “director” means the director of the Manitowoc County Planning and Zoning Department or the department director’s designee.

“Permit” means a wind energy system permit issued by the Manitowoc County Planning and Zoning Department pursuant to this ordinance.

“Planning commission” means the Manitowoc County Planning and Park Commission.

“PSC 128” means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.

III. APPLICATION, FILING, AND APPROVAL REQUIREMENTS

24.09 Application Requirements.

- (1) An owner shall file an original application which contains the information required by PSC 128.30(2) with the department.
- (2) The owner shall submit 11 copies of the application to the department and one copy of the application to the clerk of each town in which any wind energy system facility is located.
- (3) The owner shall submit 1 digital copy of the application to the department in a format that is acceptable to the department.
- (4) Each copy of the application shall include all documents, drawings, maps, worksheets, and other materials that are included in the original application.

24.10 Filing Requirements.

- (1) Any document or paper required to be filed with the county pursuant to PSC 128 or this ordinance must be filed at or delivered to the department’s office.
- (2) Any document, paper, or other material submitted to the county that relates to an application must be delivered to the department’s office or submitted to the department on the record at a public hearing.
- (3) Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11-inches in size.

24.11 Approval and Permit Requirement.

- (1) An owner must obtain the county’s approval before constructing a wind energy system or expanding an existing or previously approved wind energy system, and no wind energy system may be installed, constructed, or expanded without a wind

energy system permit issued by the department.

- (2) A wind energy system permit issued by the department expires if construction of the wind energy system is not commenced within 24 months from the date of the permit.

24.12 Conditions Required for Approval.

- (1) An owner shall provide information about whether it has consulted with and received any non-binding recommendations for construction, operating, or decommissioning the wind energy system from any federal or state agency and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.
- (2) An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.
- (3) An owner shall submit a copy of all necessary state and federal permits and approvals to the county.
- (4) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.14(6)(b).
- (5) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.15(5)(b).
- (6) An owner shall provide information showing that it has complied with the financial responsibility requirements specified in secs. 24.17(2) and (3).

IV. LOCAL REGULATIONS

24.13 Aerial Spraying.

An owner shall offer an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located within one-half mile of a constructed wind turbine if the farm operator demonstrates all of the following:

- (1) Substantial evidence of a history, before the wind energy system owner gives notice under PSC 128.105(1), of using aerial spraying for pest control or disease prevention for growing potatoes, peas, snap beans, or sweet corn on all or part of a farm field located within one-half mile of a constructed wind turbine.
- (2) A material reduction in potato, pea, snap bean, or sweet corn production or a material increase in application costs on all or part of a farm field located within one-half mile of a constructed wind turbine as a result of the wind energy system's effect on aerial spraying practices.

224 24.14 Airport Approach Protection.

225
226 An owner may not construct wind energy system facilities that exceed the height or setback
227 limitations, or both, contained in Chapter 11, Airport Operations, Minimum Standards, and
228 Approach Protection.

229
230 24.15 Annual Reports.

231
232 An owner shall, on or before January 31 of each year, file an annual report with the
233 department documenting the operation and maintenance of the wind energy system during
234 the previous calendar year.

235
236 24.16 Emergency Procedures.

237
238 (1) An owner shall establish and maintain a liaison with each political subdivision within
239 which its wind energy systems facilities are located and with fire, police, and other
240 appropriate first responders serving the area in which the wind energy systems
241 facilities are located in order to create effective emergency plans as required by PSC
242 128.18(4)(b).

243
244 (2) An owner shall distribute a copy of its emergency plans to the following:

245
246 (a) Manitowoc County Office of Emergency Management
247 Attn: Emergency Management Director
248 1024 South 9th Street
249 Manitowoc, WI 54220

250
251 (b) Manitowoc County Sheriffs Department
252 Attn: Manitowoc County Sheriff
253 1025 South 9th Street
254 Manitowoc, WI 54220

255
256 (c) Clerk for any town or village within which its wind energy systems facilities
257 are located or that are within one-half mile of any of its wind energy systems
258 facilities.

259
260 (d) Clerk for any city within one-half mile of any of its wind energy systems
261 facilities.

262
263 (e) Any fire, police, or other first responder identified by the county's
264 emergency management director or the clerk of any city, village, or town
265 who has received a copy of the owner's emergency plans pursuant to pars.
266 (c) and (d).

267
268 (3) An owner shall provide annual training for the county's emergency management
269 department, sheriff's department, and any other fire, police, or other first responder

identified in the owner's emergency plans. An owner shall provide at least 8 hours of training during each calendar year and is responsible for all direct training costs.

- (4) If an owner is required to implement its emergency plans as the result of a wind energy system emergency, it shall conduct a review of employee activities to determine whether the procedures were effectively followed. The owner shall provide the county's emergency management director with a copy of its review. If the review results in any changes to its emergency plans, the owner shall distribute the revised emergency plans as provided in sub. (2).

24.17 Financial Responsibility.

- (1) An owner with a nameplate capacity of one megawatt or larger shall provide the county with financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities.
- (2) An owner shall provide the county with 3 estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county will be the average of the 3 estimates.
- (3) An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.30(5)(b), or the county approves the release of the funds, whichever occurs first. The financial assurance must also provide that the county may access the funds for the purpose of decommissioning the wind energy system if the owner does not decommission the system when decommissioning is required.
- (4) The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required.
- (5) The county may require an owner to submit a substitute financial insurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

24.18 Information.

- (1) An owner shall, within 30 days of consulting with any federal or state agency about

the construction, operation, or decommissioning of the wind energy system, provide the county with information about the reason for the consultation.

- (2) An owner shall, within 30 days of receiving any non-binding recommendation for the construction, operation, or decommissioning of the wind energy system from any federal or state agency, provide the county with information about the consultation and recommendation and whether the owner has incorporated the non-binding recommendation into the design of the wind energy system.

24.19 Lighting.

An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

24.20 Monetary Compensation for Nonparticipating Residences.

- (1) An owner shall offer an agreement to the owner of a nonparticipating residence, if the residence is located within one-half mile of a constructed wind turbine, that includes the following initial annual monetary compensation of \$600 for 1 turbine located within one-half mile of a nonparticipating residence, \$800 for two turbines located within one-half mile of a nonparticipating residence, and \$1,000 for 3 or more turbines located within one-half mile of a nonparticipating residence.
- (2) The initial annual monetary compensation under this subsection shall apply to agreements entered into in 2011. For agreements entered into in 2012 and thereafter, the initial annual amounts shall increase each year by the greater of two percent or the increase in the Consumer Price Index, as described in Wis. Stat. § 196.374(5)(bm)2 from the previous year.
- (3) An agreement offered under this subsection shall specify in writing any waiver of a requirement or right under this ordinance or PSC 128 and whether the landowner's acceptance of payment establishes the landowner's property as a participating property under this chapter.

24.21 Noise.

If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within 2 years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

24.22 Ownership Change.

(1) An owner shall provide the county with notice of any change in ownership of the wind energy system on or before the effective date of the change.

(2) A notice of change in ownership of the wind energy system shall include information showing that the financial responsibility requirements specified in secs. 24.17(2) and (3) will be met following the change in ownership.

24.23 Permits.

An owner shall submit a copy of all necessary state and federal permits and approvals to the county within 30 days of the owner's receipt of any permit or approval that was not provided with the owner's application.

24.24 Signal Interference.

(1) An owner may not construct wind energy systems facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety.

(2) An owner shall provide information showing that wind energy systems facilities will be in compliance with sub. (1). At a minimum, an owner must provide information showing that wind energy systems facilities will not be located within the line-of-sight communications paths connecting the following pairs of communications towers, which are used by Manitowoc County for emergency communications, whose locations are described using Manitowoc County coordinates:

(a) Kiel (X-133315.45; Y-236065.77) and
Liberty Tower (X-172207.20; Y-271117.45);

(b) Manitowoc (X-233381; Y-299218) and
Cato (X-180750; Y-3209973);

(c) Manitowoc (X-233381; Y-299218) and
Mishicot (X-244031; Y-355404);

(d) Cleveland WT (X-206682.6; Y-235358.04) and
Liberty Tower (X-172207.20; Y-271117.45);

(e) Liberty Tower (X-172207.20; Y-271117.45) and
Franklin (X-185775.53; Y-333484.18);

(f) Liberty Tower (X-172207.20; Y-271117.45) and
Manitowoc C&T Tower (X-233194.94; Y-299313.57);

(g) Manitowoc C&T Tower (X-233194.94; Y-299313.57) and
Two Rivers USCC Tower (X-250860.72; Y-335796.39);

- (h) Franklin (X-185775.53; Y-333484.18) and
Two Rivers USCC Tower (X-250860.72; Y-335796.39);
- (i) Franklin (X-185775.53; Y-333484.18) and
Two Creeks (X-261373.03; Y-365817.48);
- (j) Franklin (X-185775.53; Y-333484.18) and
Maribel WT (X-194873.32; Y-368261.55);
- (k) Two Rivers USCC Tower (X-250860.72; Y-335796.39) and
Two Creeks (X-261373.03; Y-365817.48); and
- (l) Maribel WT (X-194873.32; Y-368261.55) and
Two Creeks (X-261373.03; Y-365817.48).
- (3) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the wind energy system began commercial operations if the wind energy system is causing the interference and the interference occurs at a location at least one-half mile from a wind turbine. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
- (4) An owner shall, under a protocol established by PSC 128.50(2), implement a new technology solution that becomes commercially available before the wind energy system is decommissioned to address interference for which mitigation is required under PSC § 128.16(2) and (3) and for which the original mitigation solution is only partially effective.
- 24.25 Soil and Drainage System Protection.
- (1) An owner shall utilize all applicable best practices in the placement, construction, operation, and maintenance of its wind energy facilities in order to minimize soil compaction, protect the topsoil, prevent topsoil mixing, and avoid and repair any damage to drainage systems on agricultural land.
- (2) An owner shall describe the applicable best practices that it intends to use in the placement, construction, operation, and maintenance of its wind energy facilities in its application.
- 24.26 Studies.
- An owner shall cooperate with any study of the effects of wind energy systems that is coordinated by a state agency.

V. LOCAL PROCEDURE.

24.27 Costs and Fees.

- (1) An applicant shall pay an application fee of \$5,000 to the county at the time that it files its application.
- (2) An applicant is responsible for paying all costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts.
- (3) An owner is responsible for paying all costs incurred by the county in connection with monitoring compliance during construction and assessing when wind energy facilities are not maintained in good repair and operation condition.
- (4) The county shall invoice the applicant or owner for the actual and necessary costs incurred pursuant to this ordinance. The applicant or owner shall reimburse the county for those costs within 15 days of the date of invoice.

24.28 Consultants.

- (1) The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance.
- (2) The corporation counsel is authorized to contract with outside attorneys to perform necessary services in connection with this ordinance.

24.29 Completeness Review.

- (1) An application is complete if it complies with the filing requirements of this ordinance and of PSC 128.30(2) and 128.50(1).
- (2) An application is considered filed the day the owner notifies the department in writing that all the application materials have been filed.
- (3) The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed.
- (4) If the department determines that the application is incomplete, it shall provide the owner with written notice stating the reasons for the determination. The owner shall provide additional information specified in the notice, and an additional 45-day completeness review period will begin the day after the department receives responses to all items identified in the notice.

(5) If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

(6) If the county does not make a completeness determination within the applicable review period, the application is considered to be complete.

24.30 Requests for Additional Information.

(1) The department may request additional information necessary to understand the wind energy system after determining that an application is complete.

(2) An owner shall provide additional information in response to all reasonable requests.

(3) An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.

(4) If the owner fails to provide additional information requested within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to the payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

24.31 Approval Review.

(1) The department shall have 90 days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application.

(2) The review period may be extended upon written notice to the applicant for one or more of the following reasons; but the total time for all extensions may not exceed 90 days:

(a) Up to 45 days if additional information is needed.

(b) Up to 90 days if the applicant makes a material modification to the application.

(c) Up to 90 days for other good cause specified in writing.

(3) If the department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

(4) The planning commission shall hold one public hearing during the initial 90-day application review period for the purpose of receiving public comments on the application. A hearing notice will be published and the hearing will normally be

546 held at the first commission meeting following notice to the applicant that the
547 application is complete.

- 548
549 (5) Written comments will be accepted for 10 days following the close of the hearing.
550

551 24.32 Written Decision.
552

- 553 (1) The department shall issue a written decision to grant or deny an application for a
554 wind energy system. The written decision must include findings of fact supported
555 by evidence in the record. If an application is denied, the decision must specify the
556 reason for the denial.
557

- 558 (2) The department shall provide a duplicate original of its written decision to the owner
559 and the commission.
560

- 561 (3) The owner shall record the duplicate original of a decision approving an application
562 with the register of deeds.
563

564 24.33 Modifications.
565

- 566 (1) An owner shall comply with PSC 128.35 before making any material change to a
567 wind energy system.
568

- 569 (2) The department will conduct a review of any application for a material change in a
570 wind energy system as provided for in PSC 128.35(2).
571

572 24.34 Third-Party Construction Inspector.
573

- 574 (1) The department may contract with a third-party inspector to monitor and report to
575 the department regarding the owner's compliance with permit requirements during
576 construction.
577

- 578 (2) The inspector monitoring compliance under this section shall also report to a state
579 permitting authority upon the state permitting authority's request.
580

- 581 (3) The inspector shall make monthly written reports to the department.
582

- 583 (4) The owner shall reimburse the county for the actual and necessary cost of the
584 inspector.
585

586 24.35 Postconstruction Filing Requirement.
587

- 588 (1) Within 90 days of the date a wind energy system commences operation, the owner
589 shall file with the department and the commission an as-built description of the wind
590 energy system, an accurate map of the wind energy system showing the location of
591 all wind energy system facilities, geographic information system information

showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.

- (2) An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18 (1).

24.36 Compliance Monitoring.

- (1) An owner shall maintain a maintenance log for each wind turbine. The log must contain the following information regarding any maintenance performed on the wind turbine:
 - (a) date and time maintenance was performed.
 - (b) nature of the maintenance performed.
 - (c) reason for the maintenance.
- (2) An owner shall, at the owner's expense, provide the department with a copy of the maintenance log for each wind turbine for each month within 5 calendar days after the end of the month.
- (3) The department may retain such consultants or experts as it deems necessary to assess and determine whether the wind energy system facilities are compliant or to assess whether the wind energy system facilities are being maintained in good repair and operating condition.

24.37 Decommissioning Review.

- (1) An owner shall file a notice of decommissioning completion with the county and any political subdivision within which its wind energy systems facilities are located when a wind energy system approved by the county has been decommissioned and removed.
- (2) The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.29(1)(a) and whether the owner has complied with its site restoration obligation under PSC 128.29(4).
- (3) The owner shall cooperate with the county by participating in the decommissioning review process.

24.38 Appeals.

- (1) A decision by the department that the application is incomplete, to approve or

disapprove the application, or to impose a restriction on a wind energy system may be appealed to the commission.

(2) Any action by the county to enforce a restriction on a wind energy system may be appealed to the commission.

(3) An appeal must be filed with the commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

VI. COMPLAINTS.

24.39 Complaint Notice Requirements.

(1) An owner shall comply with the notice requirements contained in PSC 128.42(1).

(2) An owner shall, before construction of a wind energy system begins, provide the department with a copy of the notices issued pursuant to PSC 128.42(1).

(3) An owner shall, before construction of a wind energy system begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the department current.

24.40 Complaint Monitoring.

(1) An owner shall maintain a complaint log as required by PSC 128.40(2)(d).

(2) An owner shall, at the owner's expense, provide the department with a copy of the complaint log for each month within 5 calendar days after the end of the month.

(3) An owner shall, before construction of a wind energy system begins, provide the department with a written copy of the owner's complaint resolution process. An owner shall provide the department with a written copy of any changes to the complaint resolution process at least 30 days prior to implementing the change.

24.41 Complaint Process.

(1) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

(2) The petition for review must be filed with the department within 90 days of the date of the original complaint.

(3) The petition must include the following:

- 684 (a) name, address, and telephone number of the person filing the petition.
685
686 (b) copy of the original complaint to the owner.
687
688 (c) copy of the owner's initial response.
689
690 (d) statement describing the unresolved complaint.
691
692 (e) statement describing the desired remedy.
693
694 (f) any other information the complainant deems relevant to the complaint.
695
696 (g) notarized signature of the person filing the petition.
697
698 (4) The department shall forward a copy of the petition to the owner by certified mail
699 within 10 days of the department's receipt of the petition.
700
701 (5) The owner shall file an answer to the petition with the department and provide a
702 copy of its answer to the complainant within 30 days of its receipt of the petition.
703
704 (6) The answer must include the following:
705
706 (a) name, address, and telephone number of the person filing the answer.
707
708 (b) statement describing the actions taken by the owner in response to the
709 complaint.
710
711 (c) statement of the reasons why the owner believes that the complaint has been
712 resolved or why the complaint remains unresolved.
713
714 (d) statement describing any additional action the owner plans or is willing to
715 take to resolve the complaint.
716
717 (e) any other information the owner deems relevant to the complaint.
718
719 (f) notarized signature of the person filing the answer.
720
721 (7) The complainant and the owner may, within 30 days following the owner's filing of
722 its answer, file such additional information with the department as each deems
723 appropriate.
724
725 (8) The department may request such additional information from the complainant and
726 the owner as it deems necessary to complete its review.
727
728 (9) The department may retain such consultants or experts as it deems necessary to
729 complete its review.

(10) The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.

(11) The department's decision and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

PART VII. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

24.42 Violations.

(1) It is unlawful for any person to violate any provision of this ordinance.

(2) It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to a county agent, board, commission, committee, department, employee, official, or officer 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 a permit or order issued pursuant to this ordinance.

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

24.43 Enforcement.

(1) Department Authority. The department shall enforce this ordinance and may conduct inspections and investigate complaints relating to compliance with this ordinance.

(2) Inspection Authority. The department may request permission to inspect, at a reasonable time and date, any premises or structure for which a permit has been applied for or granted to determine compliance with this ordinance. Refusal to grant permission is grounds for denial or revocation of a permit. If permission is not given, the department may apply for, obtain, and execute a special inspection warrant pursuant to Wis. Stat. § 66.0119.

(3) Notice of Noncompliance. If the department finds a violation of any provision of this ordinance, the department may issue a written notice to the owner stating the conditions of non-compliance, specifying the action required to come into compliance, and providing a reasonable amount of time within which compliance is required.

(4) Permit Revocation Authority. The department may revoke a permit for substantial noncompliance with any provision of this ordinance, refusal to permit inspection of wind energy systems facilities for which a permit has been granted, or failure to comply with the action requirement contained in a notice of noncompliance.

- 776 (5) Citation Authority. The department may issue a citation for any violation of this
777 ordinance. The department is not required to issue a notice of noncompliance or take
778 any other action prior to issuing a citation.
779
- 780 (6) Legal Referral. The department may refer a violation of this ordinance to
781 corporation counsel for legal action, including an action seeking injunctive relief.
782 The department is not required to issue a notice of noncompliance or take any other
783 action prior to referring a violation to corporation counsel.
784
- 785 (7) Other Enforcement Means. Nothing in this section may be construed to prevent the
786 county from using any other lawful means to enforce this ordinance.
787

788 24.44 Penalties.
789

- 790 (1) A person will, upon conviction for any violation of this ordinance, forfeit not less
791 than \$100 nor more than \$1,000 for each offense, together with the costs of
792 prosecution for each violation, and may be ordered to take such action as is
793 necessary to abate the offense within a specified time.
794
- 795 (2) The minimum and maximum forfeitures specified in this section are doubled each
796 time that a person is convicted for the same violation of this ordinance within any 12
797 month period.
798
- 799 (3) A person who has the ability to pay a forfeiture entered pursuant to this ordinance,
800 but who fails or refuses to do so may be confined in the county jail until the
801 forfeiture and costs are paid, but the period of confinement may not exceed 30 days.
802 In determining whether a person has the ability to pay, all items of income and all
803 assets may be considered regardless of whether the income and assets are subject to
804 garnishment, lien, or attachment by creditors.
805
- 806 (4) The failure of a county employee, official, or officer to perform an official duty
807 imposed by a section of this code will not subject the employee, official, or officer
808 to a penalty unless the section imposing the duty also specifies the penalty.

Dated this 19th day of March 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Kopecky to enact Ordinance 8 (2012/2013-102) Creating Manitowoc County Code Ch. 25 (Small Wind Energy Systems). Upon vote, the motion carried unanimously.

**ORDINANCE CREATING MANITOWOC COUNTY CODE CH. 25
(Small Wind Energy Systems)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Public Service Commission has promulgated Wis. Admin. Code
2 Ch. 128 pertaining to Wind Energy Systems, which provides that if a political subdivision wants
3 installation or use of wind energy systems with a capacity of less than one hundred megawatts to be
4 regulated, the political subdivision must enact a local ordinance; and

5
6 WHEREAS, Wis. Admin. Code § 128.10(1) provides that a political subdivision may not
7 enact an ordinance whose requirements on the installation or use of a small wind energy system are
8 more restrictive than specified in Wis. Admin. Code Ch. PSC 128; and

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

12
13 Manitowoc County Code Chapter 25, Small Wind Energy Systems, is adopted as follows:

14
15 **SMALL WIND ENERGY SYSTEMS**

16
17 **I. General Provisions.**

- 18
19 25.01 Title.
20 25.02 Authority.
21 25.03 Purpose.
22 25.04 Applicability.
23 25.05 Statutes, Regulations, and Rules.
24 25.06 Severability.
25 25.07 Effective Date.

26
27 **II. Definitions.**

- 28
29 25.08 Definitions.

30
31 **III. Permit, Application, and Filing Requirements.**

- 32
33 25.09 Zoning Permit Requirements.
34 25.10 Application Requirements.
35 25.11 Filing Requirements.
36 25.12 Conditions Required for Approval.

37
38 **IV. Local Regulations.**
39

- 40 25.13 Airport Approach Protection.
- 41 25.14 Abandonment and Decommissioning.
- 42 25.15 Code Compliance.
- 43 25.16 Electrical Wires.
- 44 25.17 Equipment Access.
- 45 25.18 Lighting.
- 46 25.19 Noise.
- 47 25.20 Ownership Change.
- 48 25.21 Permits.
- 49 25.22 Setbacks.
- 50 25.23 Signal Interference.
- 51 25.24 Utility Interconnection.

52

53 V. Local Procedure.

54

- 55 25.25 Application Processing.
- 56 25.26 Completeness Review.
- 57 25.27 Requests for Additional Information.
- 58 25.28 Approval Review.
- 59 25.29 Written Decision.
- 60 25.30 Modifications.
- 61 25.31 Post Construction Filing Requirement.
- 62 25.32 Decommissioning Review.
- 63 25.33 Appeals.

64

65 VI. Complaints.

66

- 67 25.34 Complaint Process.

68

69 VII. Violations, Enforcement, and Penalties.

70

- 71 25.35 Violations.
- 72 25.36 Enforcement.
- 73 25.37 Penalties.

74

75 I. GENERAL PROVISIONS

76

- 77 25.01 Title.

78

79 This ordinance may be referred to as the Small Wind Energy System Ordinance, the Small
80 Wind Ordinance, or the SWES Ordinance.

81

- 82 25.02 Authority.

83

84 This ordinance is adopted pursuant to Wis. Stat. § 66.0401 and Wis. Admin. Code § PSC
85 128.

86 25.03 Purpose.

87
88 The purpose of this ordinance is to adopt and incorporate the requirements of Wis. Stat. §
89 66.0401 and Wis. Admin. Code Ch. PSC 128 as a local ordinance and to establish local
90 regulations on the installation and use of small wind energy systems that are authorized by,
91 compliant with, and no more restrictive than the rules promulgated by the Wisconsin Public
92 Service Commission and that serve to preserve or protect the public health or safety, do not
93 significantly increase the cost of the system or significantly decrease its efficiency, or allow
94 for an alternative system of comparable cost and efficiency.

95
96 25.04 Applicability.

97
98 This ordinance applies to all lands within the boundaries of the county lying outside the
99 limits of incorporated cities and villages.

100
101 25.05 Statutes, Regulations, and Rules.

- 102
103 (1) This ordinance is subject to the provisions of the Wisconsin Statutes and all
104 regulations and rules promulgated thereunder.
105
106 (2) Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 are adopted and
107 incorporated by reference.
108

109 25.06 Severability.

110
111 The provisions of this ordinance are severable and the invalidity of any part of this ordinance
112 will not affect the validity of the remainder of the ordinance.
113

114 25.07 Effective Date.

115
116 The effective date of this ordinance is March 31, 2013.
117

118 II. DEFINITIONS.

119
120 25.08 Definitions.

121
122 In this ordinance:

123
124 “Department” means the Manitowoc County Planning and Zoning Department.
125

126 “Department director” or “director” means the director of the Manitowoc County Planning
127 and Zoning Department or the department director’s designee.
128

129 “MCC” means Manitowoc County Code.

130
131 “Permit” means a zoning permit issued by the Manitowoc County Planning and Zoning

Department pursuant to this ordinance.

“Planning commission” means the Manitowoc County Planning and Park Commission.

“PSC 128” means Wis. Admin. Code Ch. PSC 128, Wind Energy Systems.

III. PERMIT, APPLICATION, AND FILING REQUIREMENTS

25.09 Zoning Permit Requirements.

- (1) Permit Requirement. The owner must apply for and receive a zoning permit from the department before installing, constructing, or expanding any small wind energy system.
- (2) Permit Fee. The owner must pay an application fee of \$350 at the time the application for a small wind energy system is filed with the department.
- (3) Permit Expiration. A zoning permit issued by the department expires if construction of the small wind energy system is not commenced within 24 months from the date of the permit or if the small wind energy system is not installed and functioning within 12 months from the date construction begins.

25.10 Application Requirements.

- (1) The owner must file an application that contains the information specified in PSC 128.30, except as amended by PSC 128.61(6).
- (2) A plan must be submitted that includes information specified in MCC § 8.50(2). The owner must also provide the following additional information on the plan or as part of the permit application:
 - (a) Location of any overhead utility lines on or adjacent to the property;
 - (b) Description and specifications of the components of the small wind energy system, including the manufacturer, model, capacity, blade length, and total height of the small wind energy system; and
 - (c) Blueprints or drawings which have been approved by a registered professional engineer for any tower and tower foundation.

25.11 Filing Requirements.

- (1) Any document or paper required to be filed with the county pursuant to PSC 128 or this ordinance must be filed at or delivered to the department’s office.
- (2) Any document, paper, or other material submitted to the county that relates to an

application must be delivered to the department's office.

- (3) Any document or paper filed or otherwise submitted by an owner or any other interested party that relates to an application must be 8-1/2 x 11 inches in size. A person who wishes to submit a paper that is larger than 8-1/2 x 11 inches in size shall also submit a reduced copy that is 8-1/2 x 11-inches in size.

25.12 Conditions Required for Approval.

- (1) An owner shall provide information showing that it has complied with the notification requirements of PSC 128.105(1), as amended by PSC 128.61(1).
- (2) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.14(6)(b), as amended by PSC 128.61(4).
- (3) An owner shall provide information showing that it has complied with the notification requirements specified in PSC 128.15(5)(b).

IV. LOCAL REGULATIONS.

25.13 Airport Approach Protection.

An owner may not construct small wind energy system facilities that exceed the height or setback limitations, or both, contained in Chapter 11, Airport Operations, Minimum Standards, and Approach Protection.

25.14 Abandonment and Decommissioning.

- (1) A small wind energy system that does not generate electricity for a continuous period of 540 days will be deemed abandoned and the department may issue a Notice of Abandonment to the owner.
- (2) If, within 30 days of receipt of a Notice of Abandonment, the owner provides the department with information showing that the small wind energy system has not been abandoned, the department will withdraw the Notice.
- (3) Unless the department withdraws the Notice of Abandonment, a small wind energy system tower must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove a small wind energy system and reclaim the site, the county may remove or cause the removal of the small wind energy system and arrange for the reclamation of the site. The cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

25.15 Code Compliance.

A small wind energy system must comply with the National Electrical Code and all applicable state construction and electrical codes. The owner must provide certification from a state licensed inspector showing that the small wind energy system complies with all applicable codes before placing the small wind energy system into operation.

25.16 Electrical Wires.

All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

25.17 Equipment Access.

All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access.

25.18 Lighting.

(1) A small wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration.

(2) An owner shall use shielding or control systems approved by the federal aviation administration to reduce visibility of light to individuals on the ground.

25.19 Noise.

(1) The noise generated by the operation of a small wind energy system may not exceed 50 dB(A) during the daytime hours and 45 dB(A) during the nighttime hours as measured at the outside wall of a nonparticipating residence or occupied community building that existed when the owner gave notice pursuant to PSC 128.105(1) or for which complete publically-available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.105(1).

(2) The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the small wind energy system of the requirement to meet any of the noise limits in this section by written contract as provide in PSC 128.14(5) and (6).

(3) The owner shall provide the notice as prescribed by PSC 128.61(4).

(4) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the department with the results of an accurate test conducted within 2 years of the date of the complaint showing that the small wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate

compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

25.20 Ownership Change.

An owner shall provide the county with notice of any change in ownership of the small wind energy system on or before the effective date of the change.

25.21 Permits.

An owner shall submit a copy of all necessary state and federal permits and approvals to the department.

25.22 Setbacks.

(1) A small wind energy system must be set back at least 1.0 times the maximum blade tip height from any nonparticipating property line, nonparticipating residence, occupied community building, or overhead communication and electrical transmission line, not including utility service lines to individual houses or outbuildings.

(2) The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the required setback distance.

25.23 Signal Interference.

(1) An owner may not construct small wind energy systems facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety.

(2) An owner shall provide information showing that small wind energy systems facilities will be in compliance with sub. (1). At a minimum, an owner must provide information showing that small wind energy systems facilities will not be located with the line-of-sight communications paths connecting the following pairs of communications towers, which are used by Manitowoc County for emergency communications, whose locations are described using Manitowoc County coordinates:

(a) Kiel (X-133315.45; Y-236065.77) and
Liberty Tower (X-172207.20; Y-271117.45);

(b) Manitowoc (X-233381; Y-299218) and
Cato (X-180750; Y-3209973);

(c) Manitowoc (X-233381; Y-299218) and
Mishicot (X-244031; Y-355404);

- (d) Cleveland WT (X-206682.6; Y-235358.04) and Liberty Tower (X-172207.20; Y-271117.45);
 - (e) Liberty Tower (X-172207.20; Y-271117.45) and Franklin (X-185775.53; Y-333484.18);
 - (f) Liberty Tower (X-172207.20; Y-271117.45) and Manitowoc C&T Tower (X-233194.94; Y-299313.57);
 - (g) Manitowoc C&T Tower (X-233194.94; Y-299313.57) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
 - (h) Franklin (X-185775.53; Y-333484.18) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
 - (i) Franklin (X-185775.53; Y-333484.18) and Two Creeks (X-261373.03; Y-365817.48);
 - (j) Franklin (X-185775.53; Y-333484.18) and Maribel WT (X-194873.32; Y-368261.55);
 - (k) Two Rivers USCC Tower (X-250860.72; Y-335796.39) and Two Creeks (X-261373.03; Y-365817.48); and
 - (l) Maribel WT (X-194873.32; Y-368261.55) and Two Creeks (X-261373.03; Y-365817.48).
- (3) An owner shall use reasonable and commercially available technology to mitigate interference with personal communications that were not in use when the small wind energy system began operation if the small wind energy system is causing the interference and the interference occurs at a location at least one-half mile from a wind turbine. Except as provided in sub. (4), an owner shall mitigate personal communications interference caused by the small wind energy system by making the affected party's preferred reasonable mitigation solution effective until either the small wind energy system is decommissioned or the communication is no longer in use, whichever is earlier.
- (4) An owner shall, under a protocol established by PSC 128.50(2), implement a new technology solution that becomes commercially available before the small wind energy system is decommissioned to address interference for which mitigation is required under PSC § 128.16(2) and (3) and for which the original mitigation solution is only partially effective.

25.24 Utility Interconnection.

A small wind energy system that connects to the electric utility must comply with Wis.

Admin. Code § PSC 119, Rules for Interconnecting Distributed Generation Facilities.

V. LOCAL PROCEDURE.

25.25 Application Processing.

- (1) The application for a zoning permit will be processed following the procedures set forth in MCC § 8.50.
- (2) An owner shall, on the same day that it files an application for a small wind energy system, use commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located adjacent to the small wind energy system. The notice shall contain the information specified in PSC 128.30(5).
- (3) Upon receipt of an application, the department shall publish the notice required by Wis. Stat. § 66.0401(4)(a)(1) and PSC 128.30(5)(b).
- (4) The department will accept written comments on the application for a period of 10 days following the date of the published notice.
- (5) If the permit application is denied, the department will notify the owner in writing and provide a written statement of the reason why the application was denied. The owner may appeal the department's decision to the Board of Adjustment as provided by MCC § 8.19(7).

25.26 Completeness Review.

- (1) An application is complete if it complies with the filing requirements of this ordinance and of PSC 128.30(2) and 128.50(1).
- (2) An application is considered filed the day the owner notifies the department in writing that all the application materials have been filed.
- (3) The department shall determine the completeness of an application and shall notify the owner in writing of the completeness determination no later than 45 days after the day the application is filed.
- (4) If the department determines that the application is incomplete, it shall provide the owner with written notice stating the reasons for the determination. The owner shall provide additional information specified in the notice, and an additional 45-day completeness review period will begin the day after the department receives responses to all items identified in the notice.
- (5) If the owner fails to provide additional information specified in the notice of an incomplete application within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to payment of a new

application fee. There is no limit to the number of times that an owner may refile an application.

- (6) If the county does not make a completeness determination within the applicable review period, the application is considered to be complete.

25.27 Requests for Additional Information.

- (1) The department may request additional information necessary to understand the small wind energy system after determining that an application is complete.
- (2) An owner shall provide additional information in response to all reasonable requests.
- (3) An owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.
- (4) If the owner fails to provide additional information requested within 90 days, the application will be deemed abandoned. The owner may refile the application at a later date, subject to the payment of a new application fee. There is no limit to the number of times that an owner may refile an application.

25.28 Approval Review.

- (1) The department shall have 90 days from the date that it notifies the owner that the application is complete in which to approve or disapprove the application.
- (2) The review period may be extended upon written notice to the applicant for one or more of the following reasons; but the total time for all extensions may not exceed 90 days:
 - (a) Up to 45 days if additional information is needed.
 - (b) Up to 90 days if the applicant makes a material modification to the application.
 - (c) Up to 90 days for other good cause specified in writing.
- (3) If the department fails to act within the 90 days, or within any extended time period, the application will be considered approved.

25.29 Written Decision.

- (1) The department shall issue a written decision to grant or deny an application for a small wind energy system. The written decision must include findings of fact supported by evidence in the record. If an application is denied, the decision must specify the reason for the denial.

- 454
455 (2) The department shall provide a duplicate original of its written decision to the owner
456 and the commission.
457
458 (3) The owner shall record the duplicate original of a decision approving an application
459 with the register of deeds.
460
461 25.30 Modifications.
462
463 (1) An owner shall comply with PSC 128.35 before making any material change to a
464 small wind energy system.
465
466 (2) The department will conduct a review of any application for a material change in a
467 small wind energy system as provided for in PSC 128.35(2).
468
469 25.31 Postconstruction Filing Requirement.
470
471 (1) Within 90 days of the date a small wind energy system commences operation, the
472 owner shall file with the department and the commission an as-built description of
473 the small wind energy system, an accurate map of the small wind energy system
474 showing the location of all small wind energy system facilities, geographic
475 information system information showing the location of all small wind energy
476 system facilities, and current information identifying the owner of the small wind
477 energy system.
478
479 (2) An owner shall label each wind turbine location described in its filing and shown on
480 the map of the small wind energy system with a unique identifier consistent with the
481 information posted at the wind turbine location under PSC 128.18 (1).
482
483 25.32 Decommissioning Review.
484
485 (1) An owner shall file a notice of decommissioning completion with the county and any
486 political subdivision within which its small wind energy systems facilities are located
487 when a small wind energy system approved by the county has been decommissioned
488 and removed.
489
490 (2) The department shall conduct a decommissioning review to determine whether the
491 owner has decommissioned and removed the small wind energy system as required
492 by PSC 128.29(1)(a) and whether the owner has complied with its site restoration
493 obligation under PSC 128.29(4).
494
495 (3) The owner shall cooperate with the county by participating in the decommissioning
496 review process.
497
498 25.33 Appeals.
499

- (1) A decision by the department that the application is incomplete, to approve or disapprove the application, or to impose a restriction on a small wind energy system may be appealed to the commission.
- (2) Any action by the county to enforce a restriction on a small wind energy system may be appealed to the commission.
- (3) An appeal must be filed with the commission within 30 days after the date of the decision or the start of the enforcement action that is being appealed.

PART VI. COMPLAINTS.

25.34 Complaint Process.

- (1) An aggrieved person who has made a complaint to an owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.
- (2) The petition for review must be filed with the department within 90 days of the date of the original complaint.
- (3) The petition must include the following:
 - (a) name, address, and telephone number of the person filing the petition.
 - (b) copy of the original complaint to the owner.
 - (c) copy of the owner's initial response.
 - (d) statement describing the unresolved complaint.
 - (e) statement describing the desired remedy.
 - (f) any other information the complainant deems relevant to the complaint.
 - (g) notarized signature of the person filing the petition.
- (4) The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department's receipt of the petition.
- (5) The owner shall file an answer to the petition with the department and provide a copy of its answer to the complainant within 30 days of its receipt of the petition.
- (6) The answer must include the following:
 - (a) name, address, and telephone number of the person filing the answer.

- (b) statement describing the actions taken by the owner in response to the complaint.
- (c) statement of the reasons why the owner believes that the complaint has been resolved or why the complaint remains unresolved.
- (d) statement describing any additional action the owner plans or is willing to take to resolve the complaint.
- (e) any other information the owner deems relevant to the complaint.
- (f) notarized signature of the person filing the answer.
- (7) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the department as each deems appropriate.
- (8) The department may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- (9) The department may retain such consultants or experts as it deems necessary to complete its review.
- (10) The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- (11) The department's decision and enforcement action is subject to review under Wis. Stat. § 66.0401(5).

PART VII. VIOLATIONS, ENFORCEMENT, AND PENALTIES.

25.35 Violations.

- (1) It is unlawful for any person to violate any provision of this ordinance.
- (2) It is unlawful for any person to knowingly provide false information, make a false statement, fail to provide, or misrepresent any material fact to a county agent, board, commission, committee, department, employee, official, or officer 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 a permit or order issued pursuant to this ordinance.
- (4) A separate offense is deemed committed on each day that a violation occurs or continues.

593 25.36 Enforcement.

- 594
- 595 (1) Department Authority. The department shall enforce this ordinance and may
- 596 conduct inspections and investigate complaints relating to compliance with this
- 597 ordinance.
- 598
- 599 (2) Inspection Authority. The department may request permission to inspect, at a
- 600 reasonable time and date, any premises or structure for which a permit has been
- 601 applied for or granted to determine compliance with this ordinance. Refusal to grant
- 602 permission is grounds for denial or revocation of a permit. If permission is not
- 603 given, the department may apply for, obtain, and execute a special inspection warrant
- 604 pursuant to Wis. Stat. § 66.0119.
- 605
- 606 (3) Notice of Noncompliance. If the department finds a violation of any provision of
- 607 this ordinance, the department may issue a written notice to the owner stating the
- 608 conditions of non-compliance, specifying the action required to come into
- 609 compliance, and providing a reasonable amount of time within which compliance is
- 610 required.
- 611
- 612 (4) Permit Revocation Authority. The department may revoke a permit for substantial
- 613 noncompliance with any provision of this ordinance, refusal to permit inspection of
- 614 small wind energy systems facilities for which a permit has been granted, or failure
- 615 to comply with the action requirement contained in a notice of noncompliance.
- 616
- 617 (5) Citation Authority. The department may issue a citation for any violation of this
- 618 ordinance. The department is not required to issue a notice of noncompliance or take
- 619 any other action prior to issuing a citation.
- 620
- 621 (6) Legal Referral. The department may refer a violation of this ordinance to
- 622 corporation counsel for legal action, including an action seeking injunctive relief.
- 623 The department is not required to issue a notice of noncompliance or take any other
- 624 action prior to referring a violation to corporation counsel.
- 625
- 626 (7) Other Enforcement Means. Nothing in this section may be construed to prevent the
- 627 county from using any other lawful means to enforce this ordinance.
- 628

629 25.37 Penalties.

- 630
- 631 (1) A person will, upon conviction for any violation of this ordinance, forfeit not less
- 632 than \$100 nor more than \$1,000 for each offense, together with the costs of
- 633 prosecution for each violation, and may be ordered to take such action as is
- 634 necessary to abate the offense within a specified time.
- 635
- 636 (2) The minimum and maximum forfeitures specified in this section are doubled each
- 637 time that a person is convicted for the same violation of this ordinance within any 12
- 638 month period.
- 639

- 640 (3) A person who has the ability to pay a forfeiture entered pursuant to this ordinance,
641 but who fails or refuses to do so may be confined in the county jail until the
642 forfeiture and costs are paid, but the period of confinement may not exceed 30 days.
643 In determining whether a person has the ability to pay, all items of income and all
644 assets may be considered regardless of whether the income and assets are subject to
645 garnishment, lien, or attachment by creditors.
646
647 (4) The failure of a county employee, official, or officer to perform an official duty
648 imposed by a section of this code will not subject the employee, official, or officer
649 to a penalty unless the section imposing the duty also specifies the penalty.

Dated this 19th day of March 2013.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack reported that the next meeting will be March 25.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Vogel to adopt Resolution 10 (2012/2013-103) Authorizing Inmate/Detainee Health Services Contract (Advanced Correctional Healthcare, Inc.). Upon vote, the motion carried with 19 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 103

**RESOLUTION AUTHORIZING
INMATE/DETAINEE HEALTH SERVICES CONTRACT
(Advanced Correctional Healthcare, Inc.)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

- 1 WHEREAS, the Sheriff has a statutory duty to provide adequate, necessary medical care for
2 inmates and detainees in the Manitowoc County Jail; and
3
4 WHEREAS, the Sheriff has determined that the most effective and efficient way to meet this
5 statutory duty is by entering into a contract with a company that provides professional and
6 responsive health care services to correctional and other incarceration facilities; and
7
8 WHEREAS, the Sheriff proposes entering into a contract with Advanced Correctional
9 Healthcare, Inc. to provide health care services to inmates and detainees in the Manitowoc County
10 Jail; and
11

12 WHEREAS, the Corporation Counsel has reviewed the proposed contract; and

13
14 WHEREAS, the Public Safety Committee has reviewed the proposed contract and
15 recommends that the County Board authorize the Sheriff to enter into the contract;

16
17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
18 authorizes the Sheriff and such other officials as may be necessary to enter into a contract with
19 Advanced Correctional Healthcare, Inc. to provide health care services for inmates and detainees
20 in Manitowoc County Jail.

Dated this 19th day of March 2013.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No fiscal impact upon application of carry-over funds.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Weiss gave a brief report.

Transportation Coordinating Committee: Supervisor Weiss gave a brief report.

Miscellaneous: Human Services Board and Public Safety Committee: Supervisor Metzger moved, seconded by Supervisor Henrickson to adopt Resolution 11 (2012/2013-104) Authorizing Out-of-State Travel (Stacy Ledvina, Patricia Koppa, and Judy Wiesbrook). Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Kohlman voted no; all other supervisors voted aye.

No. 2012/2013 - 104

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Stacy Ledvina, Patricia Koppa, and Judy Wiesbrook)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Human Services Department has been developing alternatives to placing
2 children in secure detention; and

3
4 WHEREAS, Youth and Family Services Supervisor Stacy Ledvina, Circuit Court
5 Commissioner Patricia Koppa, and Restorative Justice Program Coordinator Judy Wiesbrook are
6 part of a team that is meeting to develop detention alternatives for Manitowoc County with the
7 support, guidance, and funding from the Annie E. Casey Foundation; and

8
9 WHEREAS, Stacy Ledvina, Patricia Koppa, and Judy Wiesbrook have been invited to attend
10 the Juvenile Detention Alternatives Conference in Atlanta, Georgia from April 16 – 18, 2013; and

11
12 WHEREAS, all travel expenses will be paid by the Annie E. Casey Foundation, and staff

13 will benefit from the information provided at the conference;

14

15 NOW, THEREFORE, BE IT RESOLVED, that the Manitowoc County Board of Supervisors
16 authorizes Stacy Ledvina, Patricia Koppa, and Judy Wiesbrook to travel out-of-state to attend the
17 Juvenile Detention Alternatives Conference scheduled for April 16 – 18, 2013 in Atlanta, Georgia.

Dated this 19th day of March 2013.

Respectfully submitted by the Human Services Board and the Public Safety Committee.

FISCAL IMPACT: Conference costs, including lodging, meals, and travel, will be paid by the Annie E. Casey Foundation. Estimated personnel cost for staff to attend the conference: Stacy Ledvina – \$1,230; Patricia Koppa – \$1,597, and Judy Wiesbrook – \$726.

APPROVED: Bob Ziegelbauer, County Executive.

Announcement: Chairperson Hansen announced that the next County Board meeting will be April 9.

Supervisor Metzger moved to adjourn, seconded by Supervisor Vogel, and the motion was adopted by acclamation. The meeting adjourned at 8:33 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

COUNTY BOARD PROCEEDINGS INDEX

APPOINTMENTS

April 24, 2012 Session:

- ▶ Manitowoc-Calumet Library System Board of Trustees: Faye Konen and Alex Olson.
- ▶ Human Services Board: Kevin Schmidt.
- ▶ Planning and Park Commission: Mary Muench.
- ▶ Transportation Coordinating Committee: Don Goeke, Rose Mary Hickman, Jim Muenzenmeyer and Steve Roekle.

May 15, 2012 Session:

- ▶ Silver Lake Inland Lake Protection & Rehabilitation District Board: Supervisor Melvin Waack.
- ▶ Local Emergency Planning Committee: Eric Storm and alternate Brian Helminger.
- ▶ Transportation Coordinating Committee: David Osterloth.

June 19, 2012 Session:

- ▶ Long Term Support Planning Committee: Supervisor Laurie Burke and Lisa Stephan.
- ▶ Traffic Safety Commission: Larry Zimney.
- ▶ Local Emergency Planning Committee: Bob Ziegelbauer.
- ▶ Kiel Public Library Board of Trustees: Ananda Hughes, Michelle May and David Stoelting.
- ▶ Lakeland Care District Board: Supervisor James Brey.
- ▶ Northeast Wisconsin Regional Economic Partnership: David Less, Connie Loden and Dan Pawlitzke.
- ▶ Planning & Park Commission: Jim VanLanen.

July 17, 2012 Session:

- ▶ Board of Adjustment: Charles Nate.
- ▶ Joint Dispatch Board: Kevin Siehr and alternate Dave Murack, Scott Schneider and alternate Gene LeClair.

August 21, 2012 Session:

- ▶ Board of Adjustment: Alternate Rose Kocourek.
- ▶ Planning and Park Commission: Supervisor Chuck Hoffman.
- ▶ Land Information Council: Dean Dvorak, Colin Rayford and Michelle Yanda.

September 18, 2012 Session:

- ▶ Bay-Lake Regional Planning Commission: Valerie Mellon.

October 9, 2012 Session:

- ▶ Expo-Ice Center Board: Jody Beyer, Christine Kocourek, Mike Plate, Rob Voss and Russell Zipperer.
- ▶ Expo-Ice Center Board: Michelle Hackmann.

APPOINTMENTS continued...

November 20, 2012 Session:

- ▶ ADRC of the Lakeshore Board: Melvin Bourgeois (Manitowoc Co.) and Mary Noah (Kewaunee Co.).
- ▶ Joint Dispatch Board: Jo Ann Mignon and alternate Tim Barber.
- ▶ Veterans Service Commission: Tom Hoffman.

December 18, 2012 Session:

- ▶ Human Services' Co-Directors: Patricia Dodge-Business Operations Division, Nancy Randolph-Child and Family Services Division Manager, Jeff Jenswold-Clinical Services Division Manager and Lori Garceau-Economic Support Division Manager.
- ▶ Manitowoc-Calumet Library System Board of Trustees: Alex Olson, Cheryl Nessman and Robert C. Vollendorf..
- ▶ Human Services Board: Tom Davis.
- ▶ Commission on Aging: Melvin Bourgeois, Connie Gulash, Shirley Fessler, Mona Lou Horstketter, Supervisor Melvin Waack and Supervisor Catherine Wagner.

January 15, 2013 Session:

- ▶ District 8-County Board Supervisor: Martha Rasmus.
- ▶ Human Services Board: Supervisor Mike Bauknecht.
- ▶ Ethics Board: Jay Muchin.
- ▶ Manitowoc-Calumet Library System Board of Trustees: Rachel Gillis.

February 26, 2013 Session:

- ▶ Local Emergency Planning Committee: Gary Shavlik and alternate Lee Stadler.
- ▶ Manitowoc-Calumet Library System Board of Trustees: Debra Heus.

March 19, 2013 Session:

- ▶ Wisconsin Counties Utility Tax Association: Supervisor Chuck Hoffman.
- ▶ Board of Health: Dr. Mary Jo Capodice, Shirley Fessler, Michele Frozena and Frank Rodriguez.
- ▶ Manitowoc Public Library Board of Trustees: Supervisor Todd Holschbach.
- ▶ Long Term Support Planning Committee: Supervisor Rick Henrickson, Joyce Kress-Hauser and Nancy Randolph.
- ▶ Community Action Program: Supervisor Rita Metzger.
- ▶ Local Emergency Planning Committee: John Burriss and alternate Bonny Range.

COMMUNICATIONS

April 17, 2012 Session:

1. Corporation Counsel Steven J. Rollins – Notification of Dismissal of Discrimination Complaint Filed by Scott Lewis.
2. Corporation Counsel Steven J. Rollins – Memo from Corporation Counsel Regarding Petition for Declaratory Ruling.

April 24, 2012 Session:

1. Outagamie County – Resolution Opposing Language that Holds County Financially Responsible for Services Already Paid for by Other Entities.

July 17, 2012 Session:

1. Ashland County – Resolution Requesting Department of Health Services Adopt a New Funding Methodology that Rewards Collaboration and Efficiency that is Intended by the Legislature.
2. Wood County – Resolution Requesting State Support of Frac Sand Mining Via Policy Development and Allocation of State Resources to Assist in This Area of Economic Development.

August 21, 2012 Session:

1. Monroe County, Vilas County, and Wood County – Resolution Supporting Funding Methodology for Income Maintenance Consortia that Reduces No Consortia Greater Than the Overall Statewide Percentage Reduction.

September 18, 2012 Session:

1. Town of Mishicot – Resolution Requesting Wisconsin Public Service Commission to Investigate Health Problems with State Wind Turbines and Review the State's Wind Siting Rules.
2. Florence County, Forest County, Pepin County, and Price County – Resolutions Supporting a Funding Allocation Methodology for Income Maintenance Consortia that Reduces no Consortia by greater than the Overall Statewide Reduction of Seventeen Percent.

October 29, 2012 Session:

1. Grant County and Ozaukee County – Resolution Supporting Request for Stay of Proceedings in MTI v Walker.

November 20, 2012 Session:

1. Langlade County – Resolution Supporting Development and Expansion of Frac Sand Mining.
2. Outagamie County – Resolution Requesting the Legislature to Re-examine Policies Which Have Led to High Incarceration Rates in Wisconsin and to Initiate Changes that Yield Cost Savings.
3. Brown County – Resolution Supporting Request for Stay of Proceedings in MTI versus Walker.

December 18, 2012 Session:

1. Sheboygan County – Resolution Supporting Position Papers on Legislative Issues.

COMMUNICATIONS continued...

January 15, 2013 Session:

1. Ozaukee County and Rock County – Resolution Urging Legislators to Vote in Favor of Transportation Dollars for Transportation.
2. Waushara County – Resolution Supporting an Amendment to Require Recording of Mortgage Assignments.
3. Town of Mishicot – Resolution Requesting the Wisconsin Public Service Commission and the State of Wisconsin to Enact a Temporary Moratorium on Wind Turbines, along with a Request to the Manitowoc County Board to Enact a Temporary Moratorium on Wind Turbines.

February 26, 2013 Session:

1. Rusk County – Resolution Supporting Same Day Voter Registration.
2. Burnett County – Resolution Requesting that the Chequamegon-Nicolet National Forest be Managed as Identified in the 2004 Forest Plan as well as Manage the Backlog of Unharvested Timber that has not been Harvested since Implementation of the 2004 Forest Plan.
3. Supervisor Chuck Hoffman – Disclosure of Reimbursement of Per-Diem paid by Bay-Lake Regional Planning Commission to Supervisor Chuck Hoffman as a Member of the Commission.
4. Corporation Counsel Steven Rollins – Letter to Town Boards of Cooperstown, Gibson, Mishicot, and Two Creeks Regarding a Request for a Moratorium on the Installation of Industrial Wind Turbines.
5. Towns of Cooperstown, Gibson, Two Creeks, and Village of Mishicot – Resolution Requesting a Moratorium on the Installation of Wind Turbines.
6. Town of Carlton – Letter to Legislators Requesting Legislation to Allow for Payment from the Nuclear Waste Fund to Local Host Municipalities.

March 19, 2013 Session:

1. La Crosse County and Waupaca County – Resolution Supporting Same Day Voter Registration.
2. Outagamie County – Resolution Opposing State Legislature to Dictate the Amount of Local Property Tax Dollars Spent on a Specific County Department.
3. Price County – Resolution Urging State Legislators to Vote in Favor of Transportation Dollars to be Used for Transportation Purposes.
4. Price County – Resolution Petitioning the Legislature to Reconsider Requirement for Counties to Set Constitutional Officer Salaries for Their Entire Four-year Term.

PETITIONS

April 24, 2012 Session:

1. Cory and Sarah Smidel - Town of Mishicot.
2. Eugene and Joan Hartwig - Town of Cooperstown.
3. Arnold and Janet Miller - Town of Maple Grove.

June 19, 2012 Session:

1. Ronald Reif - Town of Kossuth.

August 21, 2012 Session:

1. Manitowoc County Planning and Park Commission - Manitowoc County.
2. Lee Schisel - Town of Liberty.
3. Jamie and Amanda Lambert - Town of Mishicot.
4. Matt and Lynn Kutz - Town of Cooperstown.
5. Earl Voss - Town of Meeme.
6. Manitowoc County Planning and Park Commission - Manitowoc County Application Text Amendment - Repeal Ch. 24 Large Wind Energy System Ordinance.
7. Manitowoc County Planning and Park Commission - Manitowoc County Application Text Amendment - Repeal Ch. 25 Small Wind Energy System Ordinance.

September 18, 2012 Session:

1. Gary and Joan Kohls - Town of Mishicot.

October 9, 2012 Session:

1. David and Kristina Meneau - Town of Kossuth.

December 18, 2012 Session:

HIGHWAY COMMITTEE BRIDGE PETITIONS:

1. Town of Cato – Walt Bridge
2. Town of Franklin – B-36-0139 (West Hillcrest Road)
3. Town of Franklin – B-36-0118 (Grimms Road)
4. Town of Franklin – Schleis Bridge
5. Town of Gibson – B-36-0153 (Nachtwey Road)
6. Town of Gibson – B-36-0162 (Melnik Road)
7. Town of Gibson – B-36-0086 (Hillview Road)
8. Town of Gibson – B-36-0087 (Rockledge Road)
9. Town of Kossuth – P-36-0127 Basken Bridge
10. Town of Kossuth – Carriveau Bridge
11. Town of Kossuth – Kappelman Bridge
12. Town of Kossuth – B-36-0186 (Meadow Lane)
13. Town of Kossuth – B-36-0318 (Shoto Road)
14. Town of Kossuth – Vanderkinter Bridge
15. Town of Manitowoc Rapids – Hutterer Bridge
16. Town of Manitowoc Rapids – Wagner Bridge

PETITIONS continued...

17. Town of Meeme – B-36-0191 (South Cleveland Road, West1)
18. Town of Mishicot – Shimon Bridge
19. Town of Newton – Barnes Bridge
20. Town of Newton – Hahn Bridge
21. Town of Newton – P-36-0172 (South Union Road)
22. Town of Newton – Scheffler Bridge

PLANNING & PARK COMMISSION PETITIONS:

1. Melvin Mangin - Town of Cato
2. Jerome and Joan Behnke – Town of Rockland
3. Richard and Ann Dufek – Town of Kossuth
4. John and Mary Hager Revocable Trust – Town of Cooperstown

February 26, 2013 Session:

1. Patrick and Paula Schuette - Town of Gibson.
2. Ford Thompson - Town of Gibson.
3. United Vision Dairy LLC - Town of Mishicot.
4. Manitowoc County Planning and Park Commission - Manitowoc County.
5. Manitowoc County Planning and Park Commission - Manitowoc County.
6. William Bergner - Town of Liberty.
7. Jeremy and Cheyenne LeClair - Town of Mishicot.
8. Manitowoc County Planning and Park Commission - Manitowoc County.
9. Manitowoc County Planning and Park Commission - Manitowoc County.
10. Manitowoc County Planning and Park Commission - Manitowoc County.
11. Manitowoc County Planning and Park Commission - Manitowoc County.

March 19, 2013 Session:

1. Dorothy Bries - Town of Gibson.
2. Michael Holschbach - Town of Kossuth.
3. Patrick and Paula Schuette - Town of Gibson.
4. David Schuh - Town of Kossuth.
5. Patricia Schwerma and William Schwerma by POA - Town of Two Creeks.

* Denotes an Ordinance.

RESOLUTIONS & ORDINANCES ALPHABETICAL BY COMMITTEE

ADRC of the LAKESHORE BOARD:

	SESSION:	PAGE:
12/13-57 Resolution Amending 2012 Budget (Aging & Disability Resource Center)	Nov 20	103
12/13-58 Resolution Accepting Dementia Specialist Pilot Grant	Nov 20	105
12/13-63 Resolution Authorizing Specialized Transportation Assistance Program Grant Application	DEC 18	115
12/13-94 Resolution Authorizing Grant Application To Expand Living Well Program	MAR 19	159
12/13-95 Resolution Authorizing Care Transition Program Carry-Over Funding Grant Application	MAR 19	160

BOARD OF HEALTH:

12/13-29 Resolution Approving Out-Of-State Travel (Amy Wergin)	JULY 17	50
12/13-43 Resolution Authorizing Purchase Of Property And Relocation Of Health Department (1028 S. 9 th St., Manitowoc, WI)	AUG 21	69
12/13-59 Resolution Adopting Health Department Fee Schedule (07/01/2012 - 06/30/2014)	NOV 20	106
12/13-64 Resolution Amending 2012 Budget (Health Department)	DEC 18	116

EXECUTIVE COMMITTEE:

12/13-4 Resolution Amending County Board Rules	APR 24	15
12/13-22 Resolution Approving Intercounty Consortium Agreement (Bay Area Counties Consortium - Workforce Development) .	JUNE 19	40
12/13-30 Resolution Amending County Board Rule 11 (Electronic Mail)	JULY 17	50

FINANCE COMMITTEE:

12/13-13 Resolution Authorizing Participation In United Way Campaign	MAY 15	29
12/13-14 Resolution Denying Claim (Edmund Carns)	MAY 15	30
12/13-31 Resolution Denying Claim (Eugene Schmidt)	JULY 17	52
12/13-43 Resolution Authorizing Purchase Of Property And Relocation Of Health Department (1028 S. 9 th St., Manitowoc, WI)	AUG 21	69
12/13-53 Resolution Amending 2012 Budget (Human Services)	SEPT 18	89
12/13-54 Resolution Authorizing Sale Of Tax-Deeded Property To Former Owner (1615 Emmet Street, Two Rivers)	OCT 9	95
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*12/13-9	Ordinance Amending Manitowoc County Code Ch. 8 As It Pertains To Graves	APR 24	23
*12/13-10	Ordinance Amending Zoning (Gary and Bernadine Maigatter).	APR 24	24
*12/13-11	Ordinance Amending Zoning (Florence Vlasak)	APR 24	25
*12/13-17	Ordinance Amending Zoning Map (Eugene and Joan Hartwig).	MAY 15	32
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*12/13-20	Ordinance Amending Manitowoc County Code § 4.13(7) (Sheriff's Department Fees - Vehicle Escort)	MAY 15	35
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-----	Proclamation Commemorating the 100 th Anniversary of Cooperative Extension, a Division of the University of Wisconsin-Extension	APR 24	14
-----	Proclamation Honoring Retirees, Beverly Badker, Kathy Leist, Fred Schwoerer, and Leah Simmons	MAY 15	27
-----	Proclamation Proclaiming June Dairy Month	MAY 15	27
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-----	Proclamation Honoring Paul Tittl for His Service As County Board Chair	JUNE 19	38
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