

# **2017-2018 OFFICIAL PROCEEDINGS**

## **MANITOWOC COUNTY BOARD OF SUPERVISORS STATE OF WISCONSIN, MANITOWOC COUNTY**

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### **CHAIRPERSON OF THE COUNTY BOARD**

**Jim Brey**

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### **VICE CHAIRPERSONS**

**Kevin L. Behnke  
Rick Gerroll**

### **PREPARED BY:**

**Lois M. Kiel, County Clerk  
Laurie Heier, Administrative Assistant**

**March 2018**



**2017/2018 OFFICIAL PROCEEDINGS**  
**MANITOWOC COUNTY BOARD OF SUPERVISORS**

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MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 11, 2017

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 11<sup>th</sup> day of April 2017, for the purpose of transacting business as a Board of Supervisors.

Chairperson Brey called the meeting to order at 7:02 p.m.

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

Roll call: 22 members present: Baumann, Brey, Cavanaugh, Dyzak, Falkowski, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Swade, Waack, Wagner, Weiss, Williams, Vogel, and Zimmer. Supervisors Behnke, Gauger, and Nickels were excused.

On a motion by Supervisor Baumann, seconded by Supervisor Henrickson the March 21, 2017 meeting minutes were approved on a unanimous vote.

The County Clerk announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Proclaiming the Month of May as Foster Care Month to Foster Care Administrator Karen Zahn. Foster Parent Linda Hauschultz has been a single parent provider for over five years and has adopted a three-year old girl. She knew the struggles of growing up with a chaotic home life. She struggled for many years, but her sister and the US Air Force helped turn her life around. When she came out of the Air Force, she knew she wanted to help children that came from a chaotic home life, which is when she started working with organizations that help children and became a foster parent.

Manitowoc Public Library Director Kristin Stoeger provided an overview of the services and programs the library provided to the public in 2016. She also presented what is to come in 2017.

Public Works Director Gerry Neuser, Comptroller Todd Reckelberg, and Expo Facility Manager Jennell Krizek presented an Expo Overview and 2016 results of operation. Gerry Neuser explained Expo operations is accounted for in a Special Revenue Fund comprised of four activity areas, and no tax levy dollars are used for the Expo. He also talked about the new layout of the expo grounds for the County Fair. Jennell Krizek highlighted events that take place at the Expo and the economic impact on area hotels, restaurants, and businesses.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:59 p.m.

Maura Yost, Town of Centerville, addressed the Board regarding necessary actions as directed by State Attorney General, County Code and Wisconsin State Statutes to appoint a single Human Services Director. Ms. Yost opposed the bonding of the additional funds for the four projects the County has planned.

No one else present wished to speak; subsequently Chairperson Brey closed public input at 8:04 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointment of Supervisor Bob Cavanaugh to the Human Services Board for a three-year term expiring April 2020. Supervisor Holschbach moved, seconded by Supervisor Henrickson to approve the appointment. Upon voice vote, the motion carried unanimously.

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

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

Finance Committee: Supervisor Holschbach gave a brief report.

Human Services Board: Supervisor Henrickson gave a brief report.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Wagner moved, seconded by Supervisor Holschbach to adopt Resolution 1 (2017/2018-1) Accepting Sustainable Agriculture Research and Education Grant. Upon vote, motion carried unanimously.

No. 2017/2018 - 1

### **RESOLUTION ACCEPTING SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, contamination of surface water and groundwater due to erosion and runoff  
2 from agriculture cropland is a public health and safety concern; and  
3

4 WHEREAS, cover crops and reduced tillage systems provide soil cover that reduces  
5 erosion and runoff; and  
6

7 WHEREAS, the Wisconsin Sustainable Agriculture Research & Education Organization  
8 will provide Manitowoc County a grant of \$2,700 to establish a self-guided tour of area  
9 agriculture fields currently using cover crops with reduced tillage systems within Manitowoc  
10 County;

11  
12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
13 Supervisors authorizes the Soil and Water Conservation Department Director to accept a grant  
14 from the Wisconsin Sustainable Agriculture Research and Education Organization in an amount  
15 not to exceed \$2,700; and

16  
17 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
18 designates the Soil and Water Conservation Department Director as Manitowoc County's  
19 authorized representative for the grant; and

20  
21 BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in  
22 the 2017 budget are amended by the amount of the grant funds received and that the  
23 comptroller/auditor is directed to record such information in the official books of Manitowoc  
24 County for the year ending December 31, 2017 as may be required.

Dated this 11th day of April 2017.

Respectfully submitted by the Land Conservation Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by equal amounts of up to \$2,700.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Vogt gave a brief report.  
Supervisor Maresh moved, seconded by Supervisor Baumann to adopt Resolution 2 (2017/2018-2) Amending Employee Policy Manual §12.03(7) and Disclaimer. Discussion followed.

Amendment: Supervisor Metzger moved, seconded by Supervisor Vogt to Resolution 2 – (a) line 19 and 63 to include approval of the Personnel Committee to changes made to the Employee Policy Manual §12.03(7) and Disclaimer. Discussion followed. Upon vote, motion carried unanimously.

Discussion took place on the amended motion to adopt Resolution 2 (2017/2018-2) Amending Employee Policy Manual §12.03(7) and Disclaimer. Upon vote, motion carried unanimously.

No. 2017/2018 - 2

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 12.03(7)  
AND DISCLAIMER**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to provide  
2 uniform personnel policies and procedures; and

3  
4 WHEREAS, Section 12.03 (Holidays) of the Employee Policy Manual provides  
5 Manitowoc County's policy regarding holiday pay; and

6  
7 WHEREAS, Section 12.03(7) contains a clerical error whereby a reference to New  
8 Year's Eve is made rather than to New Year's Day; and

9  
10 WHEREAS, the Disclaimer contained in the introduction of the Employee Policy Manual  
11 provides the procedure by which the Employee Policy Manual may be amended; and

12  
13 WHEREAS, typographic and clerical errors are discovered from time-to-time when  
14 periodically reviewing the Employee Policy Manual; and

15  
16 WHEREAS, currently the only way to correct typographic and clerical errors is to amend  
17 the Employee Policy Manual in the same manner as adopted; and

18  
19 WHEREAS, it is more efficient to permit the Personnel Director to simply correct  
20 typographic and clerical when such adjustments make no material change to the policy as  
21 adopted by the County Board; and

22  
23 WHEREAS, updates must be made to the Employee Policy Manual from time-to-time to  
24 keep policies current, reflect current practice, and address new issues and circumstances; and

25  
26 WHEREAS, the proposed revision to Section § 12.03(7) corrects a clerical error by  
27 changing the reference contained therein from New Year's Eve to New Year's Day; and

28  
29 WHEREAS, the proposed revision to the Disclaimer would permit the Personnel Director  
30 to correct typographic and clerical errors without amending the Employee Policy Manual  
31 through the formal process;

32  
33 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
34 Supervisors amends the Manitowoc County Employee Policy Manual § 12.03(7) to read as  
35 follows:

- 36  
37 (7) When New Year's Day ~~Eve~~ falls on a Saturday, employees will be granted the  
38 following Monday as holiday time off. When New Year's Eve and New Year's  
39 Day fall on a Saturday and Sunday respectively employees will be granted the  
40 following Monday and Tuesday as holiday time off. When New Year's Eve and  
41 New Year's Day fall on a Sunday and Monday respectively employees will be  
42 granted the following Monday and Tuesday as holiday time off.

43  
44 and



45  
46 BE IT FURTHER RESOLVED that the Employee Policy Manual Disclaimer be  
47 amended to read as follows:  
48

49 The contents of this policy manual are presented as a matter of information only. The  
50 plans, policies and procedures described are not conditions of employment. Manitowoc  
51 County reserves the rights to modify, revoke, suspend, terminate, or change any or all  
52 such plans, policies, or procedures, in whole or in part, at any time with or without notice.  
53 The language that appears in this booklet is not intended to create, nor is it to be  
54 construed to constitute, a contract between Manitowoc County and any one or all of its  
55 employees or a guaranty of continued employment. Notwithstanding any provisions of  
56 this handbook, employment may be terminated at any time, with or without cause. This  
57 document has been reviewed and approved by the Personnel Committee and adopted as  
58 County policy. Any action of the County Board that conflicts with this policy manual  
59 shall automatically prevail over this manual. This manual shall be amended, when  
60 required, by the Personnel Committee in the same manner as adopted. Notwithstanding  
61 the above, for the purpose of maintaining this Employee Policy Manual, the Personnel  
62 Director is empowered to correct clerical and typographic errors in this Employee Policy  
63 Manual without the need to amend this Employee Policy Manual through a formal  
64 adoption process and shall report all such corrections to the Personnel Committee when  
65 such corrections have been completed.

Dated this 11th day of April 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Planning & Parks Committee:

Supervisor Waack moved, seconded by Supervisor Vogel to adopt Resolution 3 (2017/2018-3)  
Authorizing 2017-2018 Snowmobile Trail Program. Upon vote, the motion carried unanimously.

No. 2017/2018 - 3

### **RESOLUTION AUTHORIZING 2017-2018 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 44 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 (“DNR”) standards; and  
8

9 WHEREAS, Manitowoc County is eligible to continue its participation in the Wisconsin  
10 Snowmobile Aids Program and has budgeted \$62,087.50 for a Snowmobile Trail Program to  
11 cover the costs for 248.35 miles of trail; and  
12

13 WHEREAS, the Parks Department has provided the Manitowoc County Board with a  
14 trail system map showing the 248.35 miles of trails that are included in the Snowmobile Trail  
15 Program;  
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
18 Supervisors approves the trail system map provided by the Parks Department; and  
19

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

26 BE IT FURTHER RESOLVED that the Park Director is authorized to sign documents  
27 and take the actions necessary to undertake, direct, and complete the 2017-2018 Snowmobile  
28 Trail Program; and  
29

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

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

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Parks Commission.

FISCAL IMPACT: No tax levy impact. \$62,087.50 is included in the 2017 approved budget. 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 Baumann to enact Ordinance 4 (2017/2018-4) Amending Manitowoc County Code Ch. 31 (Sheboygan Marsh Dam Failure Analysis). Upon vote, the motion carried unanimously.

No. 2017/2018 - 4

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 31  
(SHEBOYGAN MARSH DAM FAILURE ANALYSIS)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on March 27, 2017 on a petition to adopt a floodplain analysis showing the dam  
3 failure profile downstream from the Sheboygan Marsh Dam, which is located in Section 13,  
4 T16N, R20E, Town of Russell, Sheboygan County, Wisconsin; and

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

9  
10 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as  
11 follows:

12  
13 The floodplain study providing a dam failure analysis for the Sheboygan Marsh Dam,  
14 located in Section 13, T16N, R20E, Town of Russell, Sheboygan County, Wisconsin, which is  
15 entitled Hazard Classification Evaluation – Sheboygan Marsh Dam, performed by YSJ  
16 International Consulting, LLC, dated December 2015, and approved by the Wisconsin  
17 Department of Natural Resources on January 5, 2016 is hereby adopted; ordered placed on file  
18 with the Planning and Zoning Department to be made available for public inspection; and  
19 incorporated by reference into Manitowoc County Code Chapter 31, Appendix A.

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Parks Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Vogt to enact Ordinance 5 (2017/2018-5) Amending Zoning Map (Renaë Riesterer). Upon vote, the motion carried unanimously.

No. 2017/2018 - 5

**ORDINANCE AMENDING ZONING MAP**  
(Renaë Riesterer)

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 27, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in the NW¼ of the NE¼ of Section 32, T18N, R21E, Town of  
12 Eaton, Manitowoc County, Wisconsin described as:  
13

14 Commencing at the East Quarter Corner of said Section 32; thence N89°-55'-57"W along  
15 the South line of the NE¼ of said Section 32, a distance of 1310.32 feet (recorded as  
16 1310.06 feet) to a point on the East line of the W½ of the NE¼ of said Section 32;  
17 thence N00°-24'-11"W along said East line, a distance of 1329.45 feet to a point on the  
18 South line of the NW¼ of the NE¼ of said Section 32 and the point of beginning;  
19 thence S89°-38'-12"W along said South line, a distance of 636.74 feet; thence N00°-09'-  
20 16"W 358.64 feet; thence N87°-08'-47"E 635.77 feet to a point on said East line; thence  
21 S00°-24'-11"E along said East line, a distance of 386.27 feet to the point of beginning,  
22 said parcel containing approximately 5.44 acres of land and is hereby rezoned from  
23 Exclusive Agriculture (EA) District to Large Estate (LE) District.

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Dyzak to enact Ordinance 6 (2017/2018-6) Amending Zoning Map (Lucille Rutherford). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**  
(Lucille Rutherford)

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 27, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in the NW¼ of the NW¼ of Section 8, T18N, R22E, Town of  
12 Liberty, Manitowoc County, Wisconsin, commencing at the NW Corner of said Section  
13 8; thence S00°01'35"W a distance of 887.12 feet, along the section line, to the point of  
14 real beginning; thence continue N 89°44'37"E a distance of 286.00 feet; thence  
15 S00°01'35"W a distance of 434.00 feet; thence S 89°44'37"W a distance of 165.38 feet,  
16 along the 1/16th section line, also the centerline of Roselawn Road; thence N89°43'40"W  
17 a distance of 120.62 feet, along the north line of Tract 2 of a Certified Survey Map  
18 recorded in Volume 13 Page 85, to the NW Corner of said Tract 2; thence N00°01'35"E  
19 a distance of 432.88 feet, along the section line, to the point of real beginning, said tract  
20 containing 2.85 acres of land and is hereby rezoned from Exclusive Agriculture (EA)  
21 District to Small Estate (SE) District.

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffmann to enact Ordinance 7 (2017/2018-7) Amending Zoning Map (Estate of Jeffrey Fencil). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**  
(Estate of Jeffrey Fencil)

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 27, 2017; 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 SW¼ of the NE¼ of Section 10, T20N, R24E, Town of  
12 Mishicot, Manitowoc County, Wisconsin, commencing at the Northeast Corner of said Section  
13 10; thence S00°08'24"E along the East line of the NE¼ of said Section 10, a distance of  
14 1333.43 feet to the North line of the South half (S1/2) of the NE¼ of said Section 10; thence  
15 S89°38'00"W along said North line 2300.84 feet to the point of beginning; thence S06°35'12"E  
16 440.47 feet; thence S00°32'29"E 472.04 feet to the North line of Lot 1 of Certified Survey Map  
17 Volume 31, Page 341; thence S86°46'52"W along said North line 397.03 feet to the East line of  
18 an Ingress/Egress Easement as described in Document No. 950015; thence Northerly 72.56 feet  
19 along said East line and the arc of curve to left, having a radius of 709.00 feet, and a chord of  
20 which bears N03°36'26"E 72.53 feet; thence N00°40'31"E along said East line 159.95 feet;  
21 thence N01°18'51"W along said East line 159.17 feet; thence Northeasterly 206.39 feet along  
22 said East line and the arc a curve to the right, having a radius of 841.00 feet, and a chord of  
23 which bears N05°42'58"E 205.87 feet; thence N12°44'47"E along said East line 344.52 feet to  
24 the North line of the South half (S1/2) of the NE¼ of said Section 10; thence N89°38'00"E  
25 along said North line 242.13 feet to the point of beginning said parcel containing approximately  
26 7.49 acres of land and is hereby rezoned from General Agriculture (GA) District to Large Estate  
27 (LE) District.

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Zimmer to enact Ordinance 8 (2017/2018-8)  
Amending Zoning Map (Merlin Buechel). Upon vote, the motion carried unanimously.

No. 2017/2018 - 8

**ORDINANCE AMENDING ZONING MAP**  
(Merlin Buechel)

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 27, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in the NW¼ of the NE¼ of Section 32, T18N-R21E, Town of  
12 Eaton, Manitowoc County, described as commencing at the East Quarter Corner of said  
13 Section 32; thence N89°55'57"W along the South line of the NE¼ of said Section 32, a  
14 distance of 1310.32 feet (recorded as 1310.06 feet) to a point on the East line of the W1/2  
15 of the NE¼ of said Section 32; thence N00°24'11"W along said East line, a distance of  
16 1329.45 feet to a point on the South line of the NW¼ of the NE¼ of said Section 32  
17 and the point of beginning; thence S89°38'12"W along said South line, a distance of  
18 636.74 feet; thence N00°09'16"W 358.64 feet; thence N87°08'47"E 635.77 feet to a  
19 point on said East line; thence S00°24'11"E along said East line, a distance of 386.27 feet  
20 to the point of beginning, said parcel containing approximately 5.44 acres of land and is  
21 hereby rezoned from Exclusive Agriculture (EA) District to Large Estate (LE) District.

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Falkowski to enact Ordinance 9 (2017/2018-9) Amending Zoning Map (Brian and Lisa Kienbaum). Upon vote, the motion carried unanimously.

No. 2017/2018 - 9

**ORDINANCE AMENDING ZONING MAP**  
(Brian and Lisa Kienbaum)

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 27, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:

10  
11 A parcel of land located in the NW¼ of the NW¼ of Section 20, T17N, R21E, Town of  
12 Schleswig, Manitowoc County, Wisconsin described as;

13  
14 Commencing at the Northwest Corner of said Section 20; thence S89°-28'-44"E along  
15 the North line of the NW1/4 of said Section 20 a distance of 298.55 feet; thence S00°-  
16 31'-16"W 35.00 feet to the East Right of Way line of S.T.H. "67"; thence S78°-42'-  
17 53"W along said East line 47.80 feet; thence S86°-25'-32"W along said East line 149.12  
18 feet; thence S43°-32'-11"W along said East line 72.87 feet; thence S00°-38'-36"W along  
19 said East line 88.15 feet to the point of beginning; thence S89°-28'-44"E 310.23 feet;  
20 thence S01°-00'-45"W 620.13 feet to the North line of Lot 1 of Certified Survey Map  
21 recorded in Volume 16 of Certified Survey Maps, on Page 19; thence N87°-16'-46"W  
22 along said North line 301.43 feet to the East Right of Way line of said S.T.H. "67";  
23 thence N00°-38'-36"E along said East line 212.51 feet; thence N02°-13'-07"W along  
24 said East line 100.12 feet; thence N00°-38'-36"E along said East line 296.02 feet to the  
25 point of beginning, said parcel containing approximately 4.32 acres of land and is hereby  
26 rezoned from Large Estate (LE) District to Small Estate (SE) District.

Dated this 11th day of April 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous: Supervisor Vogel moved, seconded by Supervisor Hansen to adopt Resolution 10 (2017/2018-10) Approving Town of Newton Zoning Ordinance (Steven and Deborah Novy, SMH Rentals LLC, Robert Moore, Robert and Anita Moore, Patrick and Tammy Kennedy, Thomas Fischer, Kevin and Jenny Tlachac). Upon vote, the motion carried unanimously.

No. 2017/2018 - 10

**RESOLUTION APPROVING TOWN OF NEWTON ZONING  
ORDINANCE**

(Steven and Deborah Novy, SMH Rentals LLC, Robert Moore, Robert and Anita Moore, Patrick and Tammy Kennedy, Thomas Fischer, Kevin and Jenny Tlachac)



TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Newton adopted a zoning ordinance pursuant to the authority  
2 granted to towns under Wis. Stat. § 60.62; and  
3

4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
5 granted to counties under Wis. Stat. § 59.69; and  
6

7 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
8 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
9 ordinance under Wis. Stat. § 59.69; and  
10

11 WHEREAS, the Town of Newton amended its zoning ordinance on March 29, 2017 by  
12 rezoning certain properties owned by Steven and Deborah Novy, SMH Rentals LLC, Robert  
13 Moore, Robert and Anita Moore, Patrick and Tammy Kennedy, Thomas Fischer, Kevin and  
14 Jenny Tlachac from I-1 (Industrial) to R-2 (Residential) in accordance with Wis. Stat. § 60.62;  
15 and  
16

17 WHEREAS, the Town of Newton has submitted its amended zoning ordinance to the  
18 Manitowoc County Board of Supervisors for its approval, and a copy of the amended zoning  
19 ordinance has been provided to each member of the county board for review;  
20

21 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
22 Supervisors approves the Town of Newton's amended zoning ordinance that rezones certain  
23 properties owned by Steven and Deborah Novy, SMH Rentals LLC, Robert Moore, Robert and  
24 Anita Moore, Patrick and Tammy Kennedy, Thomas Fischer, Kevin and Jenny Tlachac from I-1  
25 (Industrial) to R-2 (Residential) and was adopted by the Town Board of the Town of Newton on  
26 March 29, 2017.

Dated this 11th day of April 2017.

Respectfully submitted by Supervisor Randy Vogel.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Announcements: Chairperson Brey noted there may be a Committee of the Whole Meeting  
before next month's County Board Meeting at the MAC.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Swade. The motion adopted by  
acclamation. The meeting adjourned at 8:38 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, May 16, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 16<sup>th</sup> day of May 2017, for the purpose of transacting business as a Board of Supervisors.

Chairperson Brey called the meeting to order at 7:01 p.m.

Supervisor Henrickson gave the invocation, which was followed by the National Anthem performed by A Touch of Harmony.

Roll call: 25 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Waack, Wagner, Weiss, Williams, Vogel, Vogt, and Zimmer.

On a motion by Supervisor Behnke, seconded by Supervisor Baumann the April 11, 2017 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Honoring the Manitowoc County Historical Society to Director Amy Meyer and the Manitowoc County Historical Society Board. Ms. Meyer thanked the County Board of Supervisors on behalf of the Manitowoc County Historical Society for the honor. She also noted that tonight marks a great night in history for this building. It was home to many teachers and students, the historical society, and past County Board meetings.

Amy Meyer and the Manitowoc County Historical Society passed the Heritage Center key over to County Executive Bob Ziegelbauer and Chairperson Brey.

County Executive Ziegelbauer and Chairperson Brey presented a Proclamation Proclaiming June Dairy Month to former Manitowoc County Fairest of the Fair Beth Gierke. Ms. Gierke extended an invitation for everyone to attend Breakfast on the Farm in Maribel on June 11, 2017.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:15 p.m.

Jim Theyerl, 4123 Cty Rd B, spoke in support of the rezone request for the 141 Speedway. Mr. Theyerl expressed that the 141 Speedway is a successful operation and they should be able to continue to grow their business by expanding the parking lot across the street.

Steve Frassetto, attorney for KRR (141 Speedway), thanked the County Executive, Highway Committee and Department, Planning and Zoning Department, and all who had been helpful in providing the information and resources KRR needed to become compliant with the conditional use permit. Mr. Frassetto asked the Supervisors to support the rezone of the parcel across from the speedway so the business can expand its parking. This would be the last condition KRR needed to complete for the conditional use permit. Once approved, he would work with Corporation Counsel and Highway to create a safe crossing area for the public to reach the track. He also met with surrounding neighbors and worked out the concerns they had with the operation of the speedway.

George Bobal, 226 Skyline Dr, Village of Francis Creek, spoke in support of the rezone request for the 141 Speedway. The 141 Speedway is a wonderful source of entertainment for senior citizens. It gives hours of entertainment at a very reasonable price on a Saturday night. Many racers from around the country come to this track because it is one of the best.

No one else present wished to speak; subsequently Chairperson Brey closed public input at 7:22 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointments of Chad Bennin, Karl Puestow, Travis Waack and Alternate Bob Mayer to the Local Emergency Planning Committee for a two-year term expiring June 2019. As well as the appointment of Lois Kiel to fill a vacancy for a term expiring December 31, 2017. Supervisor Behnke moved, seconded by Supervisor Vogel to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointments of Jason Orth and Alternate Brian Nack to the Traffic Safety Commission. Supervisor Henrickson moved, seconded by Supervisor Gauger to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Shirley Lau to the Transportation Coordinating Committee for a three-year term expiring April 2020. Supervisor Weiss moved, seconded by Supervisor Williams 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 Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Metzger gave a brief report.

Criminal Justice Coordinating Committee: Supervisor Falkowski gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

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

Finance Committee: Supervisor Hansen gave a brief report.

Supervisor Hansen moved, seconded by Supervisor Swade to adopt Resolution 1 (2017/2018-11) Denying Claim (Samantha Loberger – f/k/a Samantha Lutz). Upon vote, motion carried unanimously.

No. 2017/2018 - 11

**RESOLUTION DENYING CLAIM**  
(Samantha Loberger - f/k/a Samantha Lutz)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Samantha Lutz (n/k/a Samantha Loberger) filed a claim with Manitowoc  
2 County on March 16, 2017 seeking \$355 in damages for medical bills from injuries suffered  
3 allegedly as a result of slipping on ice in the courthouse parking lot; and  
4

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

8 WHEREAS, the insurance carrier has reviewed the information provided, investigated  
9 the facts, and determined that Manitowoc County has no liability for the claim; and  
10

11 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
12 insurance carrier's recommendation that the claim be denied and that the county issue a formal  
13 disallowance;  
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.  
18

Dated this 16th day of May 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report.

Supervisor Gerroll moved, seconded by Supervisor Vogt to enact Ordinance 1a (2017/2018-12) Amending Manitowoc County Code Chapter 15 (Speed Limit Reduction in Work Zones). Upon discussion and vote, motion carried unanimously.

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 15**  
(Speed Limit Reduction in Work Zones)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Highway Department performs work on the  
2 Manitowoc County and State highway systems within the boundaries of Manitowoc County; and  
3

4 WHEREAS, work zones pose a known hazard to highway construction and maintenance  
5 workers, pedestrians, and highway users; and  
6

7 WHEREAS, if a highway is being constructed, reconstructed, maintained, or repaired,  
8 Wis. Stat. §§ 83.015(2) and 349.11(10) authorizes the Highway Commissioner or his or her  
9 designee to post a temporary speed limit less than the speed limit regularly imposed under his or  
10 her jurisdiction for the safety of the highway construction and maintenance workers, pedestrians,  
11 and highway users; and  
12

13 WHEREAS, it is in the best interest of the citizens of Manitowoc County that the Highway  
14 Commissioner have the authority to reduce speed zones in construction zones;  
15

16 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as  
17 follows:  
18

19 Manitowoc County Code § 15.03 is amended to add Subsection 15.03(3) as follows:  
20

21 **15.03 Speed Limits.**  
22

23 (1) Pursuant to Wis. Stat. § 349.11, the County Board hereby authorizes the Highway  
24 Committee to recommend speed limits for traffic on county trunk highways to the  
25 Manitowoc County Board of Supervisors.  
26

27 (2) To establish a speed limit, the County Board shall adopt a Resolution noting the  
28 speed limit and zone. The County Clerk shall send a copy thereof to the Sheriff's  
29 Department.  
30

31 (3) If a highway is being constructed, reconstructed, maintained, or repaired,  
32 temporary speed limits may be established as set forth in Wis. Stat. § 349.11(10)  
33 and this Subsection 15.03(3).  
34

35 (a) The Manitowoc County Highway Commissioner or his or her designee is  
36 authorized to impose mandatory temporary speed limits under the  
37 continuing authority of this Subsection 15.03(3) and without the need of  
38 further action by the County Board of Supervisors or the Highway  
39 Committee.

- 40
- 41 (b) Temporary speed limits shall be imposed by posting portable or fixed
- 42 temporary regulatory speed limit signs of the same face and design as
- 43 permanent regulatory speed limit signs, type R2-1, as described in the
- 44 Manual of Uniform Traffic Control Devices as adopted by the Wisconsin
- 45 Department of Transportation.
- 46
- 47 (c) Signs may be posted on any highway under the jurisdiction of Manitowoc
- 48 County (and any State highway upon which Manitowoc County performs
- 49 maintenance under Wis. Stat § 84.07) when such highway is being
- 50 constructed, reconstructed, maintained, or repaired, but only in the
- 51 immediate area of such work and of those persons engaged in performing
- 52 such work.
- 53
- 54 (d) Any temporary speed limit imposed in an area where construction,
- 55 reconstruction, maintenance, or repair is being performed on the shoulders
- 56 or what is normally the traveled portion of the roadway shall be
- 57 determined by and at the discretion of the Manitowoc County Highway
- 58 Commissioner or his or her designee.
- 59
- 60 (e) No temporary speed limit shall be imposed when construction,
- 61 reconstruction, or maintenance or repair work is being performed inside
- 62 the highway right-of-way but not on the shoulders or the travel portion of
- 63 highway.
- 64
- 65 (f) Any speed limit imposed under the authority of this Subsection 15.03(3) is
- 66 temporary, and the signs imposing such limits shall be removed, covered,
- 67 or otherwise obscured when the highway construction, reconstruction,
- 68 maintenance, or repairs and their equipment are not present on the
- 69 shoulders or traveled portion of the roadway.
- 70
- 71 (g) The area in which any temporary speed limit imposed shall be terminated
- 72 by posting a regulatory speed limit sign informing the public of the
- 73 specific speed limit outside of the area where construction, reconstruction,
- 74 maintenance, or repair work is being performed.
- 75
- 76 (h) Nothing contained in this Subsection 15.03(3) shall prohibit the
- 77 Manitowoc County Highway Commissioner from posting advisory speed
- 78 limit signs of the type W13-1 as described in the Manuel of Uniform
- 79 Traffic Control Devices in areas of highway construction, reconstruction,
- 80 maintenance, or repairs suggesting such speed as he or she deems
- 81 appropriate to promote the safety of highway construction and
- 82 maintenance workers, pedestrians, and highway users. Such advisory
- 83 signs may be posted in conjunction with the temporary mandatory speed
- 84 limit signs authorized by this Subsection 15.03(3).

Dated this 16th day of May 2017.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Henrickson 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.

Planning & Parks Committee: Supervisor Waack gave a brief report.

Supervisor Waack moved, seconded by Supervisor Behnke to enact Amended Ordinance 2 (2017/2018-13) Amending Zoning Map (Merlin Buechel). Upon vote, the motion carried unanimously.

No. 2017/2018 - 13

**AMENDED ORDINANCE AMENDING ZONING MAP**  
(Merlin Buechel)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board adopted ordinance No. 2017/2018-8 upon the petition  
2 of the Planning and Park Commission and amended the zoning map for Merlin Buechel; and  
3

4 WHEREAS, Ordinance No. 2017/2018-8 contains an incorrect legal description of the rezoned  
5 property; and  
6

7 WHEREAS, the Planning and Park Commission recommends that the ordinance be amended to  
8 provide the correct legal description;  
9

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

13 Ordinance No. 2017/2018-8 is amended by striking lines 11 – 21 and inserting the following:  
14

15 A parcel of land located in the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 13, T17N-R21E, Town of  
16 Schleswig, Manitowoc County, Wisconsin described as; the North 417.42 feet of the  
17 West 417.42 feet of the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 13, Township 17 North, Range 21  
18 East, Town of Schleswig, Manitowoc County, Wisconsin containing 174,240 square feet  
19 (4.00 acres) of land and is hereby rezoned from GA, General Agriculture District to SE,  
20 Small Estate District.  
21

22 and  
23  
24 This effect of this amendment is retroactive to April 11, 2017.

Dated this 16th day of May 2017.

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 3 (2017/2018-14) Amending Zoning Map (SDA Ahnapee LLC). Upon vote, the motion carried unanimously.

No. 2017/2018 - 14

**ORDINANCE AMENDING ZONING MAP**  
(SDA Ahnapee 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 April 24, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 An existing parcel of land located in the NW¼, NW¼ , Section 31, T21N, R23E, Town  
12 of Gibson, Manitowoc County, Wisconsin described as that parcel lying east of Highway  
13 R but excluding part of Lot 1 of a Certified Survey Map as recorded in V29 P79 of  
14 certified survey maps and excluding that property as describe in a deed recorded in V143  
15 P637 with the Manitowoc County Register of Deed Office and excluding that property  
16 described in a Release by Owner of Land for Highway Purposes as recorded in V299  
17 P253 with the Manitowoc County Register of Deeds for highway purposes, said tract  
18 containing 15.76 acres of land, and is hereby rezoned from Exclusive Agriculture (EA)  
19 District to General Agriculture (GA) District.

Dated this 16th day of May 2017.

Respectfully submitted by the Planning and Park Commission.



FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Weiss moved, seconded by Supervisor Zimmer to adopt Resolution 4 (2017/2018-15) Authorizing Transfer of Funds to Completion of Tenant Improvements Required by the USDA for the Lease of Space at the Manitowoc Office Complex. Upon vote, the motion carried unanimously.

No. 2017/2018 - 15

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS FOR  
COMPLETION OF TENANT IMPROVEMENTS REQUIRED BY THE  
USDA FOR THE LEASE OF SPACE AT THE MANITOWOC OFFICE  
COMPLEX**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, in 1996, Manitowoc County constructed the Manitowoc County Office  
2 Complex (known at the time as the Agriculture & Extension Building) to house the UW-  
3 Extension, Aging Resource Center, Planning & Park Department, Soil & Water Conservation  
4 Department, and the USDA Farm Service Agency; and  
5

6 WHEREAS, the Manitowoc County Office Complex was specifically designed to serve  
7 as a single destination for rural and agricultural customers of Manitowoc County as those  
8 customers frequently have business with these related departments; and  
9

10 WHEREAS, the USDA has leased space from Manitowoc County in the Manitowoc  
11 County Office Complex continuously since 1996; and  
12

13 WHEREAS, the lease with the USDA has expired and a new 10-year lease has been  
14 negotiated with Manitowoc County; and  
15

16 WHEREAS, the new lease requires Manitowoc County to perform a number of "Tenant  
17 Improvements," which include construction of a new data processing room, new data wiring  
18 infrastructure, a new HVAC system for the data processing room, and full carpet and paint  
19 replacement at a cost of \$95,111.63; and  
20

21 WHEREAS, the Public Works Department was unaware the USDA would require any  
22 tenant improvements in a new lease and therefore did not budget for those costs in fiscal year  
23 2017; and  
24

25 WHEREAS, the USDA will pay for the tenant improvements over the life of the lease  
26 through a 120 month amortization schedule at an annual interest rate of 3.65%; and  
27

28 WHEREAS, \$350,000 was budgeted in the Public Works Department Jail Capital Outlay  
29 Account 16300.58225 for replacement of the Jail's Direct Digital Control System; and  
30

31 WHEREAS, approximately \$100,000 was saved on the replacement of the Jail's Direct  
32 Digital Control System project because Manitowoc County staff performed in-house engineering  
33 and design services; and  
34

35 WHEREAS, the savings from the replacement of the Jail's Direct Digital Control System  
36 project is available to fund the tenant improvements required by the USDA as part of the new  
37 lease at the Manitowoc County Office Complex;  
38

39 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
40 Supervisors authorizes the Comptroller to transfer \$95,112 from the Public Works Department  
41 Jail Capital Outlay Account 16300.58225 to the Public Works Department Office Complex  
42 Capital Outlay Account 16200.58225 for the purpose of completing the required tenant  
43 improvements; and  
44

45 BE IT FURTHER RESOLVED that the Manitowoc County 2017 Budget is amended by  
46 the amounts stated and that the Comptroller/Auditor is directed to record such information in the  
47 official books of the County for the year ending December 31, 2017, as may be required.

Dated this 16th day of May 2017.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact. Transfers \$95,111.63 from Public Works Department  
Jail Capital Outlay account 16300.58225 to the Public Works Department  
Office Complex Capital Outlay account 16200.58225.

APPROVED: Bob Ziegelbauer, County Executive.

Announcements: Chairperson Brey announced a Special County Board meeting for May 18,  
2017 at 5:30pm.

Supervisor Baumann moved to adjourn, seconded by Supervisor Williams. The motion adopted  
by acclamation. The meeting adjourned at 8:11 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 20, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 20<sup>th</sup> day of June 2017, for the purpose of transacting business as a Board of Supervisors.

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

Supervisor Henrickson 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, Cavanaugh, Dyzak, Falkowski, Gauger, Hansen, Henrickson, Hoffman, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Waack, Wagner, Weiss, Williams, Vogel, Vogt, and Zimmer. Supervisors Gerroll and Holschbach were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Weiss the May 16, 2017 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Commemorating the Life and Service of Harold J. Meinnert to the Meinnert Family.

Resource Conservationist Bruce Riesterer gave a PowerPoint presentation on “Light Detection and Ranging” (LiDAR), a technology using laser light pluses, which produced models of locations in Manitowoc County. This information is valuable for farm runoff flow paths and depths of sinkholes, which assists with groundwater protection projects, farmstead runoff evaluations, field slope determinations, and lake watershed delineations.

Comptroller Todd Reckelberg introduced Bryan Grunewald, External Auditor from Schenk Audit Business Solutions, who summarized results of the 2016 audit and explained that the county continued to be in good financial condition which was illustrated by an increase in the Fund Balance, a positive balance in the Highway Fund, and a reduction in long term debt. Mr. Grunewald pointed out that for the twenty-fifth consecutive year, Manitowoc County has received a Certificate of Achievement for Excellence in Financial Reporting.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:34 p.m.

Maura Yost, Town of Centerville, addressed the Board regarding a legal opinion from the Ozaukee District Attorney on the definition of a “single human services director” noted that the opinion should come from the state attorney general. Ms. Yost spoke in opposition to the proposed bond that will indebt taxpayers through 2038.

No one else present wished to speak; subsequently Chairperson Brey closed public input at 7:38 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer’s appointments of Orville Bonde, Earl Glaeser, and Alternate Allen Kracht to the Board of Adjustment for a three-year term expiring July 2020. Supervisor Maresh moved, seconded by Supervisor Hoffman to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointments of Peter Wills, Alternate Dan Pawlitzke, and Alternate Nicolas Sparacio to the Northeast Wisconsin Regional Economic Partnership for a one-year term expiring July 2018. Supervisor Henrickson moved, seconded by Supervisor Hansen to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Melvin Waack to the Planning and Park Commission for a seven-year term expiring July 2024. Supervisor Dyzak moved, seconded by Supervisor Falkowski to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Barb Bundy-Jost to the Manitowoc Public Library Board of Trustees to complete a term expiring April 30, 2018. Supervisor Henrickson moved, seconded by Supervisor Weiss 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 Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Metzger gave a brief report.

Criminal Justice Coordinating Committee: Supervisor Falkowski gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

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

Finance Committee: Supervisor Hansen gave a brief report.

Supervisor Hansen moved, seconded by Supervisor Vogt to adopt Resolution 2 (2017/2018-16) Denying Claim (Sharon Kleinhans). Upon vote, motion carried unanimously.

**RESOLUTION DENYING CLAIM**

Sharon Kleinhans

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Sharon Kleinhans filed a claim with Manitowoc County on June 8, 2017  
2 seeking \$186.12 in damages for medical bills from injuries suffered allegedly as a result of being  
3 burned by boiling water while volunteering for the Ant Hill Mod at the Manitowoc County Expo  
4 Center; 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 insurance carrier has reviewed the information provided, investigated  
10 the facts, and determined that Manitowoc County has no liability for the claim; and

11  
12 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
13 insurance carrier's recommendation that the claim be denied and that the county issue a formal  
14 disallowance;

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

Dated this 20th day of June 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Behnke gave a brief report.

Human Services Board: Supervisor Cavanaugh 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.

Supervisor Behnke moved, seconded by Supervisor Gauger to adopt Resolution 3 (2017/2018-17) Authorizing Addition of .50 Full-time Equivalent Human Services Employees. Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Vogel voted no.

**RESOLUTION AUTHORIZING ADDITION OF .50 FULL-TIME  
EQUIVALENT HUMAN SERVICES EMPLOYEE**  
Treatment Alternative and Diversion Counselor

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a .50 full-time equivalent Treatment Alternative and Diversion Counselor  
2 authorized in the 2017 budget has not been filled pending the development of a Treatment and  
3 Diversion Program; and  
4

5 WHEREAS, the Human Services Department has determined that a full-time Treatment  
6 Alternative and Diversion Counselor is needed to meet the demands for treatment alternative and  
7 diversion services; and  
8

9 WHEREAS, the Human Services Department has analyzed the cost of increasing the  
10 authorized .50 full-time equivalent Treatment Alternative and Diversion Counselor to full-time  
11 and have concluded that grant funding already included in the adopted 2017 budget will cover all  
12 costs; and  
13

14 WHEREAS, the Human Services Board and Personnel Committee support increasing the  
15 Treatment Alternative and Diversion Counselor from .50 full-time equivalent to 1.0 full-time  
16 equivalent;  
17

18 NOW, THEREFORE, BE IT RESOLVED that the number of authorized full-time  
19 Human Services Department positions is increased by 1.0 full-time equivalent positions and  
20 part-time positions are decreased by .50 full-time equivalent positions; and  
21

22 BE IT FURTHER RESOLVED that the 2017 Full-Time Equivalent Report (FTE) by  
23 Department included in the 2017 Adopted Annual Budget Book is amended accordingly and that  
24 the Comptroller/Auditor is directed to record such information in the official books of the  
25 County for the year ending December 31, 2017 as may be required.

Dated this 20th day of June 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None. The total cost of increasing the position from .50 FTE to 1.0 FTE  
can be accomplished with funds already in the 2017 adopted budget. No  
tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Planning & Parks Committee: Supervisor Waack gave a brief report.

Supervisor Waack moved, seconded by Supervisor Hansen to enact Ordinance 4 (2017/2018-18) Amending Zoning Map (David Rank-dec and Darlene Rank). Upon vote, the motion carried unanimously.

No. 2017/2018 - 18

**ORDINANCE AMENDING ZONING MAP**  
(David-dec and Darlene Rank)

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 May 22, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11        A parcel of land located in the NW¼ of the NW¼ of Section 14, T19N, R22E, Town of  
12 Cato, Manitowoc County, Wisconsin, commencing at the NW Corner of said Section 14;  
13 thence N 89°50'27"E along the North Line of said Section 14 (recorded as  
14 S 89°48'50"E) a distance of 1140.68 feet to the NW Corner of Tract 1 of Certified  
15 Survey Map recorded in Volume 20, Page 227; thence S 0°12'48"E along the West Line  
16 of said Tract 1 (recorded as S 0°07'55"W) a distance of 135.00 feet to the Point of Real  
17 Beginning; thence S 27°55'00"W a distance of 60.00'; thence S 4°07'00"W a distance of  
18 42.00 feet; thence S 25°28'36"E a distance of 454.47 feet; thence N 89°43'45"E a  
19 distance of 23.1 feet more or less to the 1/16 Section Line; thence Northerly along said  
20 1/16 Section Line a distance of 250.60 feet to the South Line of said Tract 1 of Certified  
21 Survey Map recorded in Volume 20, Page 227; thence S 89°50'27"W along the South  
22 Line of said Tract 1 a distance of 90.4' more or less (recorded as N 89°48'50"W 90.00);  
23 thence N 0°12'48"W along the Westerly Line of said Tract 1 (recorded as N 0°07'55"E)  
24 a distance of 230.00 feet; thence S 89°50'27"W along the Southerly Line of said Tract 1  
25 (recorded as N 89°48'50"W) a distance of 70.00 feet; thence N 45°11'10"W along the  
26 Southwesterly Line of said Tract 1 (recorded as N 44°50'27"W) a distance of 35.37 feet  
27 to the Point of Real Beginning, said parcel containing approximately 1.0 acre of land and  
28 is hereby rezoned from Exclusive Agriculture (EA) District to Rural Residential (RR)  
29 District.

Dated this 20th day of June 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT:    None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Dyzak to enact Ordinance 5 (2017/2018-19) Amending Zoning Map (Bryan Lemmens). Upon vote, the motion carried unanimously.

No. 2017/2018 - 19

**ORDINANCE AMENDING ZONING MAP**  
(Bryan Lemmens)

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 May 22, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in Part of the Southeast ¼ of the Southeast ¼ of Section 11,  
12 T21N, R22E, Town of Cooperstown, Manitowoc County, Wisconsin, commencing at the  
13 Southeast Corner of Section 11; thence along the easterly line of the SE¼ North 0°07'25"  
14 East 476.27 feet; thence North 90°00'00" West 598.95 feet to the point of beginning;  
15 Thence North 45°48'49"W 660.00 feet to the centerline of Pleasant Road; thence along  
16 said line 98.40 feet along the arc of a 350.00 foot radius curve to the left whose long  
17 chord bears North 58°57'05" East 98.08 feet; thence continuing along said line 214.81  
18 feet along the arc of a 530.00 foot radius curve to the left whose long chord bears North  
19 35°02'33" East 213.34 feet; thence South 61°46'50" East 513.75 feet; thence South  
20 22°48'00" West 479.84 feet to the point of beginning, said parcel containing  
21 approximately 5.0 acres of land and is hereby rezoned from Natural Area (NA) District to  
22 Large Estate (LE) District.

Dated this 20th day of June 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hansen to enact Ordinance 6 (2017/2018-20) Amending Zoning Map (Gerald and Amy Barrette). Upon vote, the motion carried unanimously.



No. 2017/2018 - 20

**ORDINANCE AMENDING ZONING MAP**  
(Gerald and Amy Barrette)

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 May 22, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 An existing parcel of land known as Tract 1 of a Certified Survey Map recorded in  
12 Volume 8, Page 403, Document number 542066, being part of the SE¼ of the SW¼ of  
13 Section 23, Town 17 North, Range 22 East, Town of Meeme, Manitowoc County,  
14 Wisconsin, said parcel containing approximately 2.32 acres of land and is hereby rezoned  
15 from Small Estate (SE) District to Rural Residential (RR) District.

Dated this 20th day of June 2017.

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.

Supervisor Weiss moved, seconded by Supervisor Behnke to adopt Resolution 7 (2017/2018-21)  
Approving the Sale of the Cato Radio Tower Site Property to J & J Bertram Holdings LLC for  
the Sum of \$80,000.00. Upon vote, the motion carried unanimously.

No. 2017/2018 - 21

**RESOLUTION APPROVING THE SALE OF THE CATO RADIO  
TOWER SITE PROPERTY TO J & J BERTRAM HOLDINGS LLC FOR  
THE SUM OF \$80,000.00**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County owns a 3.5 acre site in the Town of Cato that has a 300'  
2 guyed radio tower and radio equipment building within the site; and  
3

4           WHEREAS, the radio tower was part of the public safety radio system in use from 1982  
5 to 2017; and  
6

7           WHEREAS, Manitowoc County constructed an entirely new radio system in 2010 and  
8 kept this site active for the purpose of public safety agency interoperability and agreed to do so  
9 only for as long as necessary and as long as the radio tower was in satisfactory structural  
10 condition, or until the year 2020, whichever came first; and  
11

12           WHEREAS, in the fall of 2016 Manitowoc County was informed after the tower's annual  
13 structural inspection that it was no longer structurally sound to be used as a public safety radio  
14 tower; and  
15

16           WHEREAS, Manitowoc County immediately informed the area law enforcement  
17 agencies of this change in condition and that the tower would need to be taken down before the  
18 winter of 2017 at a cost to Manitowoc County of approximately \$21,000; and  
19

20           WHEREAS, as of May 2017 the local law enforcement agencies have all joined onto  
21 Manitowoc County's new public safety radio system and the site is no longer actively  
22 communicating as a public safety radio site and is no longer needed; and  
23

24           WHEREAS, Manitowoc County has received two unsolicited offers to purchase the site,  
25 including the existing tower and equipment building; and  
26

27           WHEREAS, the Public Works Committee has reviewed the two offers to purchase and is  
28 recommending the sale of the site to J&J Bertram Holdings LLC at the price of \$80,000.00; and  
29

30           WHEREAS, selling the site to J&J Bertram Holdings LLC relieves Manitowoc County of  
31 the liability and expense to remove the tower from the site;  
32

33           NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
34 Supervisors authorizes the sale of the Cato Radio Tower site to J&J Bertram Holdings LLC for  
35 the amount of \$80,000.00; and  
36

37           BE IT FURTHER RESOLVED that the Comptroller is to deposit the proceeds of the sale  
38 into the County Phone System Reserve Fund for the anticipated future upgrade to that system,  
39 and record such information in the books of Manitowoc County for the year ending December  
40 31, 2017.

          Dated this 20th day of June 2017.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Increases the amount available in the County's Phone System Reserve Fund by \$80,000.00.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Human Services Board, Personnel Committee, and Finance Committee:  
Supervisor Henrickson moved, seconded by Supervisor Baumann to adopt Resolution 8 (2017/2018-22) Authorizing Addition of 4.5 Full-Time Equivalent Human Services Employees (Comprehensive Community Services Program). Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Wagner voted no.

No. 2017/2018 - 22

**RESOLUTION AUTHORIZING ADDITION OF 4.5 FULL-TIME  
EQUIVALENT HUMAN SERVICES EMPLOYEES**  
(Comprehensive Community Services Program)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Human Services Department provides comprehensive community  
2 services for adults with mental health or substance abuse needs and these services have been  
3 proven to reduce inpatient hospitalizations for participants in the program; and  
4

5 WHEREAS, the State of Wisconsin Administrative Code governing comprehensive  
6 community services requires that every eligible person be enrolled and forbids the utilization of a  
7 wait list for services; and  
8

9 WHEREAS, offering additional services for children will help to meet the needs of  
10 children in our community; and  
11

12 WHEREAS, offering additional services for adults will allow participants in the  
13 Treatment Alternative and Diversion Program to access services; and  
14

15 WHEREAS, the Human Services Department has analyzed the cost of additional  
16 personnel needed to expand comprehensive community services and have concluded that state  
17 and local match funding and medical assistance reimbursement will cover all costs; and  
18

19 WHEREAS, the Human Services Board, Personnel Committee and Finance Committee  
20 support the creation of 1.50 full-time Clinical Social Workers, 2.0 full-time equivalent Service  
21 Facilitators, and 1.0 full-time equivalent Quality Program Specialist;  
22

23 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
24 Supervisors authorizes the number of full-time Human Services Department positions to be  
25 increased by 4.50 full-time equivalent positions inclusive of 1.50 full-time Clinical Social  
26 Workers, 2.0 full-time equivalent Service Facilitators, and 1.0 full-time equivalent Quality  
27 Program Specialist; and

28  
29 BE IT FURTHER RESOLVED that the 2017 Full-Time Equivalent Report (FTE) by  
30 Department included in the 2017 Adopted Annual Budget Book is amended accordingly and that  
31 the Comptroller/Auditor is directed to record such information in the official books of the  
32 County for the year ending December 31, 2017 as may be required; and  
33

34 BE IT FURTHER RESOLVED that in the event that existing available funds within the  
35 Human Services 2017 budget along with state and federal funding is insufficient to cover all  
36 costs for the 4.50 full-time equivalent positions for budget year 2017 the Comptroller is directed  
37 to transfer from the General Fund an amount sufficient to cover the deficit from this transaction  
38 at the end of the year in an amount not to exceed \$117,858.00.

Dated this 20th day of June 2017.

Respectfully submitted by the Human Services Board, Personnel Committee, and Finance Committee.

FISCAL IMPACT: The total cost of the additional 4.5 Full-Time Equivalent Human Services employees as detailed on the Human Services Department handout to their committee is \$117,858. Human Services believes this cost can be recovered through Direct Medical Assistance billing (approximately \$45,000) and through the financial reconciliation process with the State and already available funds within their budget (approximately \$73,000). In the event the combination of Medical Assistance, the reconciliation process, or other funds within the Human Services 2017 budget are insufficient to cover the estimated cost, the deficiency will be made up by transferring the necessary funds from the General Fund in an amount not to exceed \$117,858 at the end of the year.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Randy Vogel: Supervisor Vogel moved, seconded by Supervisor Baumann to adopt Resolution 9 (2016/2017-23) Approving Town of Newton Zoning Ordinance Amendment (Peter and Julie Nass). Upon vote, the motion carried unanimously.

No. 2017/2018 - 23

**RESOLUTION APPROVING TOWN OF NEWTON ZONING  
ORDINANCE**

Peter and Julie Nass

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Newton adopted a zoning ordinance pursuant to the authority  
2 granted to towns under Wis. Stat. § 60.62; and  
3

4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
5 granted to counties under Wis. Stat. § 59.69; and  
6

7 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
8 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
9 ordinance under Wis. Stat. § 59.69; and  
10

11 WHEREAS, the Town of Newton amended its zoning ordinance on Wednesday, May 9,  
12 2017 by rezoning property owned by Peter and Julie Nass from A-3 (Farmland Preservation)  
13 District to A-1 (Agricultural/Rural Residential) District in accordance with Wis. Stat. § 60.62;  
14 and  
15

16 WHEREAS, the Town of Newton has submitted its amended zoning ordinance to the  
17 Manitowoc County Board of Supervisors for approval, and a copy of the amended zoning  
18 ordinance has been provided to each member of the county board for review;  
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
21 Supervisors approves the Town of Newton's amended zoning ordinance that rezones that certain  
22 property owned by Peter and Julie Nass from A-3 (Farmland Preservation) District to A-1  
23 (Agricultural/Rural Residential) District and was adopted by the Town Board of the Town of  
24 Newton on May 9, 2017.

Dated this 20th day of June 2017.

Respectfully submitted by Randy Vogel, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Randy Vogel: Supervisor Vogel moved, seconded by Supervisor Muench to adopt Resolution 10 (2016/2017-24) Approving Town of Newton Zoning Ordinance Amendment (Leroy and Barbara Waack). Upon vote, the motion carried unanimously.

No. 2017/2018 - 24

**RESOLUTION APPROVING TOWN OF NEWTON ZONING  
ORDINANCE**

Leroy and Barbara Waack

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Newton adopted a zoning ordinance pursuant to the authority  
2 granted to towns under Wis. Stat. § 60.62; and

3  
4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
5 granted to counties under Wis. Stat. § 59.69; and

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

10  
11 WHEREAS, the Town of Newton amended its zoning ordinance on Wednesday, May 9,  
12 2017 by rezoning property owned by Leroy and Barbara Waack from A-3 (Farmland  
13 Preservation) District to A-1 (Agricultural/Rural Residential) District in accordance with Wis.  
14 Stat. § 60.62; and

15  
16 WHEREAS, the Town of Newton has submitted its amended zoning ordinance to the  
17 Manitowoc County Board of Supervisors for approval, and a copy of the amended zoning  
18 ordinance has been provided to each member of the county board for review;

19  
20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
21 Supervisors approves the Town of Newton's amended zoning ordinance that rezones that certain  
22 property owned by Leroy and Barbara Waack from A-3 (Farmland Preservation) District to A-1  
23 (Agricultural/Rural Residential) District and was adopted by the Town Board of the Town of  
24 Newton on May 9, 2017.

Dated this 20<sup>th</sup> day of June 2017.

Respectfully submitted by Randy Vogel, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Bob Cavanaugh: Supervisor Cavanaugh moved, seconded by  
Supervisor Hansen to adopt Resolution 11 (2016/2017-25) Authorizing Town of Franklin Zoning  
Ordinance Text Amendment. Upon vote, the motion carried unanimously.

No. 2017/2018 - 25

**RESOLUTION APPROVING TOWN OF FRANKLIN ZONING  
ORDINANCE TEXT AMENDMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Franklin adopted a zoning ordinance (known as the Town of  
2 Franklin Unified Development Ordinance) pursuant to the authority granted to towns under Wis.  
3 Stat. § 60.62; and  
4

5 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
6 granted to counties under Wis. Stat. § 59.69; and  
7

8 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
9 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
10 ordinance under Wis. Stat. § 59.69; and  
11

12 WHEREAS, the Town of Franklin amended its Unified Development Ordinance on June  
13 13, 2017 by allowing “Small businesses that do not exceed 160 total paid employee hours per  
14 week excluding the business owner(s)” as a permitted use in the AG General Agriculture zoning  
15 district; and  
16

17 WHEREAS, the Town of Franklin further amended its Unified Development Ordinance  
18 on June 13, 2017 by allowing the following as conditional uses in the AG General Agriculture  
19 zoning district:  
20

21 1. Small businesses that exceed 160 total paid employee hours but are less than 1600  
22 total paid employee hours per week excluding the business owner(s) with the exception of those  
23 uses listed specifically as conditional uses below;  
24

25 2. Wedding or Large Assembly Venues;  
26

27 3. Bed and Breakfast establishments;  
28

29 4. Flee markets;  
30

31 5. Any similar use to those described above subject to Plan Commission and Town  
32 Board approval;  
33

34 and  
35

36 WHEREAS, the Town of Franklin has submitted its text amendments to the Unified  
37 Development Ordinance to the Manitowoc County Board of Supervisors for approval, and a  
38 copy of the amended zoning ordinance has been provided to each member of the County Board  
39 for review;  
40

41 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
42 Supervisors approves the text amendments to the Town of Franklin Unified Development  
43 Ordinance that were adopted by the Town Board of the Town of Franklin on June 13, 2017,  
44 which amend the ordinance to include the additional permitted and conditional uses described in  
45 this Resolution.

Dated this 20th day of June 2017.

Respectfully submitted by Bob Cavanaugh, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved to adjourn, seconded by Supervisor Maresh. The motion adopted by acclamation. The meeting adjourned at 8:26 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk



MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, July 18, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 18<sup>th</sup> day of July 2017, for the purpose of transacting business as a Board of Supervisors.

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

Supervisor 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, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Hoffman, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Waack, Wagner, Weiss, Williams, Vogel, Vogt, and Zimmer. Supervisors Henrickson and Holschbach was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Weiss the June 20, 2017 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Honoring the Valders High School Marching Band to members of the band and Band Director Michelle Hussey. Dwight Eben, a member of the marching band thanked the Board for the recognition and expressed what a great honor it was to participate in the July 4, 2017 parade in Washington DC.

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Commending Clean Sweep Program Volunteers and Staff. The Materials Recycling Facility Operations Manager Jon Reisenbuechler explained that they have collected 980,000 pounds of hazardous waste since 1988 and they could not have done it without the support of the county.

Stacy Ledvina, Juvenile Justice Program Supervisor, gave an overview of the trends in the Juvenile Justice System. The Sheboygan County Juvenile Detention Center has housed juveniles since the Manitowoc County Juvenile Detention Center closed in 2012. The number of days a juvenile is housed in secure detention has decreased significantly since 2012. Manitowoc County believes that all youth are capable of success, no exceptions! Programs have been developed to assist juveniles so they can become productive members of society. Among the various tools used include motivation interviewing, intensive supervision programs, aggression replacement training, youth wellness, and focus on strength/rewarding positive decision making.

## PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:32 p.m.

Jim Theyerl, Town of Manitowoc, thanked the Board for the support that was given to the 141 Speedway in assisting them to create additional parking for their events. Mr. Theyerl expressed the opinion that employees currently receiving a vehicle allowance should not be given that benefit. He also felt that there would be no need to borrow ten million dollars if all employees were given a wage decrease of ten percent.

No one else present wished to speak; subsequently Chairperson Brey closed public input at 7:37 p.m.

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

Finance Committee: Supervisor Hansen moved, seconded by Supervisor Maresh to move the Finance Committee report and resolutions before other committee reports on the agenda. Upon voice vote, the motion carried unanimously.

Supervisor Hansen gave a brief report. Bradley Viegut, Baird Managing Director, presented a brief overview of the final pricing summary of General Obligation Refunding Bond resolution that was before the Board.

Supervisor Hansen moved, seconded by Supervisor Weiss to adopt Resolution 3 (2017/2018-26) Authorizing the Issuance and Sale of \$9,995,000 General Obligation Refunding Bonds. Upon vote, motion carried unanimously.

No. 2017/2018 - 26

## **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$9,995,000 GENERAL OBLIGATION REFUNDING BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1        WHEREAS, the Manitowoc County Board of Supervisors of Manitowoc County,  
2 Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the  
3 best interest of the County to raise funds for the public purpose of refunding obligations of the  
4 County, including interest on them, specifically, a portion of the 2018 maturity and all of the  
5 2019 through 2021 maturities of the General Obligation Refunding Bonds, dated April 10, 2007  
6 (the "2007 Bonds") and the Note Anticipation Notes, dated February 7, 2017 (the "2017 Notes")  
7 (collectively, the "Refunded Obligations") (hereinafter the refinancing of the Refunded  
8 Obligations shall be referred to as the "Refunding"); and  
9

10        WHEREAS, the Manitowoc County Board of Supervisors deems it to be necessary,  
11 desirable and in the best interest of the County to refund the 2007 Bonds for the purpose of  
12 achieving debt service savings and to refund the 2017 Notes for the purpose of providing  
13 permanent financing for the projects financed by the 2017 Notes; and  
14

15 WHEREAS, the County is authorized by the provisions of Wis. Stat. § 67.04 to borrow  
16 money and issue general obligation bonds to refinance its outstanding obligations; and  
17

18 WHEREAS, it is the finding of the Manitowoc County Board of Supervisors that it is  
19 necessary, desirable and in the best interest of the County to sell its general obligation refunding  
20 bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the  
21 terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated  
22 herein by this reference (the "Proposal");  
23

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

27 Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of  
28 the Refunding, there shall be borrowed pursuant to Wis. Stat. § 67.04 the principal sum of NINE  
29 MILLION NINE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$9,995,000) from the  
30 Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby  
31 accepted and the Chairperson of the Manitowoc County Board of Supervisors ("Chairperson")  
32 and Manitowoc County Clerk ("County Clerk") or other appropriate officers of the County are  
33 authorized and directed to execute an acceptance of the Proposal on behalf of the County. To  
34 evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized,  
35 empowered and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in  
36 the name of the County, the Bonds aggregating the principal amount of NINE MILLION NINE  
37 HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$9,995,000) for the sum set forth on the  
38 Proposal, plus accrued interest to the date of delivery.  
39

40 Section 2. Terms of the Bonds. The Bonds shall be designated "General Obligation  
41 Refunding Bonds"; shall be issued in the aggregate principal amount of \$9,995,000; shall be  
42 dated August 18, 2017; shall be in the denomination of \$5,000 or any integral multiple thereof;  
43 shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on  
44 the dates and in the principal amounts as set forth on the Pricing Summary attached hereto as  
45 Exhibit B-1 and incorporated herein by this reference. Interest shall be payable semi-annually on  
46 May 1 and November 1 of each year commencing on May 1, 2018. Interest shall be computed  
47 upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the  
48 rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest  
49 payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit  
50 B-2 and incorporated herein by this reference (the "Schedule").  
51

52 Section 2A. Designation of Maturities. For purposes of State law, the Bonds are  
53 designated as being issued to pay and discharge the debts incurred by the County through the  
54 issuance of the Refunded Obligations (and any obligations refunded by the Refunded  
55 Obligations) in the order in which those debts were incurred, so that the Bonds of the earliest  
56 maturities are considered to be issued to discharge the debts which were incurred first.

57 Section 3. Redemption Provisions. The Bonds maturing on November 1, 2027 and  
58 thereafter shall be subject to redemption prior to maturity, at the option of the County, on  
59 November 1, 2026 or on any date thereafter. Said Bonds shall be redeemable as a whole or in

part, and if in part, from maturities selected by the County and within each maturity, by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the County shall direct.

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

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the County a direct annual irrepealable tax in the years 2017 through 2035 for payments due in the years 2018 through 2036 in the amounts set forth on the Schedule.

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

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

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the County, if one has not already been created, a debt service fund, separate and distinct from 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 \$9,995,000 General Obligation Refunding Bonds, dated August 18, 2017" (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 Manitowoc 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 Wis. Stat. § 67.11.

(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 Wis. Stat. § 67.11(2)(a) 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. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(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 or purposes 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. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Bonds,

shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The County represents and covenants that the projects financed by the Bonds and by the Refunded Obligations and the ownership, management and use of the projects will not cause the Bonds and the Refunded Obligations to be "private activity bonds" within the meaning of Section 141 of the Code. The County further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The County further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The County Clerk or other officer of the County charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the County certifying that the County can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The County also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the County will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. \$7,110,000 of the Bonds are deemed designated as "qualified tax-exempt obligations" pursuant to the provisions of Section 265(b)(3)(D)(ii) of the Code, and the balance of the Bonds are designated "qualified tax-exempt obligations" pursuant to Section 265(b)(3) of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and

directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of Wis. Stat. § 67.10(2) (the "Fiscal Agent"). The Fiscal Agency Agreement between the County and the Fiscal Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this reference.

Section 13. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any 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 14. Record Date. The 15th day of the 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 15. 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, which the County Clerk or other authorized representative of the County is authorized and directed to execute and deliver to DTC on behalf of the County to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the County Clerk's office.

239       Section 16. Official Statement. The County Board of Supervisors hereby approves the  
240 Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official  
241 Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the  
242 Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the  
243 "Rule"). All actions taken by officers of the County in connection with the preparation of such  
244 Preliminary Official Statement and any addenda to it or final Official Statement are hereby  
245 ratified and approved. In connection with the Closing, the appropriate County official shall  
246 certify the Preliminary Official Statement and any addenda or final Official Statement. The  
247 County Clerk shall cause copies of the Preliminary Official Statement and any addenda or final  
248 Official Statement to be distributed to the Purchaser.

249  
250       Section 17. Undertaking to Provide Continuing Disclosure. The County hereby  
251 covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written  
252 undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of  
253 certain financial information and operating data and timely notices of the occurrence of certain  
254 events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the  
255 Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and  
256 the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific  
257 performance of the obligations thereunder and any failure by the County to comply with the  
258 provisions of the Undertaking shall not be an event of default with respect to the Bonds).

259  
260       To the extent required under the Rule, the Chairperson and County Clerk, or other officer  
261 of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing  
262 Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and  
263 terms of the County's Undertaking.

264  
265       Section 18. Redemption of the Refunded Obligations. (a) The 2007 Bonds being  
266 refunded are hereby called for prior payment and redemption on November 1, 2017 at a price of  
267 par plus accrued interest to the date of redemption.

268  
269       (b) The 2017 Notes are hereby called for prior payment and redemption on  
270 August 18, 2017 at a price of par plus accrued interest to the date of redemption.

271  
272       The County hereby directs the County Clerk to work with the Purchaser to cause timely  
273 notice of redemption, in substantially the forms attached hereto as Exhibits E-1 and E-2 and  
274 incorporated herein by this reference (the "Notices"), to be provided at the times, to the parties  
275 and in the manner set forth on the Notices. Any and all actions heretofore taken by the officers  
276 and agents of the County to effectuate the redemption of the Refunded Obligations are hereby  
277 ratified and approved.

278  
279       Section 19. Record Book. The County Clerk shall provide and keep the transcript of  
280 proceedings as a separate record book (the "Record Book") and shall record a full and correct  
281 statement of every step or proceeding had or taken in the course of authorizing and issuing the  
282 Bonds in the Record Book.



284       Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond  
285 insurance with respect to the Bonds, the officers of the County are authorized to take all actions  
286 necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are  
287 authorized to agree to such additional provisions as the bond insurer may reasonably request and  
288 which are acceptable to the Chairperson and County Clerk including provisions regarding  
289 restrictions on investment of Bond proceeds, the payment procedure under the municipal bond  
290 insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds  
291 by the bond insurer and notices to be given to the bond insurer. In addition, any reference  
292 required by the bond insurer to the municipal bond insurance policy shall be made in the form of  
293 Bond provided herein.

294  
295       Section 21. Conflicting Resolutions; Severability; Effective Date. All prior resolutions,  
296 rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the  
297 provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so  
298 conflict. In the event that any one or more provisions hereof shall for any reason be held to be  
299 illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The  
300 foregoing shall take effect immediately upon adoption and approval in the manner provided by  
301 law.

Dated this 18th day of July 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: The fiscal impact for this resolution is as provided in the Bond  
Amortization Schedule provided to County Board Supervisors.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Hansen moved, seconded by Supervisor Falkowski to adopt Resolution 1  
(2017/2018-27) Denying Claim (Adam Klarkowski). Upon vote, motion carried unanimously.

No. 2017/2018 - 27

**RESOLUTION DENYING CLAIM**  
(Adam Klarkowski)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1       WHEREAS, Adam Klarkowski filed a claim with Manitowoc County on June 27, 2017  
2 seeking \$302.76 in damages for replacement of his windshield that was allegedly cracked as a  
3 result of stones falling off a Manitowoc County Highway Department truck; and  
4

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

8 WHEREAS, the insurance carrier has reviewed the information provided, investigated  
9 the facts, and determined that Manitowoc County has no liability for the claim; and  
10

11 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
12 insurance carrier's recommendation that the claim be denied and that the county issue a formal  
13 disallowance;  
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 18th day of July 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Hansen moved, seconded by Supervisor Cavanaugh to adopt Resolution 2  
(2017/2018-28) Authorizing the Appropriation of \$28,170 from the Town of Franklin Substation  
Environmental Impact Fee for Completing Silver Lake Flood Alleviation Project. Upon vote,  
motion carried unanimously.

No. 2017/2018 - 28

**RESOLUTION AUTHORIZING THE APPROPRIATION OF \$28,170  
FROM THE TOWN OF FRANKLIN SUBSTATION ENVIRONMENTAL  
IMPACT FEE FOR COMPLETING SILVER LAKE FLOOD  
ALLEVIATION PROJECT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Silver Lake County Park, which is owned by the Holy Family Convent of  
2 Franciscan Sisters of Christian Charity, is leased to Manitowoc County on a 20 year lease; and  
3

4 WHEREAS, Silver Lake County Park has experienced numerous flood events; and  
5

6 WHEREAS, the Manitowoc County Board passed Resolution 2015/2016-72 in February  
7 of 2016 that permitted Manitowoc County to apply for a \$150,000 WDNR grant and accept a  
8 donation of up to \$150,000 from the Franciscan Sisters of Christian Charity for the purpose of  
9 upgrading the berms, boat launch area, and replacing the current bridge to reduce flooding and  
10 improve the water quality in Silver Lake; and  
11

12 WHEREAS, the \$300,000 identified above was estimated at the time to be enough to  
13 cover the entire cost of the project; and  
14

15 WHEREAS, the cost of engineering exceeded the estimate used in determining the total  
16 cost of this project; and  
17

18 WHEREAS, Manitowoc County has received bids to carry out the work necessary to  
19 alleviate the flooding conditions at Silver Lake County Park; and  
20

21 WHEREAS, when considering the engineering costs and the bid amount, completing the  
22 entire flood alleviation project will require an additional \$28,170; and  
23

24 WHEREAS, the Franciscan Sisters of Christian Charity increased their original donation  
25 to cover the additional costs associated with the engineering cost overrun; and  
26

27 WHEREAS, Manitowoc County received a onetime \$671,600 environmental impact fee  
28 payment from the Wisconsin Department of Administration for a sub-station expansion in the  
29 Town of Franklin ("Impact Fee"); and  
30

31 WHEREAS, use of the Impact Fee is restricted to certain activities as proscribed by  
32 Wisconsin law; and  
33

34 WHEREAS, pursuant to Wis. Stat. § 16.969, Manitowoc County is permitted to use the  
35 Impact Fee to complete the Silver Lake County Park flood alleviation project;  
36

37 NOW, THEREFORE BE IT RESOLVED that the Manitowoc County Board of  
38 Supervisors does hereby authorize the use and appropriation of \$28,170 of the Impact Fee for the  
39 purpose of supplementing the funding necessary to finish the Silver Lake County Park flood  
40 alleviation project; and  
41

42 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such  
43 information in the official books of Manitowoc County for the year ending December 31, 2017  
44 as may be required.

Dated this 18th day of July 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No tax levy impact. Increases the authorized expenditure for Silver Lake flood alleviation project by \$28,170 and decreases the amount that will be closed to the Restricted equity account in the General Fund by a like amount for the year ending December 31, 2017.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Brey gave a brief report.

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

Highway Committee: Supervisor Gerroll gave a brief report and answered supervisors' questions.

Human Services Board: Supervisor Cavanaugh moved, seconded by Supervisor Baumann to enact Ordinance 4 (2017/2018-29) Amending Manitowoc County Code § 4.13 (Fees). Upon discussion and vote, motion carried with 22 ayes and one no; supervisor Vogel voted no.

No. 2017/2018 - 29

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 4.13  
(FEES)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Human Services Department is required to provide  
2 access to an Intoxicated Driver Program pursuant to Wis. Admin. Code ch. DHS 62; and  
3

4 WHEREAS, fees charged for the Intoxicated Driver Program help defray the costs of  
5 providing the services; and  
6

7 WHEREAS, the Manitowoc County Code does not currently provide the fee amount that  
8 the Human Services Department may collect; and  
9

10 WHEREAS, including these fees in the Manitowoc County Code will provide express  
11 authority for the Human Services Department to collect these fees; and  
12

13 WHEREAS, currently the Human Services Department collects the following fees for the  
14 Intoxicated Driver Program: \$220 for an Intoxicated Driver Program Assessment; \$100 for a  
15 missed appointment; and, \$40 for a plan amendment;  
16

17 WHEREAS, the Human Services Board has reviewed the existing fees charged for the  
18 Intoxicated Driver Program and recommends that they be adjusted;  
19

20 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc does  
21 ordain as follows:  
22

23 Section 4.13(10) is created to read as follows:  
24

25 (10) The Human Services Department shall charge the following fees for the  
26 Intoxicated Driver Program:

- 27  
28 (a) Intoxicated Driver Program Assessment: \$250  
29  
30 (b) Missed Appointment Fee (No Show): \$150  
31  
32 (c) Plan Amendment: \$50

Dated this 18th day of July 2017.  
Respectfully submitted by the Human Services Board.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Falkowski moved to adjourn, seconded by Supervisor Maresh. The motion adopted by acclamation. The meeting adjourned at 8:07 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, August 15, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 15<sup>th</sup> day of August 2017, for the purpose of transacting business as a Board of Supervisors.

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

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

Roll call: 24 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Waack, Wagner, Williams, Vogel, Vogt, and Zimmer. Supervisor Weiss was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Baumann the July 18, 2017 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey presented a Proclamation Declaring September as Juror Appreciation Month to Lynn Zigmunt, Clerk of Circuit Court.

County Executive Bob Ziegelbauer and Chairperson Jim Brey presented a Proclamation Recognizing Fall Prevention Awareness Month to Cathy Ley, the Director of Aging and Disability Resource Center. Ms. Ley thanked the Board for the recognition. She explained that with the programs in place for Fall Prevention in Manitowoc County, the County has moved from 2<sup>nd</sup> highest in the state for falls to the 10<sup>th</sup> position. This is excellent and they will continue to work on moving even further down that list.

Jason Latva, TAD Grant Coordinator, presented the Pre-Trial Diversion/Drug Court Program that is State Grant funded for five years with annual renewals. The new program is to replace the ineffective "War on Drugs". It is a collaboration between agencies with common goals for prevention, education, treatment and continued care for adults through regular supervision of a judge or case manager. Through each step of the program, the individual would be held accountable for his/her own actions. The future vision will be to create a path that works for individuals in Manitowoc County through collaboration with Comprehensive Community Services to build a hybrid wraparound program, provide sober housing, vocational training and community integration.

## PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:29 p.m.

Maura Yost, Town of Centerville, addressed the Board regarding the \$10 million dollar bond recently passed and the consideration of imposing a 0.5% sales tax. Ms. Yost expressed concern that since 2006 the county has relied on bonding and re-financing debt to meet expenses. She feels the benefits of a 0.5% sales tax could include a funding source for county road work not dependent on property tax and revenue sharing with municipalities to assist with their road maintenance costs.

No one else present wished to speak; subsequently Chairperson Brey closed public input at 7:34 p.m.

## APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointment of Amy John and alternate Deb Holschbach to the Local Emergency Planning Committee for a two-year term expiring September 2019. Supervisor Henrickson moved, seconded by Supervisor Gauger to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Julie Reimer to the Traffic Safety Commission. Supervisor Hoffman moved, seconded by Supervisor Maresh 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 Metzger gave a brief report.

Criminal Justice Coordinating Committee: Supervisor Falkowski gave a brief report.

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

Finance Committee: Supervisor Hansen gave a brief report.

Supervisor Holschbach moved, seconded by Supervisor Cavanaugh to adopt Resolution 1 (2017/2018-30) Amending County Board Rules. Upon vote, motion carried unanimously.

No. 2017/2018 - 30

## **RESOLUTION AMENDING COUNTY BOARD RULES**

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, from time-to-time charitable organizations will request that Manitowoc  
6 County give its employees an opportunity to support their charitable actions through an  
7 automatic payroll deduction; and  
8

9 WHEREAS, Manitowoc County has determined that allowing its employees to  
10 automatically have charitable contributions deducted from an employee's paycheck is an  
11 efficient and effective way to provide its employees with an opportunity to contribute to a  
12 charitable organization; and  
13

14 WHEREAS, Manitowoc County currently does not have a policy that provides the  
15 criteria by which Manitowoc County will allow a charity to participate in its automatic payroll  
16 deduction system; and  
17

18 WHEREAS, the Finance Committee of the County Board of Supervisors has prepared a  
19 policy to address the criteria under which a charitable organization should be included in the  
20 County's automatic payroll deduction system; and  
21

22 WHEREAS, the Manitowoc County Board of Supervisors adopted Resolution No.  
23 2016/2017-1 that established rules for the County Board Elected April 2016 (the "County Board  
24 Rules") on April 19, 2016; and  
25

26 WHEREAS, the Finance Committee recommends that the County Board Rules be  
27 amended to include the County's policy for permitting a charitable organization to be included in  
28 the County's automatic payroll deduction system;  
29

30 NOW, THEREFORE, BE IT RESOLVED that County Board Rules are amended as  
31 follows:  
32

33 Rule 31A is created to read as follows:  
34

35 31A Automatic Payroll Deduction Policy for Charitable Contributions.  
36

37 The Manitowoc County Board of Supervisors authorizes its' standing Finance Committee  
38 to permit automatic payroll deductions for various non-profit and charitable organizations  
39 under the following terms and conditions.  
40

41 (a) For purposes of this policy, charitable and non-profit organizations are defined as  
42 those entities that are exempt from taxes under Internal Revenue Code, such as a  
43 501(c)(3) or other applicable status. Elected official is defined as a current  
44 elected county board member or any of the following Manitowoc County elected  
45 positions, County Clerk, Register of Deeds, Clerk of Court, Sheriff, Treasurer,  
46 Coroner, Executive, or District Attorney.  
47

48 (b) The charitable or non-profit organization (hereinafter the "organization"), shall  
49 contact and arrange for two (2) elected officials to be the contact and solicitor of



50 donations for its organization with the County. The organization and the two (2)  
51 elected officials shall contact the Comptroller to be placed on the finance agenda  
52 to request an employee payroll deduction organization option. This request must  
53 be made by November 30 of each year and will take effect on January 1 of the  
54 following year and be effective for that calendar year only (the “effective year”).  
55

56 (c) In order for the Finance Committee to approve an organization, the organization  
57 must comply with and present to the Finance Committee its non-discrimination  
58 policy which must equal or exceed that of Manitowoc County’s. The  
59 organization must have an office or place of business within Manitowoc County.  
60 The organization must meet the criteria necessary to establish that it could receive  
61 certification that the organization provides or conducts real services, benefits,  
62 assistance, or program activities in Manitowoc County as described in  
63 5 CFR § 950.202, as amended.  
64

65 (d) Once approved by the Finance Committee, an organization must obtain a  
66 minimum of twelve (12) signed employee donation payroll deduction forms (form  
67 to be approved by the Comptroller’s Office). If an organization fails to obtain  
68 twelve (12) signed county employee payroll deduction participants before  
69 December 10 for the upcoming year, the Comptroller’s Office will not initiate  
70 payroll deductions.  
71

72 (e) If there are at least twelve (12) participants, the Comptroller’s Office will initiate  
73 payroll deductions starting with the first payroll of January and continue the  
74 deduction the first payroll of each month through December of the effective year.  
75 The amount deducted each month will be remitted to the organization along with  
76 the deduction register showing who and how much is being contributed.  
77

78 (f) As Finance Committee approval and participation in this activity is good for one  
79 calendar year only, organizations will have to reapply each year and obtain new  
80 employee payroll deduction certificates each year if they wish to continue the  
81 program.

Dated this 15th day of August 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Negligible.

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.

Highway Committee: Supervisor Gerroll gave a brief report.

Human Services Board: Supervisor Henrickson gave a brief report.

Land Conservation Committee: Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 2 (2017/2018-31) Amending Employee Policy Manual § 12.01, General Restriction on Use of Paid Time Off. Upon vote, motion carried unanimously.

No. 2017/2018 - 31

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 12.01,  
GENERAL RESTRICTION ON USE OF PAID TIME OFF**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County has adopted an Employee Policy Manual to provide  
2 uniform personnel policies and procedures; and  
3

4           WHEREAS, Section 12.01 (General Restriction on Use of Paid Time Off) of the  
5 Employee Policy Manual provides Manitowoc County's policy regarding employees combining  
6 paid time off with hours actually worked to exceed an employee's normally scheduled work  
7 hours; and  
8

9           WHEREAS, Manitowoc County has consistently held that an employee may not combine  
10 paid time off with hours actually worked to exceed an employee's normally scheduled work  
11 hours in a calendar week; and  
12

13           WHEREAS, updates must be made to the Employee Policy Manual from time-to-time to  
14 clarify policies, keep policies current, reflect current practice, and address new issues and  
15 circumstances; and  
16

17           WHEREAS, the proposed revision to § 12.01 (General Restriction on Use of Paid Time  
18 Off) of the Employee Policy Manual provides additional clarification to make clear that  
19 employees may not combine paid time off with hours actually worked to exceed an employee's  
20 normally scheduled work hours in a calendar week;  
21

22           NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
23 Supervisors amends the Manitowoc County Employee Policy Manual §12.01 to read as follows:  
24

25   12.01   General Restriction on Use of Paid Time Off

26 Except for positions that the employer requires to be staffed at all times, and except for  
27 non-accrued leave as further provided in this section, an employee may not combine paid  
28 time off with hours actually worked to exceed his or her normally scheduled hours in a  
29 calendar week. This policy does not prohibit an employee from combining non-accrued  
30 leave such as funeral leave as provided in Section 12.02, holidays as provided in Section  
31 12.03, and jury duty as provided in Section 12.06, with hours actually worked to exceed  
32 his or her normally scheduled hours.

Dated this 15th day of August 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack gave a brief report.  
Supervisor Waack moved, seconded by Supervisor Hansen to adopt Resolution 3 (2017/2018-32)  
Authorizing Ice Age Trail Construction Through Walla Hi County Park. Upon vote, the motion  
carried unanimously.

No. 2017/2018 - 32

**RESOLUTION AUTHORIZING ICE AGE TRAIL CONSTRUCTION  
THROUGH WALLA HI COUNTY PARK**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the 96th Congress of the United States established the Ice Age National  
2 Scenic Trail in October of 1980 to provide for the ever-increasing outdoor recreation needs of an  
3 expanding population and to promote the preservation of, public access to, travel within, and  
4 enjoyment and appreciation of the open-air, outdoor areas and historic resources of the Nation;  
5 and  
6

7 WHEREAS, the mission of the Ice Age Trail Alliance is to create, support and protect a  
8 thousand-mile footpath tracing Ice Age formations across Wisconsin; and  
9

10 WHEREAS, Walla Hi County Park has been identified as a "Corridor of Opportunity" by  
11 the Wisconsin Department of Natural Resources publication Ice Age National Scenic Trail  
12 Corridor Plan and Environmental Assessment for Kewaunee, Manitowoc, and Sheboygan  
13 Counties, Wisconsin; and  
14

15 WHEREAS, Walla Hi County Park offers scenic kettle moraine landscapes and a variety  
16 of different habitats while providing facilities such as picnic areas, grills, tables, playground  
17 equipment and toilet facilities; and

18  
19 WHEREAS, after a careful consideration of the facts and circumstances relating to  
20 constructing a segment of the Ice Age Trail through Walla Hi County Park, the Planning and  
21 Park Commission recommends that Manitowoc County authorize the development and  
22 construction of an approximate 2.1 mile segment of the Ice Age Trail through Walla Hi County  
23 Park;

24  
25 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
26 Supervisors authorizes the development and construction of an approximate 2.1 mile segment of  
27 the Ice Age Trail through Walla Hi County Park as recommended by the Planning and Park  
28 Commission on July 24, 2017.

Dated this 15th day of August 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None. The Ice Age Trail Alliance is responsible for development,  
construction, signage and maintenance of the proposed trail.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Holschbach to enact Ordinance 4  
(2017/2018-33) Amending Zoning Map (Marjorie Bodwin). Upon vote, the motion carried  
unanimously.

No. 2017/2018 - 33

**ORDINANCE AMENDING ZONING MAP**  
(Marjorie Bodwin)

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 July 24 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in the SW<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> and in the NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of Section  
12 5, T19N, R22E, Town of Cato, Manitowoc County, Wisconsin and described as follows:  
13

Commencing at the Center of said Section 5, thence N89°55'19"E along the ¼ section line 326.34 feet to the northerly right of way of USH 10, thence S54°07'33"E (recorded as S55°49'00"E) along said right of way 48.48 feet, thence S62°39'24"E (recorded as S64°20'51"E) along said right of way 468.75 feet to the point of real beginning, thence continue S62°39'24"E (recorded as S64°20'51"E) along said right of way 57.49 feet, thence N02°13'50"E 82.59 feet, thence N18°08'19"E 312.21 feet, thence N03°57'41"E 106.91 feet, thence N15°07'13"E 90.0 feet, thence N00°36'18"E 850.0 feet, thence S89°54'35"W 290.0 feet, thence S00°36'18"W 375.0 feet, thence S23°43'28"W 390.0 feet, thence S63°24'55"E 360.0 feet, thence S29°11'09"E 88.99 feet, thence S03°27'48"E 62.88 feet, thence S18°08'19"W 314.76 feet, thence S02°13'50"E 63.19 feet to the point of real beginning, said tract containing 7.2 acres of land and is hereby rezoned from Exclusive Agriculture (EA) District to Large Estate (LE) District.

Dated this 15th day of August 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Zimmer to enact Ordinance 5 (2017/2018-34) Amending Zoning Map (Larry & Lori Buchholz). Upon vote, the motion carried unanimously.

No. 2017/2018 - 34

**ORDINANCE AMENDING ZONING MAP**  
(Larry and Lori Buchholz)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Planning and Park Commission, after providing the required notice, held a public hearing on a petition for a zoning ordinance amendment on July 24 2017; and

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

NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as follows:

A parcel of land located in part of the Southeast 1/4 of the Southwest 1/4 of Section 21, T21N, R22E, Town of Cooperstown, Manitowoc County, Wisconsin described as follows:

14 Commencing at the South 1/4 Corner of Section 21; thence along the southerly line of the  
15 SW¼ South 89°55'46" West 1,304.97 feet; thence North 0°16'26" East 477.66 feet to the  
16 point of beginning; thence continuing North 0°16'26" East 834.33 feet; thence South  
17 89°54'48" East 266.38 feet; thence South 0°16'26" West 876.41 feet; thence North  
18 80°55'55" West 269.55 feet to the point of beginning, said parcel containing 5.231 acres  
19 and is hereby rezoned from General Agriculture (GA) District to Large Estate (LE)  
20 District.

Dated this 15th day of August 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Falkowski to enact Ordinance 6 (2017/2018-35) Amending Zoning Map (Joseph A. Giandinoto). Upon vote, the motion carried unanimously.

No. 2017/2018 - 35

**ORDINANCE AMENDING ZONING MAP**  
(Joseph Giandinoto)

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 July 24 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 An existing parcel of land located in a part of the Northwest Quarter (NW¼) of the  
12 Northwest Quarter (NW¼) and the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼)  
13 of Section 27, Township 17 North, Range 21 East, Town of Schleswig, Manitowoc County,  
14 Wisconsin and described as follows:  
15

16 Commencing at the North Quarter Corner of said Section 27; thence N89°48'45"W along  
17 the North line of the NW¼ of said Section 27, a distance of 65.86 feet to the Centerline  
18 of Rockville Road and the point of beginning; thence N89°48'45"W continuing along  
19 said North line 1421.14 feet; thence S00°11'15"W 550.56 feet to the Centerline of

20 Rockville Road; thence N88°44'15"E along said Centerline 351.72 feet; thence  
21 Northeasterly 535.28 feet along said Centerline and the arc of a curve to left, having a  
22 radius of 944.02 feet, and chord of which bears N72°29'36"E 528.14 feet; thence  
23 N56°14'58"E along said Centerline 682.68 feet to the point of beginning, said parcel  
24 containing approximately 12.86 acres of land and is hereby rezoned from General  
25 Agriculture (GA) District to Large Estate (LE) District.

Dated this 15th day of August 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Falkowski to enact Ordinance 7 (2017/2018-36) Amending Zoning Map (Herbert Mast & Lloyd Petersheim). Upon vote, the motion carried unanimously.

No. 2017/2018 - 36

**ORDINANCE AMENDING ZONING MAP**  
(Herbert and Myrna Mast & Lloyd and Carol Petersheim)

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 July 24, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in the SE¼ of the NW¼ and the NE¼ of the SW¼ of Section 13,  
12 T19N, R21E, Town of Rockland, Manitowoc County, Wisconsin and described as follows:  
13

14 Commencing at the Center of said Section 13; thence S89°27'03"W a distance of 660.00  
15 feet, along the ¼ section line, to the point of real beginning; thence S00°14'38"E a  
16 distance of 105.00 feet; thence S87°27'03"W a distance of 210.00 feet; thence  
17 N00°14'38"W a distance of 210.00 feet; thence N87°27'03"E a distance of 210.00 feet;  
18 thence S00°14'38"E a distance of 105.00 feet, to the point of real beginning, said parcel

19 containing 1.01 acres of land and is hereby rezoned from Exclusive Agriculture (EA)  
20 District to Rural Residential (RR) District.

Dated this 15th day of August 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Holschbach to adopt Resolution 8 (2017/2018-37) Establishing an Hourly Rate of Compensation for Condemnation Commissioners. Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Zimmer voted no.

No. 2017/2018 - 37

**RESOLUTION ESTABLISHING AN HOURLY RATE OF  
COMPENSATION FOR CONDEMNATION COMMISSIONERS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, pursuant to Wis. Stat. § 32.08, a condemnation commission has been  
2 created in Manitowoc County to serve as the first level of appeal for persons who challenge an  
3 award of compensation in a condemnation case; and  
4

5 WHEREAS, the condemnation commissioners hear the evidence and make a  
6 determination regarding the just compensation to be paid to the landowner in a condemnation;  
7 and  
8

9 WHEREAS, pursuant to Wis. Stats §32.08(4), the Manitowoc County Board of  
10 Supervisors is required to establish and approve an hourly rate of compensation for  
11 commissioners of condemnation for actual services rendered; and  
12

13 WHEREAS, the condemnor is responsible for payment of the costs for the condemnation  
14 commissioners; and  
15

16 WHEREAS, it has been determined that a fair rate of compensation for actual services  
17 rendered would be an hourly rate of \$40.00 per hour, plus round trip mileage reimbursement at  
18 the current standard mileage rate approved by the Internal Revenue Service for the necessary and  
19 direct round trip travel from their homes to the place where the condemnation commission  
20 conducts its hearings; and  
21



22 WHEREAS, the chairperson of the condemnation commission shall receive such  
23 reasonable sum, computed at the rate of \$40.00 per hour, as shall be allowed by the circuit judge  
24 having jurisdiction over the hearing, for his or her administrative work in selecting and notifying  
25 the commissioners to serve in the condemnation hearing and his or her necessary out-of-pocket  
26 expenses in connection with the hearing; and  
27

28 WHEREAS, upon conclusion of a commission hearing, the commission is statutorily  
29 required to file with the Clerk of Court a sworn voucher for the compensation due each member,  
30 which sum, upon approval by the circuit judge, shall be paid by the condemnor;  
31

32 NOW, THEREFORE, BE IT RESOLVED that compensation for condemnation  
33 commissioners be established and approved at the hourly rate of \$40.00 per hour, plus round trip  
34 mileage reimbursement at the current standard mileage rate approved by the Internal Revenue  
35 Service.

Dated this 15th day of August 2017.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: None. The condemnor is responsible for payment of the costs of the commissioners.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Dyzak gave a brief report.

Supervisor Dyzak moved, seconded by Supervisor Williams to adopt Resolution 9 (2017/2018-38) Granting a Utility Easement for Van Horn Automotive Group on the Manitowoc County Office Complex Property. Upon vote, the motion carried unanimously.

No. 2017/2018 - 38

**RESOLUTION GRANTING A UTILITY EASEMENT FOR VAN HORN  
AUTOMOTIVE GROUP ON THE MANITOWOC COUNTY OFFICE  
COMPLEX PROPERTY**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County owns a 13.08 acre site in the City of Manitowoc at 4319  
2 Expo Drive that is the location of the Manitowoc County Office Complex ( MCOC ); and  
3

4 WHEREAS, the MCOC property shares a lot line with Van Horn Automobile Group that  
5 operates a car dealership known as First Chrysler; and  
6

7 WHEREAS, there is an existing public utility easement located along the common lot  
8 line between the MCOC and First Chrysler dealership that extends 15' onto Manitowoc County's  
9 property; and

10  
11 WHEREAS, in 2001 the then owner of the First Chrysler dealership installed a private  
12 sanitary sewer lateral into the public utility easement without the City of Manitowoc or  
13 Manitowoc County's consent; and

14  
15 WHEREAS, Manitowoc County became aware of this sanitary sewer lateral in 2016 only  
16 after a certified survey of the County property was performed; and

17  
18 WHEREAS, upon becoming aware of the encroachment, Manitowoc County informed  
19 the current owners of the First Chrysler dealership, Van Horn Automotive Group, about the  
20 issue; and

21  
22 WHEREAS, Manitowoc County, the City of Manitowoc, and Van Horn Automate Group  
23 desire to work cooperatively to properly document this private sanitary sewer lateral in the public  
24 utility easement area; and

25  
26 WHEREAS, the City of Manitowoc must approve the installation of a private utility into  
27 a public utility easement; and

28  
29 WHEREAS, the City of Manitowoc's Public Infrastructure Committee approved the  
30 private sanitary sewer lateral in the public utility easement area on February 3, 2017; and

31  
32 WHEREAS, the Public Works Committee has reviewed this issue and recommends to the  
33 County Board that this sanitary sewer lateral be allowed to remain in the public utility easement  
34 area by granting an easement to Van Horn Automotive Group, which will be recorded in the  
35 Manitowoc County Register of Deeds office; and

36  
37 WHEREAS, any costs associated with this filing are borne by Van Horn Automotive  
38 Group;

39  
40 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
41 Supervisors grants a private utility easement to Van Horn Automotive Group for its sanitary  
42 sewer lateral that currently exists in the private utility easement on the MCOC property and  
43 authorizes the County Executive, County Board Chair, County Clerk, Corporation Counsel, and  
44 such other county officials as may be necessary to finalize and execute the easement.

Dated this 15th day of August 2017.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Kevin Behnke: Supervisor Behnke moved, seconded by Supervisor Baumann to adopt Resolution 10 (2017/2018-39) Approving Town of Centerville Zoning Ordinance Amendment (Jeremy & Stacy Klotz). Upon vote, the motion carried unanimously.

No. 2017/2018 - 39

**RESOLUTION APPROVING TOWN OF CENTERVILLE ZONING  
ORDINANCE**  
(Jeremy and Stacy Klotz)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Centerville adopted a zoning ordinance pursuant to the  
2 authority granted to towns under Wis. Stat. § 60.62; and  
3

4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
5 granted to counties under Wis. Stat. § 59.69; and  
6

7 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
8 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
9 ordinance under Wis. Stat. § 59.69; and  
10

11 WHEREAS, the Town of Centerville amended its zoning ordinance on Thursday, July  
12 20, 2017 by rezoning property owned by Jeremy and Stacy Klotz from A-3 (Exclusive  
13 Agricultural) District to A-2 (Agricultural) District in accordance with Wis. Stat. § 60.62; and  
14

15 WHEREAS, the Town of Centerville has submitted its amended zoning ordinance to the  
16 Manitowoc County Board of Supervisors for approval, and a copy of the amended zoning  
17 ordinance has been provided to each member of the county board for review;  
18

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
20 Supervisors approves the Town of Centerville's amended zoning ordinance that rezones that  
21 certain property owned by Jeremy and Stacy Klotz from A-3 (Exclusive Agricultural) District to  
22 A-2 (Agricultural) District and was adopted by the Town Board of Centerville on July 20, 2017.

Dated this 15th day of August 2017.

Respectfully submitted by Kevin Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Kevin Behnke: Supervisor Behnke moved, seconded by Supervisor Dyzak to adopt Resolution 11 (2017/2018-40) Approving Town of Centerville Zoning Ordinance Amendment (Tony & Lindsay Wiesner). Upon vote, the motion carried unanimously.

**RESOLUTION APPROVING TOWN OF CENTERVILLE ZONING  
ORDINANCE**

(Tony and Lindsay Wiesner)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Centerville adopted a zoning ordinance pursuant to the  
2 authority granted to towns under Wis. Stat. § 60.62; and  
3

4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
5 granted to counties under Wis. Stat. § 59.69; and  
6

7 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
8 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
9 ordinance under Wis. Stat. § 59.69; and  
10

11 WHEREAS, the Town of Centerville amended its zoning ordinance on Thursday, July  
12 20, 2017 by rezoning property owned by Tony and Lindsay Wiesner from A-3 (Exclusive  
13 Agricultural) District to A-4 (Agricultural Residential) District in accordance with Wis. Stat.  
14 § 60.62; and  
15

16 WHEREAS, the Town of Centerville has submitted its amended zoning ordinance to the  
17 Manitowoc County Board of Supervisors for approval, and a copy of the amended zoning  
18 ordinance has been provided to each member of the county board for review;  
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
21 Supervisors approves the Town of Centerville's amended zoning ordinance that rezone that  
22 certain property owned by Tony and Lindsay Wiesner from A-3 (Exclusive Agricultural) District  
23 to A-4 (Agricultural Residential) District and was adopted by the Town Board of Centerville on  
24 July 20, 2017.

Dated this 15th day of August 2017.

Respectfully submitted by Kevin Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved to adjourn, seconded by Supervisor Gerroll. The motion adopted by  
acclamation. The meeting adjourned at 8:26 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, September 19, 2017

7:02 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 19<sup>th</sup> day of September 2017, for the purpose of transacting business as a Board of Supervisors.

Chairperson Brey called the meeting to order at 7:02 p.m.

Chairperson Brey held a moment of silence for former Supervisor Greg Meidl, and then gave the invocation, which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Waack, Weiss, Williams, Vogel, Vogt, and Zimmer. Supervisor Wagner was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Holschbach the August 15, 2017 meeting minutes were approved on a unanimous vote.

The County Clerk announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Brey presented a Proclamation Commending Crystal Siemers-Peterman as Alice in Dairyland. Ms. Siemers-Peterman introduced herself as the 70<sup>th</sup> Alice in Dairyland Ambassador and the sixth generation on her family's dairy and crop farm. As the first Manitowoc County Alice, she is proud to represent and promote Wisconsin Agriculture throughout the country. As Alice in Dairyland, she has conducted tv and radio interviews, along with being actively involved various social media outlets. Ms. Siemers-Peterman encouraged everyone to reach out and thank their local farmers for all the hard work they do every day to bring their products to the table. She felt honored to receive the proclamation and thanked the County Board.

County Executive Bob Ziegelbauer and Chairperson Jim Brey presented a Proclamation Honoring 4-H Week to Kevin Palmer, 4-H and Youth Development Educator. Mr. Palmer thanked the Board and invited everyone to the Family Fun Night on Tuesday, September 26, 2017 from 6:30 p.m. to 8:00 p.m. Mr. Palmer introduced Georgia Zutz, a member of the Rockland Sunshine 4-H Club. Miss Zutz informed the County Board of the many activities she has been involved through her 4-H club which has helped her gain the confidence to branch out in other activities outside of 4-H. She then thanked the County Board for their support of the 4-H Club Program.

County Executive Bob Ziegelbauer and Chairperson Jim Brey a Proclamation Declaring the Month of October Crime Prevention Month.

Sharon Cornils, Personnel Director gave a presentation on the proposed method of establishing elected official salaries, followed by a question and answer session.

Chairperson Brey gave a brief presentation of the proposed 2018 County Board budget.

#### PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:37 p.m.

Jim Theyerl, Town of Manitowoc, spoke in opposition to a half-percent sales tax. He believes the management in the County should take a ten percent decrease in their pay and that money be given to the working employees. He questioned why the revenue from substation in the Town of Franklin was not used toward roads and noted that he later learned it was designated for recreational items.

Ryan Schug, City of Two Rivers, is against the Manitowoc County Ordinance 6.295 Feeding Deer Prohibited. He expressed that the ordinance is not needed. Mr. Schug explained that the DNR had run multiple tests for Chronic Wasting Disease and Tuberculosis in Manitowoc County, in which there have been zero positive results. There would be no harm in baiting deer in Manitowoc County.

Maura Yost, Town of Centerville, informed the public that some board and committee meetings are now available to view on YouTube. The local Farm Bureau with 600 members passed a resolution supporting the half percent sales tax increase because they recognize the need for the continuous, high quality road maintenance. She then questioned if all the 700 501(c)(3) non-profit organizations were informed of the recently passed resolution allowing for automatic payroll deduction of charitable contributions by Manitowoc County employees.

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

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

Board of Health: Supervisor Metzger gave a brief report.

Supervisor Metzger moved, seconded by Supervisor Dyzak to enact Ordinance 1 (2017/2018-41) Amending Manitowoc County Code Repealing § 7.26 (Non-profit Food Stands). Upon vote, motion carried 23 ayes and 1 no; Supervisor Nickels voted no.

No. 2017/2018 - 41

#### **ORDINANCE AMENDING MANITOWOC COUNTY CODE REPEALING § 7.26 (NON-PROFIT FOOD STANDS)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

2  
3 WHEREAS; Manitowoc County Code § 7.26 (Non-Profit Food Stands) currently requires  
4 a non-profit organization “that occasionally prepares, serves, or sells food to transients or the  
5 general public [] to have a permit issued by the health department”; and  
6

7 WHEREAS, Manitowoc County Code § 7.26 further requires a non-profit organization to  
8 have a state temporary restaurant license in addition to a permit issued by the health department  
9 if the organization “operates a food stand on 4 or more calendar days in a permit year”; and  
10

11 WHEREAS, the State Legislature recently amended state law to exempt special  
12 organization that serve meals for three days or less in a 12-month period and religious,  
13 charitable, and non-profit organizations that operate a temporary retail food establishment for no  
14 more than 12 days in any license year from licensing/permitting requirements; and  
15

16 WHEREAS, the State of Wisconsin Department of Agriculture, Trade, and Consumer  
17 Protection (“DATCP”) has notified Manitowoc County that under our agent contract with  
18 DATCP the County may no longer issue a license/permit or charge a training fee or training  
19 requirement to a group exempted by Wisconsin law; and  
20

21 WHEREAS, Section 7.26 of the Manitowoc County Code needs to be repealed to ensure  
22 compliance with the County’s DATCP agent contract because it now conflicts with state law;  
23

24 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as  
25 follows:  
26

27 Manitowoc County Code § 7.26 is hereby repealed in its entirety.  
28

29 and;  
30

31 BE IT FURTHER ORDAINED that this Ordinance shall be effective upon publication.

Dated this 19th day of September 2017.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Based upon last year’s permit sales, revenue will be reduced by \$3,860.

APPROVED: Bob Ziegelbauer, County Executive.

Criminal Justice Coordinating Committee: Supervisor Falkowski gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

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

Finance Committee: Supervisor Hansen gave a brief report.  
Supervisor Hansen moved, seconded by Supervisor Swade to adopt Resolution 2 (2017/2018-42) Denying Claim (Malynnda Goeke). Upon vote, motion carried unanimously.

No. 2017/2018 - 42

**RESOLUTION DENYING CLAIM**  
(Malynnda Goeke)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1        WHEREAS, Mylynnda Goeke filed a claim with Manitowoc County on August 10, 2017,  
2        2017 seeking \$1,436.95 in damages for repair of her automobile that was allegedly damaged as a  
3        result of pieces of blacktop hitting her car as she drove past pavement being cut by Manitowoc  
4        County; 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 insurance carrier has reviewed the information provided, investigated  
10       the facts, and determined that Manitowoc County has no liability for the claim; and

11  
12       WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
13       insurance carrier's recommendation that the claim be denied and that the county issue a formal  
14       disallowance;

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

Dated this 19th day of September 2017.

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 Henrickson gave a brief report.

Land Conservation Committee: Supervisor Waack gave a brief report.

Personnel Committee: Supervisor Behnke gave a brief report.



Supervisor Behnke moved, seconded by Supervisor Maresh to adopt Resolution 3 (2017/2018-43) Amending Employee Policy Manual § 8.12(3). Upon vote, motion carried unanimously.

No. 2017/2018 - 43

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL TO ADD § 8.12(3)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to provide  
2 uniform personnel policies and procedures; and

3  
4 WHEREAS, updates must be made to the Employee Policy Manual from time-to-time to  
5 clarify policies, keep policies current, reflect current practice, and address new issues and  
6 circumstances; and

7  
8 WHEREAS, certain Manitowoc County employees are covered under the Wisconsin  
9 Caregiver Law, which requires, *inter alia*, background and criminal history checks of certain  
10 personnel who are responsible for the care, safety and security of children and adults; and

11  
12 WHEREAS, Wis. Admin. Code § DHS 12.07(1) requires that an entity shall include in its  
13 personnel or operating policies a provision that requires employees covered under the Wisconsin  
14 Caregiver Law to notify the entity as soon as possible, but no later than the person's next  
15 working day, when any of the following occurs:

- 16  
17 (a) The employee has been convicted of a crime.  
18 (b) The employee has been or is being investigated by any governmental agency for  
19 any other act, offense, or omission, including an investigation related to the abuse  
20 or neglect, or threat of abuse or neglect, to a child or another client, or an  
21 investigation into the misappropriation of a client's property.  
22 (c) The employee has a governmental finding substantiated against them of abuse or  
23 neglect of a client or of misappropriation of a client's property.  
24 (d) In the case of a position for which the person must be credentialed by the  
25 department of safety and professional services, the person has been denied a  
26 license, or the person's license has been restricted or otherwise limited.

27  
28 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
29 Supervisors amends the Manitowoc County Employee Policy Manual to create § 8.12(3) to read  
30 as follows:

31  
32 8.12 Off Duty Conduct

- 33  
34 (3) Caregiver Notification: Pursuant to Wis. Admin. Code § DHS 12.07, employees  
35 covered under the Wisconsin Caregiver Law are required to notify their  
36 supervisor as soon as possible, and no later than the employee's next working  
37 day, when any of the following occurs:

- 38  
39           (a) The employee has been convicted of a crime.  
40  
41           (b) The employee has been or is being investigated by any governmental  
42 agency for any other act, offense, or omission, including an investigation  
43 related to the abuse or neglect, or threat of abuse or neglect, to a child or  
44 another client, or an investigation into the misappropriation of a client's  
45 property.  
46  
47           (c) The employee has a governmental finding substantiated against them of  
48 abuse or neglect of a client or of misappropriation of a client's property.  
49  
50           (d) In the case of a position for which the person must be credentialed by the  
51 department of safety and professional services, the person has been denied  
52 a license, or the person's license has been restricted or otherwise limited.

Dated this 19th day of September 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:   None.

APPROVED:           Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Baumann to adopt Resolution 4 (2017/2018-44) Repealing and Recreating Employee Policy Manual § 20 (Retirement). Upon vote, motion carried unanimously.

No. 2017/2018 - 44

**RESOLUTION REPEALING AND RECREATING EMPLOYEE POLICY  
MANUAL § 20 (RETIREMENT)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County has authorized an Employee Policy Manual to establish  
2 uniform personnel policies and procedures; and  
3

4           WHEREAS, Section 20 of the Employee Policy Manual provides Manitowoc County's  
5 policy relating to retirement of Manitowoc County employees; and  
6

7           WHEREAS, updates must be made to the Employee Policy Manual from time-to-time to  
8 keep the policies current, reflect current practice, and address new issues and circumstances; and  
9

10 WHEREAS, the proposed revision to § 20 (Retirement) replaces a generic statement that  
11 employees' are eligible for retirement pursuant to Wisconsin law with a uniform policy  
12 regarding recognition of retiring employees; and  
13

14 WHEREAS, allocating funds to provide invitations, supplies and refreshments is a  
15 meaningful way for Manitowoc County to recognize the contributions of retiring employees; and  
16

17 WHEREAS, having such a policy will assist departments in organizing retirement  
18 recognition in a manner consistent with County policies and County Codes;  
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
21 Supervisors amends the Manitowoc County Employee Policy Manual §20 to read as follows:  
22

23 20.01 ~~Eligibility~~Definition of Retirement  
24

25 ~~Manitowoc County employees' eligibility for retirement shall be determined by the~~  
26 ~~requirements of Ch. 40, Wis. Stats. "Retirement" means an employee separating from~~  
27 ~~employment who is immediately eligible for a retirement benefit as determined by the~~  
28 ~~Wisconsin Retirement System.~~  
29

30 20.02 Recognition of Retiring Employees  
31

32 Department Directors may arrange for recognition of retiring employees subject to the  
33 following restrictions:  
34

- 35 (1) Retirement recognition must be budgeted for and expensed to the designated  
36 account number.  
37  
38 (2) Eligible expenses shall only include invitations, supplies, and refreshments. Cash,  
39 gift certificates, and gifts are not an eligible expense.  
40 (3) Recognition must be held on County property and shall be subject to the  
41 restrictions of § 30.06 of this Employee Policy Manual (Compliance with Laws  
42 and Regulations – Use of Conference Rooms).  
43  
44 (4) Any recognition must not violate any Manitowoc County ordinance or policy,  
45 including but not limited to, this Employee Policy Manual and Manitowoc County  
46 Code § 30.13 (Ethics – Gifts and Favors).

Dated this 19th day of September 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 5 (2017/2018-45) Establishing Compensation for County Board Supervisors for Term Beginning April 2018. Discussion followed.

Amendment: Supervisor Maresh moved, seconded by Supervisor Hoffmann to amend the proposed monthly increase from \$191.67 to \$166.67, and amend the yearly salary increase from \$3,600 to \$3,300 for County Board Supervisors; amend the monthly increase from \$316.67 to \$291.67, and amend the yearly salary increase from \$5,100 to \$4,800 for the County Board Chair, and amend the net increase in yearly salary of \$600 to \$300 for all County Board members. Discussion followed. Upon vote, motion carried 13 ayes and 11 noes. Supervisors Holschbach, Metzger, Nasep, Williams, Gauger, Zimmer, Waack, Cavanaugh, Falkowski, Gerroll, and Henrickson voted no; all others voted aye.

Discussion took place on the motion to adopt Resolution 5 (2017/2018-45) Establishing Compensation for County Board Supervisors for Term Beginning April 2018 as amended. Upon vote, motion carried 14 ayes and 10 noes. Supervisors Nickels, Nasep, Williams, Gauger, Zimmer, Waack, Cavanaugh, Muench, Falkowski, and Gerroll voted no; all others voted aye.

No. 2017/2018 - 45

**AMENDED  
RESOLUTION ESTABLISHING COMPENSATION FOR COUNTY  
BOARD SUPERVISORS FOR TERM BEGINNING APRIL 2018**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, pursuant to Wis. Stat. § 59.10, Manitowoc County has elected to become a  
2 “self-organized” county; and  
3

4 WHEREAS, under Wisconsin law, in self-organized counties the method of  
5 compensation for the County Board is determined by the Board, subject to the County  
6 Executives authority to approve or veto resolutions or ordinances pursuant to Wis. Stat. §  
7 59.17(6); and  
8

9 WHEREAS, on October 26, 2009, the salary for County Board Supervisors was  
10 established at the current level of \$250.00 per month, or \$3,000.00 annually, and the salary of the  
11 County Board Chair was established at \$375.00 per month, or \$4,500.00 annually; and  
12

13 WHEREAS, the current salary structure for County Board Supervisors does not provide  
14 for any per diem for any meetings; and  
15

16 WHEREAS, the Personnel Committee recommends that the salary of County Board  
17 Supervisors be modified such that County Board Supervisors be paid \$166.67 monthly plus

18 \$100.00 per diem for each of the 13 regularly scheduled County Board meetings attended for a  
19 potential total annual salary of \$3,300.00; and  
20

21 WHEREAS, the Personnel Committee further recommends that the salary of the County  
22 Board Chair be modified such that the County Board Chair be paid \$291.67 monthly plus  
23 \$100.00 per diem for each of the 13 regularly scheduled County Board meetings attended for a  
24 potential total annual salary of \$4,800.00; and  
25

26 WHEREAS, if a County Board Supervisor, including the Chair, attends all 13 regularly  
27 scheduled County Board meetings, the result would be a net increase in salary of \$300 annually;  
28

29 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of  
30 Supervisors that the salary for County Board Supervisors and the County Board Chair is set as  
31 follows:  
32

33 County Board Supervisors: \$166.67 per month plus \$100.00 per diem for each  
34 regularly scheduled County Board meeting;  
35

36 County Board Chair: \$291.67 per month plus \$100.00 per diem for each  
37 regularly scheduled County Board meeting;  
38

39 and  
40

41 BE IT FURTHER RESOLVED that the established salary for County Board Supervisors  
42 and the County Board Chair will continue for ensuing terms unless changed by the County Board  
43 of Supervisors in accordance with Wisconsin law.

Dated this 19th day of September 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Increases salary line item by \$7,500; FICA by \$574; and Workers  
Compensation by \$14 for a total cost of \$8,088.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack gave a brief report.  
Supervisor Waack moved, seconded by Supervisor Vogt to enact Ordinance 6 (2017/2018-46)  
Amending Manitowoc County Shoreland Zoning Ordinance §§ 9.05, 9.06, and 9.55. Upon vote,  
the motion carried unanimously.

No. 2017/2018 - 46

**ORDINANCE AMENDING MANITOWOC COUNTY SHORELAND ZONING  
ORDINANCE §§ 9.05, 9.06, AND 9.55**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, pursuant to Wis. Admin. Code ch. NR 115, Manitowoc County was required to adopt an updated shoreland zoning ordinance that meets certain minimum standards by October 1, 2016 (“Shoreland Zoning Ordinance”); and

WHEREAS, Manitowoc County adopted an updated Shoreland Zoning Ordinance to comply with Wis. Admin. Code ch. NR 115 on September 20, 2016; and

WHEREAS, Wis. Admin. Code § NR 115.06(2)(a) requires the Wisconsin Department of Natural Resources (“WDNR”) to issue a certificate of compliance to Manitowoc County when the County has, in the opinion of the WDNR, complied with the state shoreland zoning standards found in Wis. Stat. § 59.692 and Wis. Admin. Code ch. NR 115; and

WHEREAS, WDNR has reviewed Manitowoc County’s updated Shoreland Zoning Ordinance and has conditionally approved the ordinance subject to Manitowoc County making three changes to the ordinance; and

WHEREAS, the Planning and Park Commission, after providing the required notice, held a hearing on August 28, 2017 to consider the three amendments to the Shoreland Zoning Ordinance; and

WHEREAS, the Planning and Park Commission, after careful consideration of the testimony at the hearing and an examination of the facts, recommends that the following amendments to the Shoreland Zoning Ordinance be approved;

NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc does ordain as follows:

Manitowoc County Code § 9.05(2) is amended as follows:

- (2) “Accessory Structure” means a ~~detached~~ subordinate structure that is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

Manitowoc County Code § 9.06(4) is amended as follows:

- (4) Determinations of navigability and ordinary high water mark location shall initially be made by the Department Director. When questions arise, the Department Director shall contact the appropriate office of the Department for a final determination of navigability or ordinary high water mark. Manitowoc County may work with surveyors with regard to Wis. Stat. § 59.692(1h).

Manitowoc County Code § 9.55 is amended as follows:

44  
45 9.55 Maintenance, Repair, Replacement or Vertical Expansion of Structures That Were  
46 Authorized by Variance.

47  
48 A structure of which any part has been authorized to be located within the shoreland  
49 setback area by a variance granted before July ~~1345~~, 2015 may be maintained, repaired,  
50 replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the  
51 authorized structure. Additionally, the structure may be vertically expanded unless the  
52 vertical expansion would extend more than 35 feet above grade level. Expansion beyond  
53 the existing footprint may be permitted if the expansion is necessary to comply with  
54 applicable state or federal laws.

Dated this 19th day of September 2017.

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 7 (2017/2018-47) Amending Zoning Map (James Hansen). Upon vote, the motion carried unanimously.

No. 2017/2018 - 47

**ORDINANCE AMENDING ZONING MAP**  
(James Hansen)

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 28 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in a part of the SE1/4 of the NW1/4 of Section 23, Township 17  
12 North, Range 21 East, Town of Schleswig, Manitowoc County, Wisconsin and described as  
13 follows:  
14

15 Commencing at the West Quarter Corner of said Section 23; thence N89°48'04"E along  
16 the South line of the NW1/4 a distance of 1995.64 feet and the point of beginning; thence

17 continuing N89°48'04"E along said South line 293.66 feet; thence N06°20'38"W 411.68  
18 feet; thence S50°13'09"W 149.60 feet; thence S54°35'29"W 99.83 feet; thence  
19 S74°27'51"W 54.63 feet; thence S00°11'56"E 241.95 feet to the point of beginning, said  
20 parcel containing 2.00 acres of land and is hereby rezoned from General Agriculture  
21 (GA) District to Small Estate (SE) District.

Dated this 19th day of September 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Williams to enact Ordinance 8 (2017/2018-48) Amending Zoning Map (Kenneth & Alice Kohlmann). Upon vote, the motion carried unanimously.

No. 2017/2018 - 48

**ORDINANCE AMENDING ZONING MAP**  
(Kenneth and Alice Kohlmann)

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 28 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in that Part of Government Lot 7 of Section 23, T19N, R23E,  
12 Town of Manitowoc Rapids described as follows:  
13

14 Commencing at the NW Corner of said Section 23; thence S2°21'29"E along the Section  
15 Line a distance of 632.14 feet to the South Line of Michigan Avenue as shown on  
16 Certified Survey Map recorded in Volume 13, Page 25; thence S71°25'57"E along said  
17 South Line a distance of 299.96 feet; thence continue along said South Line along a  
18 1829.86 foot radius curve to the right a distance of 565.07 feet (chord of S62°35'09"E  
19 562.83'); thence S44°41'23"W a distance of 83.10 feet to the Southeasterly Line of tract  
20 2 of said Certified Survey Map recorded in Volume 13, Page 25; thence S75°47'38"W



21 along said Southeasterly Line a distance of 235.00 feet to the southerly corner of said  
22 Tract 2; thence S16°42'10"W along the Westerly Line of said proposed Lot 1 a distance  
23 of 201.10 feet ± to the 1/16 Line, the Point of Real beginning; thence continue  
24 S16°42'10"W along said Westerly Line a distance 141.90 feet ±; thence S77°15'52"E  
25 along the Southerly Line of said proposed Lot 1 a distance of 387.00 feet to an adjusted  
26 property line as per agreement between adjoining property owners; thence S72°46'30"E  
27 along said adjusted property line a distance of 50.00 feet; thence N34°42'30"E along said  
28 adjusted property line a distance of 116.35 feet; thence N6°59'00"W along said adjusted  
29 property line distance of 52.80 feet; thence N31°58'00"E along said adjusted property  
30 line a distance of 106.50 feet; thence N27°34'40"W along said adjusted property line a  
31 distance of 17.84 feet± to the 1/16 Section Line; thence S87°53'04"W along said 1/16  
32 Section Line a distance of 492.73 feet± to the Point of Real Beginning, said parcel  
33 containing 2.16 acres of land more or less and is hereby rezoned from General  
34 Agriculture (GA) District to Rural Residential (RR) District.  
35

Dated this 19th day of September 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Falkowski to enact Ordinance 9 (2017/2018-49) Amending Zoning Map (Sandy Rivers LLC). Upon vote, the motion carried 20 ayes and 4 noes. Supervisors Holschbach, Nickels, Metzger, Williams voted no; all others voted aye.

No. 2017/2018 - 49

**ORDINANCE AMENDING ZONING MAP**  
(Sandy River 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 August 28 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in the SW¼ of the SE¼ of Section 34, T20N, R23E, Town of  
12 Kossuth, Manitowoc County, Wisconsin and described as follows:

13  
14 Commencing at the SE corner of said Section 34, thence N89°54'01"W along the section  
15 line 1310.87 feet to the 1/16th section line, thence N00°15'20"E along said 1/16th section  
16 line 34.95 feet to the north right of way of STH 310, the point of real beginning, thence  
17 continue N00°15'20"E along said 1/16th section line 258.00 feet, thence S89°53'00"W  
18 556.0 feet, thence S00°07'00"E 231.19 feet to said north right of way, thence  
19 S80°59'22"E along said right of way 169.00 feet, thence N89°53'00"E along said right of  
20 way 387.50 feet to the point of real beginning, said tract containing 3.21 acres of land  
21 more or less and is hereby rezoned from Exclusive Agriculture (EA) District to Rural  
22 Residential (RR) District.

Dated this 19th day of September 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Weiss gave a brief report.

Miscellaneous-Personal Committee and Highway Committee: Supervisor Behnke moved,  
seconded by Supervisor Gerroll to adopt Resolution 10 (2017/2018-50) Authorizing Creation of  
2.0 Full-Time Equivalent Highway Department Positions. Upon vote, the motion carried  
unanimously.

No. 2017/2018 - 50

**RESOLUTION AUTHORIZING CREATION OF 2.0 FULL-TIME  
EQUIVALENT HIGHWAY DEPARTMENT POSITIONS  
(Highway Maintenance Worker)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Highway Department has increased the amount of work it performs for  
2 towns and villages, which results in additional Highway Department revenue; and  
3

4 WHEREAS, the existing work force is insufficient to keep up with State and County road  
5 responsibilities and complete the increased work on town and village roads; and  
6

7 WHEREAS, adding two additional full-time equivalent positions now will allow  
8 employees to be fully trained and operational for snow plowing responsibilities this winter; and  
9

10 WHEREAS, the Highway Department has analyzed the cost of hiring 2.0 full-time  
11 equivalent Highway Maintenance employees and can absorb the cost of positions in the  
12 approved 2017 budget; and

13  
14 WHEREAS, the Highway Committee and Personnel Committee recommend the addition  
15 of 2.0 full-time equivalent Highway Maintenance positions;

16  
17 NOW, THEREFORE, BE IT RESOLVED that the number of authorized full-time  
18 Highway Department positions is increased by 2.0 full-time-equivalent Highway Department  
19 positions which will be filled in accordance with Manitowoc County's personnel policies; and

20  
21 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such  
22 information in the official books of the County for the year ending December 31, 2017 as may be  
23 required.

Dated this 19th day of September 2017.

Respectfully submitted by the Personnel Committee and Highway Committee.

FISCAL IMPACT: None. The total cost of the 2.0 full-time equivalent positions for 11 weeks  
is estimated at \$25,000, which will be absorbed in the approved 2017  
budget.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Personal Committee and Human Services Board: Supervisor Behnke moved,  
seconded by Supervisor Henrickson to adopt Resolution 11 (2017/2018-51) Authorizing  
Addition of 1.0 Full-Time Equivalent Human Services Employee. Upon vote, the motion carried  
unanimously.

No. 2017/2018 - 51

**RESOLUTION AUTHORIZING ADDITION OF 1.0 FULL-TIME  
EQUIVALENT HUMAN SERVICES EMPLOYEE**

(AODA Case Manager)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Human Services Department has received a \$99,695 "Opioid Grant"  
2 targeted to increasing services for opioid addicted adults; and

3  
4 WHEREAS, the grant funding will be used to purchase services in the Community and to  
5 provide direct services to opioid addicted adults; and  
6

7 WHEREAS, the Human Services Department desires to use the Opioid Grant to add 1.0  
8 full-time AODA Case Manager in order to provide direct services to opioid addicted adults; and  
9

10 WHEREAS, the grant funding must be used by April 30, 2018; and  
11

12 WHEREAS, these services have been proven to reduce inpatient hospitalizations for  
13 participants in the program; and  
14

15 WHEREAS, acceptance of the Opioid Grant will allow the Human Services Department  
16 to immediately increase services for opioid addicted persons; and  
17

18 WHEREAS, offering additional services for adults will allow participants in the  
19 Treatment Alternative and Diversion Program to access services otherwise unavailable; and  
20

21 WHEREAS, when the Opioid Grant is exhausted, services can be continued under the  
22 comprehensive community services program, which the Human Services Department provides to  
23 adults with mental health or substance abuse needs; and  
24

25 WHEREAS, the Human Services Department has analyzed the cost of the additional  
26 AODA Case Manager and has concluded that grant funding, state and local match funding, and  
27 medical assistance reimbursement will cover all costs; and  
28

29 WHEREAS, the Human Services Board and Personnel Committee support the creation of  
30 1.0 full-time AODA Case Manager;  
31

32 NOW, THEREFORE, BE IT RESOLVED that the number of authorized full-time  
33 Human Services Department positions is increased by 1.0 full-time equivalent position; and  
34

35 BE IT FURTHER RESOLVED that the 2017 Full-Time Equivalent Report (FTE) by  
36 Department included in the 2017 Adopted Annual Budget Book is amended accordingly and that  
37 the Comptroller/Auditor is directed to record such information in the official books of the  
38 County for the year ending December 31, 2017 as may be required.

Dated this 19th day of September 2017.

Respectfully submitted by the Personnel Committee and Human Services Board.

FISCAL IMPACT: None. Grant funding and reimbursement from state and local match funding and Medical Assistance will cover all costs. However, the costs and expenses of the grant were not budgeted, and therefore the 2017 Budget must be amended accordingly.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Bob Cavanaugh: Supervisor Cavanaugh moved, seconded by Supervisor Vogt to adopt Resolution 12 (2016/2017-52) Approving Town of Franklin Zoning Ordinance Text and Map Amendments. Upon vote, the motion carried unanimously.

No. 2017/2018 - 52

**RESOLUTION APPROVING TOWN OF FRANKLIN ZONING  
ORDINANCE TEXT AND MAP AMENDMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Franklin adopted a zoning ordinance (known as the Town of  
2 Franklin Unified Development Ordinance) pursuant to the authority granted to towns under Wis.  
3 Stat. § 60.62; and  
4

5 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
6 granted to counties under Wis. Stat. § 59.69; and  
7

8 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
9 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
10 ordinance under Wis. Stat. § 59.69; and  
11

12 WHEREAS, the Town of Franklin amended its Unified Development Ordinance on  
13 September 12, 2017 by making certain text amendments to comply with the Wisconsin  
14 Department of Agriculture, Trade and Consumer Protection (DATCP) requirements to maintain  
15 certification for land owners who are interested in obtaining farmland preservation tax credits;  
16 and  
17

18 WHEREAS, the Town of Franklin text amendments include establishing conformance  
19 with the Manitowoc County Farmland Preservation Plan; and  
20

21 WHEREAS, The Town of Franklin has used the recertification process as an opportunity  
22 to make additional updated to its zoning ordinance, which include the following:  
23

- 24 • Creates new definitions for exotic animals, farm, flag lot, lot size, pets and portable  
25 storage facility;
- 26 • Clarifies approval and public hearing responsibilities between the Plan Commission  
27 and Town Board for future ordinance amendments;
- 28 • Establishes non-farm residences built prior to January 1, 2014 located in an EAG  
29 (Exclusive Agricultural) zoning district as “permitted uses”;
- 30 • Removes non-farm residential uses in the EAG zoning district as a conditional use;
- 31 • Removes the conversion fees previously required for zoning land out of the EAG  
32 zoning district as a conditional use;
- 33 • Removes elk and deer farms as either a permitted or conditional use within the EAG  
34 and AG (General Agriculture) zoning districts;

- Allows mobile/radio broadcast services, shooting ranges, game farms (except elk or deer), private airports, and oil/gas exploration as conditional uses in the EAG zoning district;
- Sets the minimum public right-of-way requirement for a flag lot at 100' consistent with county requirements;
- Allows small businesses that do not exceed 160 total paid employee hours per week as permitted uses in the AG zoning district;
- Allows small businesses that exceed 160 total paid employee hours but are less than 400 hours per week as conditional uses in the AG zoning district;
- Allows wedding venues, art galleries, bed & breakfast, service clubs, dance/exercise studios, child care, creative wood/metal works, nurseries/greenhouses, and farmer/flea markets as conditional uses in the AG and CE (Country Estates) zoning districts;
- Allows start-up and family type businesses with no more than two employees as conditional uses in the CE and R-1 (Rural Residential) zoning districts;
- Allows sheds and barns as permitted accessory uses in the AG district;
- Transfers several commercial type businesses from permitted to conditional uses in the C-1 (Commercial-Industrial) zoning district;
- Establishes a standard for accessory buildings in the R-1 zoning district at three (3) buildings per two (2) acres;
- Updated Mobile and Radio Broadcast Services text;
- Added text language for the management of cemeteries;
- Clarified the duties and powers of the Zoning Administrator and established a position of a Town Agent;
- Clarified selection and terms of the Plan Commission;
- Established more formal standards for the issuance of conditional use permits;
- Restricts signage within the vision triangle of town roads;
- Establishes a Fee Schedule for various amendment applications; and
- Makes minor editorial and grammar corrections from previous ordinance;

and

WHEREAS, the Town of Franklin further amended its zoning ordinance on September 12, 2017 by rezoning those certain properties owned by Ken Chappa, Nick and Jan Schiesl, Gloria Duenkel, Pamela Meissner, Brian and Lori Orth, Ryan Sheehy, Chris Sheehy, Terence Stradal, Ted Greif, and LB Land LLC as follows:

<u>Parcel #</u>	<u>Sec.</u>	<u>Parcel Owner(s)</u>	<u>Previous Zoning</u>	<u>Proposed Zoning</u>
00500200100100	2	Ken Chappa	Exclusive Agriculture	General Agriculture
0050040700000	4	Nick & Jan Schiesl	Exclusive Agriculture	General Agriculture
00501001400000	10	Gloria Duenkel	Exclusive Agriculture Country Estates	Exclusive Agriculture
00501100400100	11	Pamela Meissner	Exclusive Agricultural/ Comm/Indust	Commercial-Industrial
00501100400300	11	Pamela Meissner	Exclusive Agricultural/	Commercial-Industrial

80				General Agricultural	
81	00501701300100	17	Brian & Lori Orth	Exclusive Agriculture	General Agricultural
82	00501900200109	19	Ryan Sheehy	Exclusive Agricultural/ Rural Residential	General Agricultural
83					
84	00501900200108	19	Chris Sheehy	Exclusive Agricultural/ Rural Residential	General Agricultural
85					
86	00502400100101	24	Terence J. Stradal	Exclusive Agricultural/ General Agricultural	General Agricultural
87					
88	00502701500200	27	Ted Greif	Exclusive Agricultural	General Agricultural
89	00503000300000	30	LB Land LLO	Exclusive Agricultural	General Agricultural
90			(M Kaufman)		

91  
92 and

93  
94 WHEREAS, the Town of Franklin has submitted its text and map amendments to its  
95 Unified Development Ordinance to the Manitowoc County Board of Supervisors for approval,  
96 and a copy of the amended zoning ordinance has been provided to each member of the County  
97 Board for review;

98  
99 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
100 Supervisors approves the text amendments to the Town of Franklin Unified Development  
101 Ordinance that were adopted by the Town Board of the Town of Franklin on September 12,  
102 2017; and

103  
104 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
105 approves the Town of Franklin's map amendments, which rezone certain properties owned by  
106 Ken Chappa, Nick and Jan Schiesl, Gloria Duenkel, Pamela Meissner, Brian and Lori Orth, Ryan  
107 Sheehy, Chris Sheehy, Terence Stradal, Ted Greif, and LB Land LLC and were adopted by the  
108 Town Board of the Town of Franklin on September 12, 2017.

Dated this 19th day of September 2017.

Respectfully submitted by Bob Cavanaugh, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Baumann moved to adjourn, seconded by Supervisor Gauger. The motion adopted by  
acclamation. The meeting adjourned at 9:28 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, October 10, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 10<sup>th</sup> day of October 2017, for the purpose of transacting business as a Board of Supervisors.

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

Supervisor Cavanaugh 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, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Swade, Waack, Wagner, Weiss, Williams, Vogt, and Zimmer. Supervisor Nickels and Vogel were excused.

On a motion by Supervisor Swade, seconded by Supervisor Weiss the September 19, 2017 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Jim Brey presented a Proclamation Commemorating the Life and Service of Greg Meidl to Mrs. Lois Meidl. Mrs. Meidl thanked the board for the honor.

County Executive Bob Ziegelbauer and Chairperson Jim Brey presented a Proclamation Declaring Manitowoc Recycles Day 2017 to Deanna Genske, Executive Director, Holiday House and Jon Reisenbuechler, Operations Manager, Manitowoc County Recycling Center. Ms. Genske mentioned this is the 26<sup>th</sup> year of partnership between the Holiday House and the County. Both Ms. Genske and Mr. Reisenbuechler thanked the County Board for the continued support of the Recycling Center.

Chairperson Brey, and Supervisors Metzger and Vogt each gave a brief report regarding the 2017 Wisconsin Counties Association Conference where they attended various informational business meetings and workshops.

County Executive Bob Ziegelbauer presented the proposed 2018 budget. Executive Ziegelbauer commented that this will be the 12<sup>th</sup> year that a typical property owner will see a slight decrease in the taxes they pay for Manitowoc County government. Mr. Ziegelbauer explained in 2018 the county will turn its attention to transportation, by building bridges and maintaining roads throughout the county; continue to update the Expo grounds; increase staffing in various



departments; and designate a single Human Services Director with three deputy directors. Manitowoc County Government is in good financial shape because of good prior year decisions, which keep government affordable for years to come.

#### PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:29 p.m.

Maura Yost, Town of Centerville, informed the public that October is Agent Orange Awareness month. Ms. Yost expressed concern that there has been no tax increase in the last twelve years, and yet county debt has been extended to 2037.

No one else present wished to speak; subsequently Chairperson Brey closed public input at 7:33 p.m.

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

Executive Committee: Chairperson Brey gave a brief report.

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

Finance Committee: Supervisor Hansen gave a brief report.

Personnel Committee: Supervisor Behnke moved, seconded by Supervisor Williams to adopt Resolution 1 (2017/2018-53) Amending Employee Policy Manual § 12.02 (Funeral Leave). Upon vote, motion carried unanimously.

No. 2017/2018 - 53

### **RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 12.02 (Funeral Leave)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has established an Employee Policy Manual to establish  
2 uniform personnel policies and procedures; and  
3

4 WHEREAS, Section 12.02 of the Employee Policy Manual provides Manitowoc  
5 County's policy regarding employee use of funeral leave; and  
6

7 WHEREAS, updates must be made to the Employee Policy Manual from time-to-time to  
8 keep the policies current, reflect current practice, and address new issues and circumstances; and  
9

10 WHEREAS, the proposed revision to § 12.02(1) of the Employee Policy Manual updates  
11 Manitowoc County's policy to permit three (3) days funeral leave to be used in the event of the  
12 death of a step child, step parent, step brother, or step sister;  
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
15 Supervisors amends the Manitowoc County Employee Policy Manual § 12.02(1) to read as  
16 follows:

17  
18 12.02 Funeral Leave

19  
20 Regular employees of Manitowoc County may be allowed paid time off when there is a  
21 death in the immediate family according to the following schedule:

- 22  
23 (1) Employees may take up to three (3) working days with pay, depending upon  
24 travel and other extenuating circumstances in the event of the death of a spouse,  
25 or child or step child, parent or step parent of the employee or spouse, brother or  
26 step brother, or sister or step sister, mother-in-law or father-in-law.

Dated this 10th day of October 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Falkowski to adopt Resolution 2  
(2017/2018-54) Amending Employee Policy Manual § 25.03 (Volunteer Gratuities). Upon vote,  
motion carried unanimously.

No. 2017/2018 - 54

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL § 25.06**  
(Volunteer Gratuities)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has authorized an Employee Policy Manual to establish  
2 uniform personnel policies and procedures; and

3  
4 WHEREAS, Section § 25.06 (Volunteer Gratuities) of the Employee Policy Manual  
5 provides Manitowoc County's policy regarding providing gratuities to volunteers; and

6  
7 WHEREAS, respite care providers provide an essential service to the foster care  
8 program; and

9  
10 WHEREAS, respite care providers are currently paid a stipend, the amount of which  
11 varies, based on the age of the child, the needs of the child, and whether the respite is provided  
12 on a crisis basis; and

13 WHEREAS, the current stipends vary from \$25 per day to \$125 per day; and

14  
15 WHEREAS, the current stipend provided is considered taxable income; and

16  
17  
18 WHEREAS, providing respite care providers with gift cards to purchase food and  
19 supplies in lieu of payment of a stipend will offset the expenses incurred by respite care  
20 providers; and

21  
22 WHEREAS, providing gift cards is a meaningful and equivalent way for Manitowoc  
23 County to recognize the valuable services provided by respite care providers;

24  
25 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
26 Supervisors amends the Manitowoc County Employee Policy Manual § 25.06 to read as follows:

27  
28 25.06 Volunteer Gratuities

29  
30 Volunteer gratuities (e.g. lunches, certificates of appreciation and small tokens of  
31 appreciation such as candy, pens or service pins) may be provided subject to the  
32 following restrictions:

- 33  
34 (1) Volunteer gratuities must be budgeted for and expensed to the designated account  
35 number;  
36 (2) With the exception of respite care providers, Distribution of cash or gift  
37 certificates is prohibited;  
38 (3) Respite care providers may receive gift cards sufficient to offset the expenses  
39 incurred with providing respite care;  
40 ~~(3)(4)~~ Volunteer gratuities are restricted to volunteers only; and  
41 ~~(4)(5)~~ Departments may not solicit donations from local businesses or individuals as a  
42 way of providing volunteer gratuities.

Dated this 10th day of October 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Vogt to enact Ordinance 4 (2017/2018-55)  
Creating Manitowoc County Code § 5.06 (Setting Elected Official Compensation). Upon vote,  
motion carried unanimously.

**ORDINANCE CREATING MANITOWOC COUNTY CODE § 5.06  
(Setting Elected Official Compensation)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin Stat. § 59.22 provides that the total annual compensation of certain  
2 elected officials, exclusive of reimbursements, must be established before the earliest time for  
3 filing nomination papers for office and that this compensation shall not be increased or decreased  
4 during the official's term; and

5  
6 WHEREAS, the Personnel Committee historically has reviewed the salary of the Clerk of  
7 Court, Coroner, County Clerk, Executive, Register of Deeds, Sheriff, and Treasurer and made a  
8 recommendation to the County Board regarding compensation without any guidance on how to  
9 making such a recommendation; and

10  
11 WHEREAS, the Personnel Committee believes that having a policy on how to establish  
12 the salary of elected officials is beneficial as it provides a consistent and fair basis upon which to  
13 make such recommendations to the County Board;

14  
15 WHEREAS, In December of 2012, Manitowoc County adopted a consolidated wage  
16 schedule for non-elected employees that accurately reflects both the complexity of work  
17 performed by county employees and the local labor market for implementation; and

18  
19 WHEREAS, the Personnel Committee has carefully studied the matter and has determined  
20 that the Decision Band Method of Job Evaluation used to establish the salary structure of county  
21 employees can be accurately applied to elected officials to form a sound basis for establishing  
22 the compensation of elected officials; and

23  
24 WHEREAS, the Personnel Committee believes that having a policy on how to establish  
25 the salary of elected officials is beneficial as it provides a consistent and fair basis upon which to  
26 make such recommendations to the County Board; and

27  
28 WHEREAS, the Personnel Committee proposes to initially implement the policy using the  
29 following guidelines:

- 30  
31 (1) Elected offices that are below 85% of the maximum of the wage band will be  
32 increased by a maximum of 5.0% each year until the 85% mark is met; and  
33  
34 (2) Elected offices that are above 85% of the maximum of the wage band will be frozen  
35 at the current rate until future increases in the wage schedule cause the compensation  
36 for the elected office to meet the 85% level;

37  
38 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc does  
39 ordain as follows:

Manitowoc County Code sec. 5.06 is hereby created to read as follows:

**5.06 Elected Official Compensation.**

Elected official compensation is set pursuant to Wis. Stat. § 59.22. To aid in setting such compensation, Manitowoc County shall use the following process as outlined in this Section 5.06.

- (1) The Personnel Director shall grade and assign a decision band, subgrade, and working condition rating for each of the elected positions of Clerk of Court, Coroner, County Clerk, Executive, Register of Deeds, Sheriff, and Treasurer by using the Decision Band Method of Job Evaluation.
- (2) Upon completing the grading and assignment for each elected position, the Personnel Director shall forward the results to Personnel Committee.
- (3) The Personnel Committee shall establish salary recommendations for the elected positions of Clerk of Court, Coroner, County Clerk, Executive, Register of Deeds, Sheriff, and Treasurer generally using the following guidelines:
  - (a) The recommended salary shall be 85% of the wage band for the first year of an elected official's term, except for the County Clerk. The recommended salary for the County Clerk shall be 85% of the wage band plus \$1,000.00.
  - (b) Each subsequent year of an elected official's term shall be increased by the average change in the Consumer Price Index, as determined by the Wisconsin Department of Revenue, for the past four years.
- (4) The Personnel Committee shall forward a resolution to the County Board with its salary recommendation for the Clerk of Court, Coroner, County Clerk, Executive, Register of Deeds, Sheriff, and Treasurer at least thirty (30) days before the earliest time for filing nomination papers for any elective office to be voted on in the county.
- (5) If the Personnel Committee deviates from the guidelines in § 5.06(3) when establishing a recommended salary, the Personnel Committee shall provide an explanation for such deviation in its resolution to the County Board.
- (6) The County Board shall set the salaries of the Clerk of Court, Coroner, County Clerk, Executive, Register of Deeds, Sheriff, and Treasurer by resolution and in accord with Wis. Stat. § 59.22, as amended.

Dated this 10th day of October 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 3 Establishing Elected Official's Compensation (Clerk of Court, Coroner, County Executive, Sheriff). Discussion followed.

Amendment: Supervisor Baumann moved, seconded by Supervisor Williams to Ordinance 4 - remove lines 54 and 55, "Be it further resolved that the Sheriff will continue to be eligible for an annual uniform allowance of \$600; and." Discussion followed. Upon vote, the motion failed with 10 ayes and 13 noes. Chairperson Brey, Supervisors Gauger, Gerroll, Hansen, Henrickson, Holschbach, Metzger, Muench, Nasep, Swade, Wagner, Weiss, and Zimmer voted no; all other supervisors voted aye.

Discussion took place on the main motion to adopt Resolution 3 (2017/2018-56) Establishing Elected Official's Compensation (Clerk of Court, Coroner, County Executive, Sheriff). Upon vote, the motion carried unanimously.

No. 2017/2018 - 56

**RESOLUTION ESTABLISHING ELECTED OFFICIALS'  
COMPENSATION**

(Clerk of Courts, Coroner, County Executive, and Sheriff)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin Stat. § 59.22 provides that total annual compensation of certain  
2 elected officials, exclusive of reimbursements, must be established before the earliest time for  
3 filing nomination papers for office and that this compensation shall not be increased or decreased  
4 during the official's term; and  
5

6 WHEREAS, the Personnel Committee has recommended an Ordinance Creating  
7 Manitowoc County Code § 5.06, which uses the Decision Band Method of job evaluation to  
8 determine the salaries of elected officials; and  
9

10 WHEREAS, the following guidelines have been established for implementation of the  
11 policy:  
12

- 13 (1) Elected offices that are below 85% of the maximum of the wage band will be  
14 increased by a maximum of 5.0% each year until the 85% mark is met; and  
15 (2) Elected offices that are above 85% of the maximum of the wage band will be  
16 frozen at the current rate until future increases in the wage schedule cause the  
17 compensation for the elected office to meet the 85% level;

18  
19 and  
20

21 WHEREAS, the Personnel Committee may make a recommendation that deviates from  
22 the guidelines if it provides an explanation of such deviation; and  
23

24 WHEREAS, the County Executive requested that County Executive's salary not be  
25 increased by 5.0%, but only 1.0% or 2.0%; and  
26

27 WHEREAS, the Personnel Committee after careful review recommends that the salary of  
28 the Clerk of Courts, Coroner, and Sheriff be set at 85% of the maximum of the wage band rating  
29 for each of the aforementioned positions as determined by the Personnel Director in accordance  
30 with Manitowoc County Code § 5.06; and  
31

32 WHEREAS, the Personnel Committee after careful review and consideration of the  
33 County Executive's request recommends that the salary of the County Executive be increased by  
34 only 3.0% each year of the 2018-2021 term; and  
35

36 WHEREAS, the Personnel Committee recommends that these elected officials be offered  
37 the same fringe benefit package that is offered to appointed, full-time Department Directors; and  
38

39 WHEREAS, establishing the salaries of elected officials prior to the creation of the  
40 budget for the year in which the term begins allows for accurate budgeting;  
41

42 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
43 Supervisors set the following salaries as the total annual compensation for the elected offices of  
44 Coroner, County Clerk, County Executive and Sheriff:  
45

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Clerk of Court		\$67,666	\$67,666	\$68,352	\$69,172
Coroner		\$53,286	\$55,951	\$58,748	\$61,686
County Executive	\$81,511	\$83,956	\$86,475	\$89,069	
Sheriff		\$93,513	\$93,513	\$93,513	\$93,513

51  
52 and  
53

54 BE IT FURTHER RESOLVED that the Sheriff will continue to be eligible for an annual  
55 uniform allowance of \$600; and  
56

57 BE IT FURTHER RESOLVED that the Sheriff will no longer be eligible for an annual  
58 vehicle allowance as described in the Manitowoc County Employee Policy Manual § 26.20  
59 (Vehicle Allowances) and will instead be reimbursed for actual mileage in accordance with  
60 Employee Policy § 26.07 (Personal Vehicle Mileage Reimbursement); and  
61

62 BE IT FURTHER RESOLVED that the Coroner will be paid an annual working  
63 condition payment of \$487.50 and the Sheriff will be paid an annual working condition payment  
64 of \$253.50; and  
65

66 BE IT FURTHER RESOLVED that the total annual compensation will continue for  
67 ensuing terms unless changed by the County Board in accordance with State law; and  
68

69 BE IT FURTHER RESOLVED that each of these officials shall participate in the  
70 Wisconsin Retirement System (WRS) on a pre-tax basis in accordance with State law, that each  
71 elected official is required to pay his or her share of the total WRS contribution as required by  
72 law, that the County will pay its share of the total WRS contribution as required by law, and that  
73 is expressly recognized that the respective shares may change if State law is changed or if the  
74 WRS rate is adjusted as authorized by law; and  
75

76 BE IT FURTHER RESOLVED that each of these elected official are eligible for and may  
77 elect to receive health insurance through the County's Group Health Insurance Plan on the same  
78 terms and condition, such as co-pays, deductibles, and premium contributions, any of which may  
79 be modified from time to time, as are offered to full-time appointed Department Directors; and  
80

81 BE IT FURTHER RESOLVED that these elected officials are eligible for and may elect  
82 to receive any other fringe benefits, such as dental, vision, or life insurance, on the same terms  
83 and conditions, any of which may be modified from time to time, as are offered to full-time,  
84 appointed Department Directors, and  
85

86 BE IT FURTHER RESOLVED that these elected officials are eligible for and may  
87 participate in such other programs, such as deferred compensation and wellness, on the same  
88 terms and conditions, any of which may be modified from time to time, as are offered to full-  
89 time, appointed Department Directors; and  
90

91 BE IT FURTHER RESOLVED that, the foregoing notwithstanding, these elected  
92 officials: a) are not eligible for; b) do not accrue; or c) are not paid for any leave, such as holiday  
93 leave, short term disability, long-term disability, sick leave, or vacation leave; and  
94

95 BE IT FURTHER RESOLVED that the County shall make all disbursements, payments,  
96 and withholdings, such as for F.I.C.A., liability insurance, income taxes, and worker's  
97 compensation as may be required by Federal and State law.

Dated this 10th day of October 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:

	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>
Wages	\$2,374	\$4,982	\$5,183	\$6,078	\$3,758
FICA	\$ 182	\$ 381	\$ 397	\$ 465	\$ 288
WRS	<u>\$ 159</u>	<u>\$ 334</u>	<u>\$ 347</u>	<u>\$ 407</u>	<u>\$ 252</u>



Total	\$2,715	\$5,697	\$5,927	\$6,950	\$4,298
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APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack gave a brief report. Supervisor Waack moved, seconded by Supervisor Hansen to adopt Resolution 5 (2017/2018-57) Adopting Manitowoc County Planning and Zoning Department. Discussion followed. Upon vote, the motion carried 22 ayes and 1 no. Supervisor Falkowski voted no; all others voted aye.

No. 2017/2018 - 57

**RESOLUTION ADOPTING MANITOWOC COUNTY PLANNING AND  
ZONING DEPARTMENT FEE SCHEDULE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code § 4.13(2) provides that the fees that the  
2 Planning and Zoning Department is authorized to charge must be set by County Board resolution  
3 and reviewed annually by the Planning and Park Commission; and  
4

5 WHEREAS, the Manitowoc County Planning and Park Commission has reviewed the  
6 Planning and Zoning Department fee schedule and recommends that it be adjusted; and  
7

8 WHEREAS, a copy of the proposed Planning and Zoning Department fee schedule has  
9 been provided to the County Board;  
10

11 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
12 Supervisors approves the proposed Planning and Zoning Department Fee Schedule to be  
13 effective January 1, 2018, and directs that a copy of the fee schedule be included as an appendix  
14 to Manitowoc County Code Chapter 4, Finances.

Dated this 10th day of October 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hansen to enact Ordinance 6 (2017/2018-58) Amending Zoning Map (Debra Lueloff). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**  
(Debra Lueloff)

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 25, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11           An existing parcel of land located in the NE¼ of the NE¼ of Section 2, T18N, R21E,  
12 Town of Eaton, Manitowoc County, Wisconsin and described as follows:  
13

14           Commencing at the North Quarter Corner of said Section 2; thence Easterly along  
15 Section line approximately 713 feet; thence southerly approximately 33 feet to the South  
16 Right-of-way of West Quarry Road and to the point of real beginning; thence continuing  
17 Southerly approximately 1,342 feet; thence Easterly approximately 612 feet; thence  
18 Northerly approximately 1,060 feet to the South Right-of-way of West Quarry Road;  
19 thence Northwesterly along the South Right-of-Way of West Quarry Road approximately  
20 675 feet to the point of real beginning, said parcel containing approximately 18.39 acres  
21 of land and is hereby rezoned from General Agriculture (GA) District to Exclusive  
22 Agriculture (EA) District.

Dated this 10th day of October 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT:   None.

APPROVED:           Bob Ziegelbauer, County Executive.

Announcement: Chairperson Brey reminded supervisors that the Annual County Board meeting  
will be Monday, October 30, 2017.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Maresh. The motion adopted by  
acclamation. The meeting adjourned at 8:07 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Monday, October 30, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 30<sup>th</sup> day of October 2017, for the purpose of transacting business as a Board of Supervisors.

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

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

Roll call: 21 members present: Baumann, Behnke, Brey, Cavanaugh, Falkowski, Gauger, Hansen, Henrickson, Hoffman, Holschbach, Metzger, Muench, Nasep, Nickels, Swade, Vogel, Waack, Wagner, Weiss, Williams, and Vogt. Supervisors Dyzak, Gerroll, Maresh and Zimmer were excused.

On a motion by Supervisor Gauger, seconded by Supervisor Weiss the October 10, 2017 meeting minutes were approved on a unanimous vote.

The County Clerk announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Corporation Counsel, Peter Conrad provided a memo pertaining to corrections on the Manitowoc County Code of Ordinances.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open on the 2018 proposed budget open at 7:05 p.m.

Maura Yost, Town of Centerville, expressed concern that past borrowing experience along with the proposed borrowing in the 2018 budget for road maintenance will indebt taxpayers for a long period. Ms. Yost spoke in support of studying a potential .05 sales tax that could retire our debt more quickly, thus lowering property taxes.

No one else present wished to speak at the public hearing on the 2018 proposed budget, subsequently Chairperson Brey closed public comment at 7:09p.m and opened public comment on any non-budget issues.

No one present wished to speak, subsequently Chairperson Brey closed public input at 7:10pm.

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

Executive Committee: Supervisor Baumann moved, seconded by Supervisor Behnke to adopt Resolution 1 (2017/2018-59) Supporting Creation of a Nonpartisan Procedure for the Preparation

of Legislative and Congressional Redistricting Plans. Upon vote, the motion carried 19 ayes and 2 noes. Supervisor Falkowski and Nasep voted no; all others voted aye.

No. 2017/2018 - 59

**RESOLUTION SUPPORTING CREATION OF A NONPARTISAN  
PROCEDURE FOR THE PREPARATION OF LEGISLATIVE AND  
CONGRESSIONAL REDISTRICTING PLANS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1        WHEREAS, under the Wisconsin constitution, the legislature is directed to redistrict  
2 legislative districts according to the number of inhabitants at its next session following the  
3 decennial federal census by the majority party; and  
4

5        WHEREAS, at the same interval, the legislature also reapportions congressional districts  
6 pursuant to federal law; and  
7

8        WHEREAS, legislative and congressional redistricting plans enacted pursuant to this  
9 procedure are used to elect members of the Wisconsin legislature and members of Congress in  
10 the fall of the second year following the year of the census; and  
11

12        WHEREAS, historically legislative and congressional plans in Wisconsin have been  
13 subject to partisan influence that put the desires of politicians ahead of the electoral prerogative  
14 of the people; and  
15

16        WHEREAS, the 2011 process to draw the maps and fight litigation contesting those maps  
17 cost taxpayers nearly \$1.9 million; and  
18

19        WHEREAS, a panel of federal district court judges has ruled that the redistricting done in  
20 Wisconsin in 2011 was unconstitutional; and  
21

22        WHEREAS, redistricting to achieve partisan gains is improper, whether it is done by  
23 Republicans or Democrats; and  
24

25        WHEREAS, Manitowoc County has created supervisory districts in a nonpartisan  
26 manner while balancing the interests of multiple parties and believes that its approach has served  
27 the citizens of Manitowoc County very well;  
28

29        NOW THEREFORE BE IT RESOLVED that the Manitowoc County Board of  
30 Supervisors supports the creation of a nonpartisan procedure for the preparation of legislative  
31 and congressional redistricting plans; and  
32

33        BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors desires  
34 that any procedure created promotes accountability and transparency and prohibits the  
35 consideration of voting patterns, party information, and incumbents' residence information or

36 demographic information in drawing the maps, except as necessary to ensure minority  
37 participation as required by the United States Constitution; and  
38

39 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors directs  
40 the Manitowoc County Clerk to send a copy of this resolution to our State Legislators and to  
41 Governor Scott Walker.

Dated this 30th day of October 2017.

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.

Finance Committee: Supervisor Hansen moved, seconded by Supervisor Baumann to adopt Resolution 2 (2017/2018-60) Canceling County Checks Not Presented Within Two Years of Issuance (Treasurer). Upon vote, the motion carried unanimously.

No. 2017/2018 - 60

**RESOLUTION CANCELING COUNTY CHECKS NOT PRESENTED  
WITHIN TWO YEARS OF ISSUANCE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a few of the thousands of checks issued by Manitowoc County are not  
2 presented for payment within two years of their date of issuance; and  
3

4 WHEREAS, the County Treasurer is required to account for these uncashed checks in the  
5 reserve to the County's checking account; and  
6

7 WHEREAS, Wis. Stat. § 59.64(4)(e) provides that the County Board may, at its annual  
8 meeting, cancel checks which have not been presented for payment within two years of their  
9 issuance; and  
10

11 WHEREAS, those checks shown on the attached list were issued by Manitowoc County  
12 prior to October 30, 2015, and were not presented for payment within two years of their  
13 issuance;

14  
15 NOW, THEREFORE, BE IT RESOLVED that those checks which are shown on the  
16 attached list are hereby canceled and without value; and

17  
18 BE IT FURTHER RESOLVED that the payee of a canceled check may make application  
19 to the County Board Chair and County Clerk to have a new check issued for the original amount,  
20 without interest, and that the County Treasurer shall issue such a check within sixty days of  
21 written notice of approval of such application by the County Board Chair and County Clerk.

Dated this 30th day of October 2017.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT:	Increased available cash balance in Account 100-001	\$5,994.70
	Increased available cash balance in Account 160-485	\$33.24
	<u>Increased available cash balance in Account 126-770</u>	<u>\$174.49</u>
	Total increase in available cash balance	\$6,202.43

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Behnke moved, seconded by Supervisor Cavanaugh to adopt Resolution 3 (2017/2018-61) Establishing Speed Zone on County Trunk Highway CL in the Town of Manitowoc Rapids. Upon vote, the motion carried unanimously.

No. 2017/2018 - 61

**RESOLUTION ESTABLISHING SPEED ZONE ON COUNTY TRUNK  
HIGHWAY CL IN THE TOWN OF MANITOWOC RAPIDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 349.11 authorizes Manitowoc County to determine and declare  
2 a reasonable and safe speed limit on all or part of a highway that is under its jurisdiction on the  
3 basis of an engineering and traffic investigation and subject to certain limitations; and

4  
5 WHEREAS, Manitowoc County Code § 15.03(1) authorizes the Highway Committee to  
6 recommend speed limits to the County Board; and

7  
8 WHEREAS, Manitowoc County Code § 15.03(2) authorizes the County Board to adopt  
9 speed limits and speed zones by resolution, which become effective when appropriate signs  
10 giving notice of the speed limit have been erected and are in place; and

11  
12 WHEREAS, the Manitowoc's County Traffic & Safety Commission conducted a traffic  
13 investigation with respect to that portion of County Trunk Highway CL in the Town of  
14 Manitowoc Rapids between USH 151 and Viebahn Street; and  
15

16 WHEREAS, based on that traffic investigation, the Highway Committee recommends  
17 that the current speed limit be reduced on County Trunk Highway CL to 35 mph beginning at  
18 USH 151 and continuing south for approximately 2,000 feet and then setting the speed limit at  
19 45 mph between that point and Viebahn Street;  
20

21 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of that a  
22 speed zone be created on County Trunk Highway CL beginning at USH 151 and extending south  
23 to Viebahn Street with speed limit of 35 miles per hour beginning at USH 151 and continuing  
24 south for approximately 2,000 feet and thereafter transitioning to a speed limit of 45 miles per  
25 hour until Viebahn Street; and  
26

27 BE IT FURTHER RESOLVED that the Highway Department is directed to erect signs as  
28 may be required and necessary to implement this resolution; and  
29

30 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this  
31 resolution to the Sheriff's Department.

Dated this 30th day of October 2017.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: Cost of manufacturing and installing new signage is estimated to cost  
\$650.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Williams to  
adopt Resolution 4 (2017/2018-62) Canceling Checks Not Presented Within Two Years of  
Issuance (Sheriff's Department). Upon vote, the motion carried unanimously.

No. 2017/2018 - 62

**RESOLUTION CANCELING CHECKS NOT PRESENTED WITHIN  
TWO YEARS OF ISSUANCE  
(Sheriff's Department)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, some of the thousands of checks issued by the Manitowoc County Sheriff's  
2 Office from the Inmate Trust Account are not presented for payment within two years of their  
3 date of issuance; and

4  
5           WHEREAS, the Sheriff is required to account for these uncashed checks in the Sheriff's  
6 Office checking account; and

7  
8           WHEREAS, Wis. Stat. § 59.64(4)(e) provides that the County Board may, at its annual  
9 meeting, cancel checks which have not been presented for payment within two years of their  
10 issuance; and

11  
12           WHEREAS, those checks shown on the attached list were issued by the Manitowoc  
13 County Sheriff's Office prior to October 30, 2017 and were not presented for payment within  
14 two years of their issuance;

15  
16           NOW, THEREFORE, BE IT RESOLVED the checks shown on the attached list are  
17 hereby canceled and without value; and

18  
19           BE IT FURTHER RESOLVED that the payees of these canceled check may make  
20 application to the County Board Chair and County Clerk to have a new check issued for the  
21 original amount, without interest, and that the County Treasurer shall issue such a check within  
22 sixty days of written notice of approval of such application by the County Board Chair and  
23 County Clerk.

          Dated this 30th day of October 2017.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT:     Increases available cash balance in Account 100.23409 by \$163.10

APPROVED:           Bob Ziegelbauer, County Executive.

Announcement: Chairperson Brey reminded supervisors that the next County Board meeting will  
be Tuesday, November 7, 2017.

Supervisor Behnke moved to adjourn, seconded by Supervisor Baumann. The motion adopted by  
acclamation. The meeting adjourned at 7:25 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk



MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, November 7, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 7<sup>th</sup> day of November 2017, for the purpose of transacting business as a Board of Supervisors.

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

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

Chairperson Brey acknowledged supervisors and attendees who had served or are currently serving in the military.

Roll call: 22 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Hansen, Henrickson, Hoffman, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Vogel, Vogt, Waack, Wagner, Weiss, and Williams. Supervisor Gerroll, Holschbach, and Zimmer were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Weiss the October 30, 2017 meeting minutes were approved on a unanimous vote.

The County Clerk announced there were no changes to the agenda.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

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

Maura Yost, Town of Centerville, expressed concern over the borrowing in the 2018 proposed budget. She does not want to see the county extend its indebtedness for additional years when there are investments that could be used to cover the cost of roadwork.

No one else present wished to speak, subsequently Chairperson Brey closed public input at 7:09 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointments of Barry Blatz, Derek Fitzgerald, Brian Herr, Richard Kohlbeck, Scott Konik, Dan Newberg, and Jerome Vetting to the Expo-Ice Center Board for a three-year term expiring December 31, 2020. Supervisor Gauger moved, seconded by Supervisor Behnke to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Supervisor Melvin

Waack to the Human Services Board for a three-year term expiring December 31, 2020. Supervisor Henrickson moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointments of Lois Kiel, Supervisor Rick Henrickson and Alternate-Supervisor Randy Vogel, Gerald Wiesner, Dave Funkhouser and Alternate-Robert Hennings Jr., Mary Halada and Alternate-Jessica Wanserski, and Jerry Wendt to the Local Emergency Planning Committee for a two-year term expiring December 2019. Supervisor Vogel moved, seconded by Supervisor Hoffman to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Mike Demske to the Veterans Service Commission for a three-year term expiring December 2020. Supervisor Henrickson moved, seconded by Supervisor Swade 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 Metzger moved, seconded by Supervisor Hansen to adopt Resolution 1 (2017/18-63) Health Department Fee Schedule. Upon vote, the motion carried unanimously.

No. 2017/2018 - 63

**RESOLUTION ADOPTING HEALTH DEPARTMENT FEE SCHEDULE**  
(Effective 07/01/2018)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Health Department issues certain licenses and  
2 permits as an agent of various departments for the State of Wisconsin; and  
3

4 WHEREAS, the Manitowoc County Board of Supervisors has authorized the Health  
5 Department to charge fees to defray the costs of providing these various licenses and permits;  
6 and  
7

8 WHEREAS, the Manitowoc County Code requires that all fees for licenses (other than  
9 animal licenses) and permits issued by the Health Department must be set by County Board  
10 resolution; and  
11

12 WHEREAS, the Board of Health believes that the Health Department Fee Schedule  
13 should be revised beginning July 1, 2018 and has provided a copy of the proposed Health  
14 Department Fee Schedule to the County Board;  
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
17 Supervisors approves the proposed Health Department Fee Schedule, a copy of which is to be  
18 included as an appendix to Manitowoc County Code Chapter 7, Public Health.

Dated this 7th day of November 2017.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Criminal Justice Coordinating Council: Supervisor Falkowski gave a brief report.

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

Finance Committee: Supervisor Hansen moved, seconded by Supervisor Baumann to adopt Resolution 2 (2017/18-64) Adopting 2018 Budget and Property Levy. Upon discussion and vote, the motion carried with 17 ayes to 5 noes. Supervisors Hansen, Hoffman, Metzger, Nickels, and Swade voted no; all other supervisors voted aye.

No. 2017/2018 - 64

## **RESOLUTION ADOPTING 2018 BUDGET AND PROPERTY LEVY**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a detailed copy of the County Executive's proposed 2018 annual budget has  
2 been made available to each county supervisor and to the general public; and  
3

4 WHEREAS, the proposed 2018 annual budget was presented to the Manitowoc County  
5 Board of Supervisors at its meeting on October 10, 2017; 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 Manitowoc  
9 Herald Times Reporter on October 8, 2017; and  
10

11 WHEREAS, a public hearing on the proposed 2018 annual budget was held for the  
12 purpose of obtaining public input and the proposed 2018 annual budget was reviewed by the  
13 Manitowoc County Board of Supervisors at its annual meeting on October 30, 2017; and  
14

15 WHEREAS, the proposed 2018 annual budget includes performance based increases for  
16 the Manitowoc County pay plan pursuant to Manitowoc County Code §§ 5.02(3)(c), (d) and (e);  
17 and

18  
19 WHEREAS, Manitowoc County Code § 5.02(4) allows the wage schedule to be adjusted  
20 each year by action of the county board so that it remains competitive with the market; and

21  
22 WHEREAS, the pay plan has not been adjusted for inflation since 2015; and

23  
24 WHEREAS, the Wisconsin Department of Revenue has calculated the applicable increase  
25 in the consumer price index for 2018 to be 1.84%; and

26  
27 WHEREAS, a 1.0% increase in the wage schedule will assist in maintaining a competitive  
28 wage schedule; and

29  
30 WHEREAS, employees below midpoint who meet or exceed job requirements (i.e. receive  
31 a cumulative score of 1.75 or greater on their employee evaluation) are eligible for a step  
32 increase; and

33  
34 WHEREAS, employees at or above midpoint who exceed job requirements (i.e. receive a  
35 cumulative score of between 2.01 and 2.74 on their employee evaluation) will receive a 1.0%  
36 increase; and

37  
38 WHEREAS, employees at or above midpoint whose performance exceeds the proficient  
39 performance level (i.e. receive a cumulative score of 2.75 or greater on their employee  
40 evaluation) will receive a 2.0% increase; and

41  
42 WHEREAS, employees at or above maximum who exceed job requirements (i.e. receive a  
43 cumulative score of between 2.01 and 2.74 on their employee evaluation) will receive a 1.0%  
44 increase, paid to them per pay period for the following year; and

45  
46 WHEREAS, employees at or above maximum whose performance exceeds the proficient  
47 performance level (i.e. receive a cumulative score of 2.75 or greater on their employee  
48 evaluation) will receive a 2.0% increase, paid to them per pay period for the following year; and

49  
50 WHEREAS, Manitowoc County borrowed \$7,110,000 during 2017 for the following  
51 projects: University of Wisconsin Manitowoc remodeling, Recycling Center equipment,  
52 Michigan Ave. Building renovation, Human Service Department laptop computers, Sheriffs'  
53 Department Jail body scanner, and accounting software; and

54  
55 WHEREAS, the proposed 2018 budget reallocates \$70,000 from the Sheriffs' Department  
56 Jail body scanner project and \$750,000 from the accounting software project to the Highway  
57 Special Revenue Fund for road construction and maintenance; and

58  
59 WHEREAS, the following projects are included in the 2018 proposed budget and will need  
60 to be funded by borrowing: Highway Department Special Revenue Fund (\$1,350,000 road  
61 construction and maintenance) and the Public Works Jail activity in the General Fund (\$350,000  
62 CCTV and server replacement); and  
63

WHEREAS, a resolution will be presented in 2018 to the County Board to authorize the borrowing of \$1,350,000 for road construction and maintenance and \$350,000 for CCTV and server replacement;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors hereby adopts a Governmental Funds Budget and a service delivery Proprietary Fund Budget for the calendar year beginning January 1, 2017 as indicated in the attached 2017 annual budget for Manitowoc County and any attachments or addenda thereto; and

BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby authorizes that the following sums of money be raised for the ensuing year:

State Special Charges - Charitable & Penal	\$	132.91
County Aid Bridges (Wis. Stat. § 82.08)	\$	270,917.03
Illegal Real Estate Taxes Charged Back (Prior Year)		None
<u>All Other County Taxes</u>	\$	<u>29,516,215.00</u>
Gross County Tax Levy	\$	29,787,264.94

and

BE IT FURTHER RESOLVED that Manitowoc County shall apportion the tax for Bridges under Wis. Stat. § 82.08 on the taxable property of the participating districts; and

BE IT FURTHER RESOLVED that Manitowoc County shall enter in the Tax Apportionment, State Special Charges for Charitable and Penal purposes, as follows:

<u>Court Related Proceedings –</u>	<u>\$132.91</u>
Total	\$132.91

and

BE IT FURTHER RESOLVED that Manitowoc County Officials are hereby directed to reapportion the illegal real estate taxes charged back in the amount of \$0; and

BE IT FURTHER RESOLVED that the 2018 annual budget in detail hereto attached shall be made a part of the Tax Levy; and

BE IT FURTHER RESOLVED that the wage schedule is increased by 1.0% as of December 31, 2017 and all employees at or below maximum receive a 1.0% increase as of December 31, 2017; and

BE IT FURTHER RESOLVED that the performance based increases included in the 2018 annual budget will be granted pursuant to Manitowoc County Code §§ 5.02(3)(c), (d) and (e) as follows:

(1) Employees below midpoint who meet or exceed job requirements (i.e. receive a

cumulative score of 1.75 or greater on their employee evaluation) are eligible for a step increase; and

(2) Employees at or above midpoint who exceed job requirements (i.e. receive a cumulative score of between 2.01 and 2.74 on their employee evaluation) will receive a 1.0% increase; and

(3) Employees at or above midpoint whose performance exceeds the proficient performance level (i.e. receive a cumulative score of 2.75 or greater on their employee evaluation) will receive a 2.0% increase; and

(4) Employees at or above maximum who exceed job requirements (i.e. receive a cumulative score of between 2.01 and 2.74 on their employee evaluation) will receive a 1.0% increase, paid to them per pay period for the following year; and

(5) Employees at or above maximum whose performance exceeds the proficient performance level (i.e. receive a cumulative score of 2.75 or greater on their employee evaluation) will receive a 2.0% increase, paid to them per pay period for the following year; and

BE IT FURTHER RESOLVED that \$70,000 borrowed in the 2017 bond issue that was designated for the Sheriff Jail scanner project and \$750,000 borrowed in the 2017 bond issue that was designated for the accounting software project are hereby reallocated for the Highway Department Special Revenue Fund for road construction and maintenance; and

BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make any technical corrections to the budget that are necessary.

Dated this 7th day of November 2017.

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 \$29,787,264.94

Composite Tax Rate of \$5.840073 per \$1,000 of equalized value.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Henrickson gave a brief report.

Personnel Committee: Supervisor Behnke gave a brief report.

Public Works Committee: Supervisor Weiss gave a brief report.

Announcement: In honor of Veterans Day, Supervisor Henrickson announced that more than 900 elm trees were planted in 1928 along the lakeshore between Two Rivers and Manitowoc to honor World War I veterans. On November 21, 1928, the County Board of Supervisors passed a resolution naming the lakeshore highway “American Legion Memorial Drive.” Currently, only three of the large trees remain near Two Rivers.

Supervisor Maresh moved to adjourn, seconded by Supervisor Dyzak, and the motion was adopted by acclamation. The meeting adjourned at 7:58 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

EMERGENCY MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Monday, November 27, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 27<sup>th</sup> day of November 2017, for the purpose of transacting business as a Board of Supervisors.

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

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

Roll call: 24 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Vogel, Vogt, Waack, Weiss, Williams, and Zimmer. Supervisor Wagner was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Baumann the November 7, 2017 meeting minutes were approved on a unanimous vote.

Chairperson Brey announced there were no changes to the agenda.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:03 p.m.

Maura Yost, Town of Centerville, thanked Highway Commissioner Marc Holsen for his professionalism while answering her survey. Ms. Yost is not convinced that a .5% sales tax increase is the way to meet the county's growing transportation needs, nor is borrowing for a term longer than the new roads work would last. However, the county is at a point where it will need to assess the situation and plan to address current and future needs pertaining to the county roads.

No one else present wished to speak, subsequently Chairperson Brey closed public input at 7:06 p.m.

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

Executive Committee: Supervisor Vogt moved, seconded by Supervisor Falkowski to adopt Resolution 1 (2017/18-65) Authorizing Manitowoc County to Pursue Legal Action against Opioid Manufacturers and Others Responsible for the Opioid Epidemic. Upon discussion and vote, the motion carried with 17 ayes to 7 noes. Supervisors Dyzak, Gauger, Gerroll, Nasep, Vogel, Waack, and Zimmer voted no; all other supervisors voted aye.



**RESOLUTION AUTHORIZING MANITOWOC COUNTY TO PURSUE  
LEGAL ACTION AGAINST OPIOID MANUFACTURERS AND OTHERS  
RESPONSIBLE FOR THE OPIOID EPIDEMIC**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1        WHEREAS, Manitowoc County is concerned with the recent rapid rise in troubles  
2 among Manitowoc County citizens, residents, and visitors in relation to problems arising out of  
3 the use, abuse, and overuse of opioid medications; and  
4

5        WHEREAS, issues and concerns surrounding opioid use, abuse, and overuse by citizens,  
6 residents and visitors are not unique to Manitowoc County and are, in fact, issues and concerns  
7 shared by other counties in Wisconsin and, for that matter, states and counties across the country,  
8 as has been documented through various reports and publications, and is commonly referred to  
9 as the Opioid Epidemic (“Opioid Epidemic”); and  
10

11        WHEREAS, the societal costs associated with the Opioid Epidemic are staggering and,  
12 according to the Centers for Disease Control and Prevention, amount to over \$75 billion  
13 annually; and  
14

15        WHEREAS, the National Institute for Health has identified the manufacturers of certain  
16 of the opioid medications as being directly responsible for the rapid rise of the Opioid Epidemic  
17 by virtue of their marketing practices; and  
18

19        WHEREAS, Manitowoc County has spent significant sums of money in unexpected and  
20 unbudgeted time and resources in its programs and services related to the Opioid Epidemic; and  
21

22        WHEREAS, Manitowoc County is responsible for a multitude of programs and services,  
23 all of which require County to expend resources generated through state and federal aid, property  
24 tax levy, fees and other permissible revenue sources; and  
25

26        WHEREAS, Manitowoc County’s provision of programs and services becomes more and  
27 more difficult every year because the costs associated with providing the Opioid Epidemic  
28 programs and services continue to rise, yet Manitowoc County’s ability to generate revenue is  
29 limited by strict levy limit caps and stagnant or declining state and federal aid to Manitowoc  
30 County; and  
31

32        WHEREAS, all sums that Manitowoc County expends in addressing, combatting, and  
33 otherwise dealing with the Opioid Epidemic are sums that cannot be used for other critical  
34 programs and services that County provides to County citizens, residents, and visitors; and  
35

36        WHEREAS, Manitowoc County has been informed that numerous counties and states  
37 across the country have filed or intend to file lawsuits against certain of the opioid manufacturers

38 in an effort to force the persons and entities responsible for the Opioid Epidemic to assume  
39 financial responsibility for the costs associated with addressing, combatting, and otherwise  
40 dealing with the Opioid Epidemic; and

41  
42 WHEREAS, Manitowoc County has engaged in discussions with representatives of the  
43 law firms of von Briesen & Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy  
44 LLC (the “Law Firms”) related to the potential for Manitowoc County to pursue certain legal  
45 claims against certain opioid manufacturers; and

46  
47 WHEREAS, Manitowoc County has been informed that the Law Firms have the requisite  
48 skill, experience and wherewithal to prosecute legal claims against certain of the opioid  
49 manufacturers on behalf of public entities seeking to hold them responsible for the Opioid  
50 Epidemic; and

51  
52 WHEREAS, the Law Firms have proposed that Manitowoc County engage the Law  
53 Firms to prosecute the aforementioned claims on a contingent fee basis whereby the Law Firms  
54 would not be compensated unless Manitowoc County receives a financial benefit as a result of  
55 the proposed claims and the Law Firms would advance all claim-related costs and expenses  
56 associated with the claims; and

57  
58 WHEREAS, the Law Firms have prepared the attached draft engagement letter  
59 (“Engagement Letter”) that outlines terms and conditions under which the Law Firms would  
60 provide legal services to Manitowoc County; and

61  
62 WHEREAS, Manitowoc County would participate in the prosecution of the claim(s)  
63 contemplated in this Resolution and the Engagement Letter by providing information and  
64 materials to the Law Firms; and

65  
66 WHEREAS, by pursuing the claims against certain of the opioid manufacturers,  
67 Manitowoc County is attempting to hold those persons and entities that had a significant role in  
68 the creation of the Opioid Epidemic responsible for the financial costs assumed by Manitowoc  
69 County and other public agencies across the country in dealing with the Opioid Epidemic;

70  
71 WHEREAS, Manitowoc County believes it to be in the best interest of Manitowoc  
72 County, its citizens, residents, visitors and taxpayers to join with other counties in and outside  
73 Wisconsin in pursuit of claims against certain of the opioid manufacturers; and

74  
75 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
76 Supervisors authorizes Manitowoc County to pursue legal action against those manufacturers of  
77 certain opioid medications and any others that it deems responsible for the rapid rise of the  
78 Opioid Epidemic; and

79  
80 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
81 authorizes the Corporation Counsel to negotiate and execute an engagement agreement with the  
82 Law Firms on behalf of Manitowoc County with terms and conditions substantially similar to

83 those in the attached Engagement Letter, but with any modifications deemed necessary by the  
84 Corporation Counsel, as part of any legal action contemplated by this Resolution; and  
85 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors intends  
86 that any moneys recovered as a result of Manitowoc County pursuing claims against certain of  
87 the opioid manufacturers will be used for programs and services related to drug addiction.

Dated this 27th day of November 2017.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Hoffman moved to adjourn, seconded by Supervisor Gauger, and the motion was adopted by acclamation. The meeting adjourned at 8:02 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, December 19, 2017

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 19<sup>th</sup> day of December 2017, for the purpose of transacting business as a Board of Supervisors.

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

Chairperson Brey gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 22 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Henrickson, Hoffman, Holschbach, Maresh, Muench, Nasep, Swade, Vogel, Vogt, Waack, Wagner, Weiss, Williams, and Zimmer. Supervisor Hansen, Metzger, and Nickels were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Gauger the November 27, 2017 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Marc Holsen, Highway Commissioner, presented on Manitowoc County's current bridge structure and highway conditions. Holsen provided a five-year plan that would bring seven deficient bridges and various roads up to good condition. He is hopeful that 80% of the county roads would be back in good standings by 2022.

County Executive Bob Ziegelbauer and County Chairperson Brey presented a Proclamation Proclaiming the month of January 2018 as Mentoring Month for Big Brothers Big Sisters to Joel Evenson, Executive Director BBBS of Manitowoc County. Mr. Evenson thanked the board for the proclamation. He informed the public that the community based program currently has 25 "littles" waiting to be matched with a "big". There is a school based program as well, where "bigs" meet their "little" at their school and share lunch with them once a week.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:30 p.m.

Maura Yost, Town of Centerville, expressed concern that county supervisors have been requested to state their view of the possible .5% sales tax during a time when the Finance Committee will be doing "data mining" to determine how other counties resolved and implemented their .5% sales tax. Ms. Yost also commented that 47% of county roads are rated

“fair or below” and it will be more costly when repairs have been delayed.

No one else present wished to speak, subsequently Chairperson Brey closed public input at 7:34 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Patricia Dodge as the Human Services Director. Supervisor Henrickson moved, seconded by Supervisor Baumann to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Supervisor James Falkowski to the Bay-Lake Regional Planning Commission to complete a term expiring October 2020. Supervisor Hoffman moved, seconded by Supervisor Gauger to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointments of Shirley Fessler and Tim Nicholls to the Commission of Aging for a three-year term expiring December 31, 2020. Supervisor Wagner moved, seconded by Supervisor Baumann to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Eleanor Agnew to the Human Services Board for a three-year term expiring December 2020. Supervisor Henrickson moved, seconded by Supervisor Falkowski to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Paul Granger to the Joint Dispatch Board for a two-year term expiring January 2020. Supervisor Vogel moved, seconded by Supervisor Hoffmann to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointment of Todd Bergmann to the Local Emergency Planning Committee for a two-year term expiring September 2019. Supervisor Falkowski moved, seconded by Supervisor Swade to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer’s appointments of Julie Grinde and Jeremy Sehloff to the Manitowoc-Calumet Library System Board of Trustees for a three-year term expiring January 2021. Supervisor Gauger moved, seconded by Supervisor Maresh 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: Supervisor Wagner moved, seconded by Supervisor Falkowski to adopt Resolution 1 (2017/2018-66) Amending 2017 ADRC Budget. Upon vote, the motion carried unanimously.

**RESOLUTION AMENDING 2017 ADRC BUDGET**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. and the Department of Health Services have changed their formulas to allocate Older Americans Act grant funds and state funds to the Aging and Disability Resource Center (ADRC); and

WHEREAS, the ADRC Board recommends that Manitowoc County amend the 2017 budget to reflect the following changes in revenue and expenditures for the Title III programs, the Nutrition Services Incentive Program (NSIP), the Alzheimer's Family Caregiver Support Program (AFCSP), and the ADRC programs to reflect the following changes:

<u>Revenue or Expense</u>	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
Revenue	46475.43566.05	IIIB Information & Assistance	(\$1,032)
Expenses	46475.51100	Contracted Services	(\$1,032)
Revenue	46100.43566.01	IIIC1 Congregate Meals	\$726
Expenses	46100.52940	Contracted Food	\$726
Revenue	46250.43566.03	IIIC2 Home Delivered Meals	(\$174)
Expenses	46250.52940	Contracted Food	(\$174)
Revenue	46325.43566.12	IIID Prevention Health	(\$65)
Expenses	46325.52108	Public Health	(\$65)
Revenue	46430.43566.14	IIIE Family Caregiver	(\$515)
Expenses	46430.52999	Contracted Services	(\$515)
Revenue	46250.43566.04	NSIP IIIC2	\$54
Expenses	46250.52940	Contracted Food IIIC2	\$54

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors amends the 2017 Budget by the amounts stated above; and

BE IT FURTHER RESOLVED, that any funds remaining at the end of 2017 be carried over to 2018 and applied accordingly; and

BE IT FURTHER RESOLVED, that the Comptroller/Auditor is directed to record such information in the official books of Manitowoc County for the year ending December 31, 2017, as may be required.

Dated this 19th day of December 2017.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Decreased budgeted revenue and expenses by \$1,006.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Vogel moved, seconded by Supervisor Swade to adopt Resolution 3 (2017/2018-67) Approving the 2017 Health Department Budget Adjustment. Upon vote, the motion carried unanimously.

No. 2017/2018 - 67

**RESOLUTION APPROVING 2017 HEALTH DEPARTMENT BUDGET  
ADJUSTMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Health Department provides numerous public health  
2 services to the residents of Manitowoc County that are funded by the return of our federal and  
3 state tax dollars through grants, and  
4

5 WHEREAS, when preparing its annual budget, the Health Department can only include  
6 grant funds that it has been scheduled or contracted to receive during the calendar year covered  
7 by the budget; and  
8

9 WHEREAS, the Health Department learns of changes in grant funding after the budget  
10 has been approved because various federal and state grants are administered on a state or federal  
11 fiscal, rather than calendar, year basis; and  
12

13 WHEREAS, the following changes in grant funding have taken place since the 2017  
14 Annual Budget was approved:  
15

16	Childhood Lead Poisoning Prevention	(\$45)
17	Immunization	\$29
18	Adult Immunization	\$2540
19	MCH Block Grant	(\$2418)
20	Prevention Block Grant	\$4379
21	Public Health Preparedness: Ebola Supplement	\$4250
22	Radon Information Center Grant	\$1091
23	WIC	(\$2935)

24  
25 and  
26

27 WHEREAS, the Board of Health recommends that the Manitowoc County Board of  
28 Supervisors amend the 2017 Annual Budget to incorporate these changes;

29  
30 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of  
31 Supervisors that the appropriate revenue and expense line items in the 2017 Annual Budget are  
32 hereby amended to incorporate the changes shown above and that the Comptroller/Auditor is  
33 hereby directed to record such information in the official books of the County for the year ended  
34 December 31, 2017, as may be required.

Dated this 19th day of December 2017.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No Tax Levy Impact. Increases revenue and expenses by equal amounts  
for the program areas listed.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Holschbach gave a brief report.

Highway Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Gerroll to enact Ordinance 4 Amending  
Manitowoc County Code §§ 15.02(12)(C)2., 15.02(12)(F), 15.06(1), 15.06(2), and 15.06(3)(C),  
(Permits for Driveways in Right of Way). Discussion followed.

Amendment: Supervisor Behnke moved, seconded by Supervisor Gerroll to Ordinance 4 –  
replace the term “utility” in lines 21, 22, and 25 with “driveway”, in line 53 un-strike the term  
“Department”. Upon vote, the motion carried unanimously.

Discussion took place on the amended motion to enact Amended Ordinance 4 (2017/2018-68)  
Amending Manitowoc County Code §§ 15.02(12)(C)2., 15.02(12)(F), 15.06(1), 15.06(2), and  
15.06(3)(C), (Permits for Driveways in Right of Way). Upon vote, the motion carried with 21  
ayes and 1 noes. Supervisor Vogel voted no; all other supervisors voted aye.

No. 2017/2018 - 68

**AMENDED ORDINANCE AMENDING MANITOWOC COUNTY CODE  
§§ 15.02(12)(C)2., 15.02(12)(F), 15.06(1), 15.06(2), AND 15.06(3)(C)  
(PERMITS FOR DRIVEWAYS IN RIGHT OF WAY)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:



1 WHEREAS, the Manitowoc County Highway Department is responsible for issuing  
2 driveway permits; and

3  
4 WHEREAS, before the Highway Department issued driveway permits, the Planning and  
5 Park Department was responsible for that activity; and

6  
7 WHEREAS, after the administration of the driveway permit program was moved to the  
8 Highway Department, the Manitowoc County Code was not updated to reflect the shift in  
9 responsibilities and as such there are several outdated references to the "Planning and Parks  
10 Department" in Chapter 15 (Highways) of the Manitowoc County Code; and

11  
12 WHEREAS, the Highway Committee recommends updating the code to correctly reflect  
13 which department issues driveway permits; and

14  
15 WHEREAS, the current fee for a driveway permit application fee is \$75.00; and

16  
17 WHEREAS, the level of driveway installation review and follow-up has presented the  
18 need for more thorough investigations prior to approval and close-out process since last  
19 reviewed; and

20  
21 WHEREAS, due to the increased work needed to issue driveway permits, the existing  
22 \$75.00 fee no longer adequately covers the cost of issuing driveway permits; and

23  
24 WHEREAS, after careful study, the Highway Committee recommends increasing the  
25 driveway permit application fee to be \$150.00;

26  
27 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc  
28 does ordain as follows:

29  
30 Manitowoc County Code § 15.02(12)(c)2. is amended as follows:

31  
32 2. Application for permits shall be made to the Manitowoc County  
33 Highway~~Planning and Park~~ Department.

34  
35 Manitowoc County Code § 15.02(12)(f) is amended as follows:

36  
37 (f) Controlled Access Maps. The locations of all recognized access points are shown  
38 on the map entitled "Controlled Access Maps" on file in the office of the  
39 Highway~~Planning and Park~~ Department, which shall periodically update the  
40 "Controlled Access Maps." The "Controlled Access Maps," together with all  
41 information shown thereon and all amendments thereto, shall be a part of these  
42 regulations.

43  
44 Manitowoc County Code § 15.06(1) is amended as follows:  
45

- 46 (1) The owner of lands adjacent to the right of way of a county trunk highway may  
47 not construct, maintain, and use a driveway for access to the highway unless the  
48 owner procures and abides by a permit from the HighwayPlanning and Park  
49 Department.  
50

51 Manitowoc County Code § 15.06(2) is amended as follows:  
52

- 53 (2) A landowner seeking a permit for a driveway shall complete an application on a  
54 form prescribed by the HighwayPlanning and Park Department and pay a \$15075  
55 fee. If the proposed driveway meets the requirements of subsection (3) of this  
56 Section, the Planning and Park Department shall issue a permit for construction  
57 and use of the driveway. A permit is valid for construction of a driveway within  
58 one year of issuance.  
59

60 Manitowoc County Code § 15.06(3)(c) is amended as follows:  
61

- 62 (c) The driveway shall be no wider than is necessary to accommodate the ordinary  
63 traffic of the property to be served. Each application shall specify the proposed  
64 width of the driving surface. The HighwayPlanning and Park Department may  
65 approve, reject, or modify the width allowed for driving surfaces.  
66

67 and  
68

69 BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication;  
70 and  
71

72 BE IT FURTHER ORDAINED that Chapter 15 of the Manitowoc County Code, as  
73 amended, shall be recorded in the office of the Register of Deeds of Manitowoc County,  
74 Wisconsin in accord with § 15.02(12)(h) of the Code.

Dated this 19th day of December 2017.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Gauger to enact Ordinance 5 (2017/2018-69)  
Amending Manitowoc County Code § 15.05(1) (Encroachment Upon Highway). Upon vote, the  
motion carried unanimously.

No. 2017/2018 - 69

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 15.05(1)**  
(Encroachment Upon Highway)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Manitowoc County Highway Department has encountered many instances in which residents remove snow from private property by the means of plowing snow across County Highways; and

WHEREAS, the snow left in the highway travel lanes causes a potential for serious traffic safety hazards; and

WHEREAS, in accordance with Wis. Stat. §§ 86.07(2) and 346.94(5) it is illegal to place or leave any foreign substance upon a highway; and

WHEREAS, the Manitowoc County Code provisions relating to highway obstructions do not clearly prohibit snow and ice obstructions; and

WHEREAS, to provide clarity, the Manitowoc County Highway Committee recommends amending the Manitowoc County Code to make clear that it is a violation of the Manitowoc County Code to place or leave a snow or ice obstruction upon a highway in Manitowoc County;

NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as follows:

Manitowoc County Code § 15.05(1) is hereby amended to read as follows:

**15.05 Encroachment Upon Highway.**

- (1) Pursuant to Wis. Stat. § 86.07(2), ~~the County Board~~ Manitowoc County hereby prohibits the erection, construction, maintenance, depositing, or placing in any way of any structure, object, carcass, refuse, trash, or any other thing in the right of way of a county trunk highway that may impede the flow of drainage water, obstruct visibility of highway users, increase the risk of injury to a highway user who collides with the material, or interfere with highway maintenance operations, including, but not limited to, stones or rocks, snow, ice, mud, and debris left by agricultural operations.

Dated this 19<sup>th</sup> day of December 2017.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Hoffmann to enact Ordinance 6 (2017/2018-70) Amending Manitowoc County Code § 15.09(5) (Utility Permits). Upon vote, the motion carried with 21 ayes and 1 noes. Supervisor Vogel voted no; all other supervisors voted aye.

No. 2017/2018 - 70

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 15.09(5)  
(UTILITY PERMITS)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County currently sets the utility permit application fee to be an  
2 amount not to exceed \$75.00; and  
3

4 WHEREAS, the Manitowoc County Highway Department has encountered increased  
5 costs to implement an online utility permit process for work performed within County right-of-  
6 way; and  
7

8 WHEREAS, the level of utility project follow-up has presented the need for more  
9 thorough investigations prior to approval and close-out processes since last reviewed; and  
10

11 WHEREAS, due to the increased work needed to issue utility permits, the existing \$75.00  
12 fee no longer adequately covers the cost of issuing utility permits; and  
13

14 WHEREAS, after careful study, the Highway Committee recommends increasing the  
15 utility permit application fee to be an amount not to exceed \$150.00;  
16

17 NOW, THEREFORE, the Manitowoc County Board of Supervisors does ordain as  
18 follows:  
19

20 Manitowoc County Code § 15.09(5) is hereby amended to read as follows:  
21

22 **15.09 Utility Permits.**  
23

24 (5) Any person, firm, or corporation seeking approval of construction of such lines  
25 within the limits of a county trunk highway shall apply for a permit for such  
26 construction from the Manitowoc County Highway Department. The application  
27 shall be made on a form prescribed by the Department. The Highway Committee  
28 may set a reasonable fee for permit applications not to exceed ~~\$150~~75. The  
29 application shall be reviewed by the Highway Commissioner or designee and  
30 approved or denied. A person, firm, or corporation whose permit application has  
31 been denied may appeal the denial to the Manitowoc County Highway Committee  
32 by submitting a written notice of appeal to the Manitowoc Highway Committee  
33 stating the reasons why the application should have been granted. Such appeal  
34 shall be barred unless filed within twenty (20) calendar days of the denial of the

35 application by the Highway Commissioner. The decision of the Highway  
36 Committee shall be final.

37  
38 and

39  
40 BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication;  
41 and

42  
43 BE IT FURTHER ORDAINED that Chapter 15 as amended shall be shall be recorded in  
44 the office of the Register of Deeds of Manitowoc County, Wisconsin in accord with  
45 § 15.02(12)(h) of the Manitowoc County Code.

Dated this 19th day of December 2017.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: Undeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

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

Personnel Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Williams to adopt Resolution 7 (2017/2018-71) Amending Employee Policy Manual Adding § 12.02 (Conversion of Paid Time Off) and Renumbering All Subsequent Sections Accordingly. Upon vote, the motion carried unanimously.

No. 2017/2018 - 71

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL ADDING  
§ 12.02 (CONVERSION OF PAID TIME OFF) AND RENUMBERING ALL  
SUBSEQUENT SECTIONS ACCORDINGLY**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has established an Employee Policy Manual to establish  
2 uniform personnel policies and procedures; and

3  
4 WHEREAS, amendments must be made to the Employee Policy Manual from time-to-  
5 time to keep the policies current, reflect current practice, and address new issues and  
6 circumstances; and; and

7  
8 WHEREAS, currently when an employee moves to a position that has a different number  
9 of hours scheduled per day (e.g. from a eight (8) hour day to a 7.5 hour day) Manitowoc County  
10 has a practice of converting the employee's sick leave available; and

11  
12 WHEREAS, the conversion is based on a “per day” worked basis; and  
13

14 WHEREAS, the proposed revision to Employee Policy Manual codifies the existing  
15 practice and will ensure consistent application of the policy across all paid time off in the future;  
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
18 Supervisors amends the Manitowoc County Employee Policy Manual to create a new § 12.02 to  
19 read as follows:  
20

21 12.02 Conversion of Paid Time Off

22 Paid time off is awarded on a “per day” basis and is converted to hours based on the  
23 number of hours normally scheduled per day. Employees moving to a position with a  
24 different number of normally scheduled daily hours will maintain the same number of  
25 days of paid time off, but the hours will be converted to reflect the change in the normally  
26 scheduled day.  
27

28 and  
29

30 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
31 rennumbers the former §§ 12.02 through 12.15 of the Employee Policy Manual to §§ 12.03  
32 through 12.16 respectively.

Dated this 19th day of December 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 8 (2017/2018-72)  
Approving Settlement of 2018 Collective Bargaining Agreement with Sheriff’s Department  
Employees Represented by Wisconsin Professional Police Association. Upon vote, the motion  
carried unanimously.

No. 2017/2018 - 72

**RESOLUTION APPROVING SETTLEMENT OF 2018 COLLECTIVE  
BARGAINING AGREEMENT WITH SHERIFF'S DEPARTMENT  
EMPLOYEES REPRESENTED BY WISCONSIN PROFESSIONAL  
POLICE ASSOCIATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Personnel Committee has reached a tentative settlement with Sheriff's  
2 Department employees represented by the Wisconsin Professional Police Association for a 2018  
3 collective bargaining agreement; and  
4

5 WHEREAS, this voluntary settlement avoids the uncertainty, delay and expense of  
6 interest arbitration and includes a wage increase of 2.0% effective January 1, 2018;  
7

8 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
9 Supervisors hereby approves the 2018 collective bargaining agreement negotiated between the  
10 Personnel Committee and the Sheriff's Department employees represented by the Wisconsin  
11 Professional Policy Association, and that the collective bargaining agreement as negotiated is  
12 ratified, confirmed, and approved with pay schedules and terms set forth; and  
13

14 BE IT FURTHER RESOLVED that the County Executive, Personnel Committee Chair,  
15 and Personnel Director are authorized to execute this agreement.

Dated this 19th day of December 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: A 2.0% wage increase was included in the 2018 budget, the cost of which  
is as follows:

Wages	\$ 41,508
FICA	\$ 3,175
WRS	\$ 7,318
Total	\$ 52,001

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Baumann to adopt Resolution 2 (2017/2018-73) Authorizing the Creation of a .43 Full-time Equivalent ADRC Position (Meal Site Manager). Upon vote, the motion carried unanimously.

No. 2017/2018 - 73

**RESOLUTION AUTHORIZING THE CREATION OF A .43 FULL-TIME  
EQUIVALENT ADRC POSITION  
(Meal Site Manager)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Nutrition Program is a valuable service to the citizens of Manitowoc and  
2 Kewaunee County; and  
3

4 WHEREAS, two meal sites in Algoma are being consolidated into one location and  
5 proper staffing that location is critical to the success of that meal site; and

6  
7 WHEREAS, to properly staff that site, a .43 full-time equivalent (FTE) Meal Site  
8 Manager position is required; and  
9

10 WHEREAS, state and federal funding covers all costs of the proposed .43 FTE Meal Site  
11 Manager position;  
12

13 NOW, THEREFORE, BE IT RESOLVED that the number of authorized full-time  
14 equivalent positions for the ADRC is increased by .43; and  
15

16 BE IT FURTHER RESOLVED that the job posting requirement for the .43 Meal Site  
17 Manager position is waived to allow the person currently volunteering at the Algoma meal site to  
18 be offered the position; 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, 2018 as may be  
22 required.

Dated this 19th day of December 2017.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None. This position is fully funded with state and federal funding and  
sufficient funds have been appropriated in the 2018 ADRC budget.

APPROVED: Bob Ziegelbauer, County Executive.

Planning & Park Committee: Supervisor Waack gave a brief report.

Supervisor Waack moved, seconded by Supervisor Hoffmann to adopt Resolution 9 (2017/2018-  
74) Authorizing County Conservation Aids Grant Application. Upon vote, the motion carried  
unanimously.

No. 2017/2018 - 74

**RESOLUTION AUTHORIZING COUNTY CONSERVATION AIDS  
GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Planning and Zoning Department wishes to  
2 complete upgrades to the park system including the installation of a new launch pier at Cedar  
3 Lake, construction of an ADA accessible bathroom at Long Lake, blacktopping the parking lot at  
4 Silver Lake and controlling nuisance and invasive weeds along the Devil's River State Trail; and  
5



6 WHEREAS, the Manitowoc County Planning and Zoning Department has identified a  
7 total project cost of \$66,000 for these projects; and  
8

9 WHEREAS, the Wisconsin Department of Natural Resources (WDNR) has grant funding  
10 available through the County Conservation Aids (CCA) program specifically for the installation  
11 of fish and game projects under Wis. Stat. § 23.09(12); and  
12

13 WHEREAS, the CCA grant program may reimburse fifty percent of the total project cost  
14 for eligible projects; and  
15

16 WHEREAS, the Planning and Park Commission held a public hearing on December 4,  
17 2017 to consider the grant application and recommends the Planning and Zoning Department  
18 pursue the available grants under the CCA program;  
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
21 Supervisors authorizes the Planning and Zoning Director or his designee to apply for and accept  
22 grants from the WDNR in the total amount of up to \$33,000.00; and  
23

24 BE IT FURTHER RESOLVED that the Planning and Zoning Director or his designee is  
25 authorized to sign documents and take actions necessary to complete the project as authorized in  
26 the County's grant application to the WDNR, including obtaining any permits that may be  
27 required; and  
28

29 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such  
30 information in the official books of the County for the year ending December 31, 2018 as may be  
31 required.

Dated this 19th day of December 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Increases State Conservation Aid by an amount of the grant award up to  
\$33,000 offset by an equal amount in expenses for the project.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Zimmer to enact Ordinance 10 (2017/2018-  
75) Repealing and Recreating Chapter 13 (Private Sewage Systems) of the Manitowoc County  
Code. Upon vote, the motion carried unanimously.

No. 2017/2018 - 75

**ORDINANCE REPEALING AND RECREATING CHAPTER 13 (PRIVATE SEWAGE  
SYSTEMS) OF THE MANITOWOC COUNTY CODE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the purpose of the Private Sewage Systems Ordinance is to insure the safe  
2 and proper use of land and water resources and to promote the public health, safety, and general  
3 welfare by regulating the location, design, installation, alteration, inspection, management and  
4 use of all private sewage systems; and  
5

6 WHEREAS, the Private Sewage Systems Ordinance applies to all lands and waters within  
7 the incorporated and unincorporated parts of Manitowoc County that are not served by public  
8 sewers; and  
9

10 WHEREAS, revisions to the existing ordinance are proposed for consistency with the  
11 Department of Safety and Professional Services definitions and standards, for expanded  
12 maintenance requirements on holding tanks and pretreatment systems and to acknowledge new  
13 treatment technology applications; and  
14

15 WHEREAS, the Manitowoc County Private Sewage Systems Ordinance is adopted  
16 pursuant to Wis. Stat. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245; and  
17

18 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
19 public hearing on December 4, 2017 to consider the proposed comprehensive revision to the  
20 Manitowoc County Private Sewage Systems Ordinance; and  
21

22 WHEREAS, the Planning and Park Commission, after careful consideration of the  
23 testimony at the hearing and an examination of the facts, recommends that the following  
24 comprehensive revision of the Manitowoc County Private Sewage Systems Ordinance be  
25 approved;  
26

27 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc does  
28 ordain as follows:  
29

30 Manitowoc County Code Chapter 13, Private Sewage Systems is repealed and reenacted to  
31 read as follows:  
32

33 Part I. Introduction.  
34

35 13.01 Title.

36 13.02 Authority.

37 13.03 Purpose.

38 13.04 Jurisdiction.

39 13.05 Abrogation and Greater Restrictions.

40 13.06 Severability.

41 13.07 Warning and Disclaimer of Liability.

42 13.08 Interpretation.  
43

44 Part II. Definitions.

45	
46	13.09 Definitions.
47	
48	Part III. General Requirements.
49	
50	13.10 Compliance.
51	13.11 Limitation and Prohibitions.
52	13.12 Holding Tanks.
53	13.13 Floodplain.
54	13.14 Issuance of Building Permits.
55	13.15 Abandonment of Private Sewage Systems.
56	
57	Part IV. Permits and Applications.
58	
59	13.16 Soil and Site Evaluation.
60	13.17 Sanitary Permits.
61	13.18. Application Requirements.
62	13.19 Permit Cards.
63	13.20 Permit Expiration and Renewal.
64	13.21 Transfer of Ownership.
65	13.22 Change of Plumbers.
66	13.23 Permit Denial.
67	13.24 Reconnection.
68	13.25 Emergency Repairs and Installations.
69	13.26 Fees.
70	
71	Part V. Inspections and Testing.
72	
73	13.27 Inspections; General.
74	13.28 Inspections; Site Constructed Holding Tanks.
75	13.29 Reinspection.
76	13.30 Testing.
77	
78	Part VI. Management and Maintenance.
79	
80	13.31 Maintenance Program.
81	13.32 Holding Tank Maintenance and Agreement.
82	13.33 Maintenance Responsibilities.
83	
84	Part VII. Administration and Enforcement.
85	
86	13.34 Administration.
87	13.35 Appeals.
88	13.36 Amendments.
89	13.37 Violations.
90	13.38 Enforcement.

13.39 Effective Date.

## PART I. INTRODUCTION.

### 13.01 Title.

This ordinance may be referred to as the Private Sewage Systems Ordinance.

### 13.02 Authority.

These regulations are adopted under the authority granted by Wis. Stat. §§ 59.70(1), 59.70(5), 145.04, 145.19, 145.20, and 145.245.

### 13.03 Purpose.

The purpose of this Private Sewage Systems Ordinance is to insure the safe and proper use of land and water resources and to promote the public health, safety, and general welfare by regulating the location, design, installation, alteration, inspection, management, and use of all private sewage systems thereby insuring the protection and security of the general health of the public from disease and pestilence.

### 13.04 Jurisdiction.

This Private Sewage Systems Ordinance shall apply to all lands and waters within the incorporated and unincorporated parts of Manitowoc County that are not served by public sewers.

### 13.05 Abrogation and Greater Restrictions.

(1) This Private Sewage Systems Ordinance supersedes all pertinent provisions of any ordinance adopted by the County of Manitowoc relating to private sewage systems within Manitowoc County, Wisconsin.

(2) This Private Sewage Systems Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, or agreements; however, where this Private Sewage Systems Ordinance imposes greater restrictions, the provisions of this Private Sewage Systems Ordinance shall prevail.

(3) This Private Sewage Systems Ordinance incorporates, by reference, all applicable rules, regulations, and laws as set forth in Wis. Stat. ch. 145 and the Wisconsin Administrative Codes regulating private sewage systems, including, but not limited to: Wis. Admin. Code chs. SPS 381, SPS 382, SPS 383, SPS 384, SPS 385, and SPS 391. The rules, regulations, and laws incorporated herein by reference shall apply until amended and then apply as amended. A violation of

any rule, regulation, or law incorporated herein shall constitute a violation of this Private Sewage Systems Ordinance.

#### 13.06 Severability.

If any section, clause, provision, or other portion of this Private Sewage Systems Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Private Sewage Systems Ordinance shall not be affected thereby.

#### 13.07 Warning and Disclaimer of Liability.

The degree of protection provided by this Private Sewage Systems Ordinance is considered reasonable for regulatory purposes only and is based on engineering experience and scientific methods of study. This Private Sewage Systems Ordinance, however, does not imply that private sewage systems permitted will be free from problems, nor shall this Private Sewage Systems Ordinance create a liability on the part of or be a cause of action against Manitowoc County, or any officer or employee thereof for any problem that may result from reliance on this Private Sewage Systems Ordinance.

#### 13.08 Interpretation.

The provisions of this Private Sewage Systems Ordinance shall be deemed to be the minimum standards required and shall be liberally construed in favor of Manitowoc County and shall not be deemed a limitation or repeal of any other power granted to Manitowoc County by the Wisconsin Statutes.

### PART II. DEFINITIONS.

#### 13.09 Definitions.

For the purpose of administering and enforcing this Private Sewage Systems Ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular include the plural; words in the plural include the singular. The word “shall” is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. Terms used in this Private Sewage Systems Ordinance, but not otherwise defined herein, shall first have the same meaning as those terms in Wis. Stat. ch. 145 and Wis. Admin. Code ch. SPS 381, and if not specifically defined therein shall be defined as ordinarily and commonly used.

The following terms used in this Private Sewage Systems Ordinance mean:

(1) “Bedrock” means rock that is exposed at the earth’s surface or underlies soil material and includes:

(a) Weathered in-place consolidated material, larger than 2 mm in size and greater than 50% by volume; and

- (b) Weakly consolidated sandstone at the point of increased resistance to penetration of a knife blade.
- (2) “Building” means a structure for support, shelter or enclosure of persons or property. A mobile home is expressly included in the definition of a building.
- (3) “Certified Septage Servicing Operator” means an individual licensed by DSPS as a certified operator under Wis. Admin. Code ch. NR 114.
- (4) “Certified Soil Tester” means an individual licensed by DSPS as a certified soil tester under Wis. Stat. § 145.045 and Wis. Admin. Code § SPS 305.33.
- (5) “Code Compliant POWTS” means a private on-site wastewater treatment system that complies with all applicable Wisconsin Statutes and Administrative Codes (including, but not limited to, Wis. Stat. ch. 145, Wis. Admin. Code chs. SPS 381, SPS 383, SPS 385, and SPS 391) and this Private Sewage Systems Ordinance.
- (6) “Color” means the moist color of the soil based on Munsell soil color charts.
- (7) “Department” means the Manitowoc County Planning and Zoning Department unless the context requires otherwise.
- (8) “Director” means the Director of the Manitowoc County Planning and Zoning Department or his or her designee.
- (9) “DSPS” means the Wisconsin Department of Safety and Professional Services.
- (10) “DNR” means the Wisconsin Department of Natural Resources.
- (11) “Dwelling” means a structure, or that part of a structure, which is used or intended to be used as a home, residence, or sleeping place by one person or by two (2) or more persons maintaining a common household, to the exclusion of all others.
- (12) “Effluent” means liquid discharged from a process, device, appurtenance or piping system.
- (13) “Failing Private On-Site Wastewater Treatment System” or “Failing POWTS” means a POWTS that causes or results in any of the following conditions:
- (a) The discharge of sewage into surface water or groundwater;
- (b) The introduction of sewage into zones of saturation;
- (c) The discharge of sewage to a drain tile or into zones of bedrock;

- (d) The discharge of sewage to the surface of the ground; or
- (e) The failure to accept sewage discharges and back up of sewage into the structure served by the POWTS.
- (f) The failure to meet the vertical separation distance between the infiltrative surface of the treatment or dispersal component and estimated high groundwater or bedrock as required by the applicable Wisconsin Administrative Code.
- (14) “Failing Private Sewage System” means any failing POWTS or any non-plumbing sanitation system that causes or results in any of the conditions identified in § 13.09(12)(a) thru (f) of this Private Sewage System Ordinance.
- (15) “Human Habitation” means the use of a building for living for any period of time, for activities such as sleeping, eating or cooking, or combinations thereof.
- (16) “High Groundwater” means zones of soil saturation that include perched water tables, shallow regional groundwater tables, or aquifers, or zones that are seasonally, periodically, or permanently saturated.
- (17) “Holding tank” means a watertight receptacle for the collection and holding of wastewater.
- (18) “Non-plumbing Sanitation System” means sanitation systems and devices within the scope of Wis. Admin. Code ch. SPS 391, which are alternatives to water carried waste plumbing fixtures and drain systems, which include, but are not limited to, incinerating toilets, composting toilets and privies.
- (19) “Parcel” means a tract of land that is identified by an individual tax identification number.
- (20) “Pit Privy” means a privy where the subsurface storage chamber is not water tight.
- (21) “POWTS Maintainer” means an individual licensed by DSPS as a POWTS maintainer under Wis. Admin. Code § SPS 305.36.
- (22) “Private On-site Wastewater Treatment System,” or “POWTS” means a sewage treatment and disposal system serving a single building with a septic tank and soil absorption field located on the same parcel as the building. “Private on-site wastewater treatment system,” or “POWTS” also means: (a) an alternative sewage system approved by DSPS including a substitute for the septic tank or soil absorption field; (b) a holding tank; (c) a sewage treatment and disposal system serving more than one building; and, (d) a sewage treatment and disposal system

located on a different parcel than the building it serves. A POWTS may be owned by the property owner or by a special purpose district. "Private on-site wastewater treatment system," or "POWTS" does not mean and does not include any non-plumbing sanitation system.

(23) "Private Sewage System" means a system designed to hold and/or treat and disperse sewage and wastewater and includes any sewage system meeting the definition of a POWTS and any sanitation system meeting the definition of a non-plumbing sanitation system.

(24) "Privy" means an enclosed toilet into which non-water carried human wastes are deposited to a subsurface storage chamber.

(25) "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three (3) or more tenants.

(26) "Sanitary Permit" means a permit issued by DSPS or the Department for the installation of an approved private sewage system.

(27) "Septic Tank" means a tank that receives and partially treats sewage through processes of sedimentation and bacterial action so as to separate solids from the liquid in sewage, and discharges the liquid to a soil absorption system.

(28) "Sewage" means wastewater containing fecal coliform bacteria exceeding 200 colony forming units (CFU) per 100 ml.

(29) "Soil" means the naturally occurring pedogenically developed and undeveloped regolith overlying bedrock.

(30) "Soil and Site Evaluation" means the procedure specified in Wis. Admin. Code ch. SPS 385 conducted by a certified soil tester for the purpose of specifying, designing, and installing a POWTS to serve a building.

(31) "Soil and Site Evaluation Report" means the soil evaluation report prepared by a certified soil tester after he or she conducted a soil and site evaluation, which meets all requirements of Wis. Admin. Code § SPS 385.40.

(32) "Soil Boring" means an observation pit dug by hand or backhoe.



PART III. GENERAL REQUIREMENTS.

13.10 Compliance.

All buildings in Manitowoc County that are permanently or intermittently intended for human habitation, which are not serviced by a public sewer or a privately owned wastewater treatment facility regulated by the DNR, shall have a private sewage system for holding and/or treatment and dispersal of sewage and wastewater that complies with the provisions of this Private Sewage Systems Ordinance.

13.11 Limitations and Prohibitions.

- (1) All domestic wastewater shall enter a POWTS unless otherwise exempted by the State of Wisconsin or this Private Sewage Systems Ordinance.
- (2) A non-plumbing sanitation system may be permitted only when the building served by the non-plumbing sanitation system does not have an indoor plumbing system. If plumbing is installed in a building, or running water is supplied to a building, an acceptable method of sewage disposal other than, or in addition to, a non-plumbing sanitation system must be provided.
- (3) Portable restrooms may be utilized for temporary purposes only. A sanitary permit is not required for a portable restroom. For the purpose of this § 13.11, temporary shall mean the following:
  - (a) A period of 30 consecutive days or less for temporary gatherings, festivals and similar activities.
  - (b) The duration of construction plus two weeks for use at any construction site.
- (4) Failing Private Sewage Systems.
  - (a) When a failing private sewage system is identified, it shall be brought into compliance with this Private Sewage Systems Ordinance, replaced with a private sewage system that is in compliance with this Private Sewage Systems Ordinance, or its use discontinued within the period of time required by Manitowoc County order.
  - (b) An unlawfully modified private sewage system or a POWTS that has sewage bypassed shall be deemed a violation of this Private Sewage Systems Ordinance and may be ordered by Manitowoc County to be corrected or replaced with a private sewage system that is in compliance with this Private Sewage Systems Ordinance.

360 13.12 Holding Tanks.  
361

362 Holding tanks shall only be permitted on a case by case basis and under the following  
363 circumstances:  
364

365 (1) To serve a use with a designed wastewater flow (DFW) of less than 150 gallons  
366 per day. In addition to items required in Part IV of this Private Sewage Systems  
367 Ordinance, an application for a sanitary permit to install a holding tank to serve a  
368 use with a DWF of less than one hundred fifty gallons per day shall include a  
369 deed restriction requiring the property owner to install another type of POWTS if  
370 any change in use occurs that results in a DWF that equals or exceeds one  
371 hundred fifty (150) gallons per day.  
372

373 (2) Holding tanks designed with a DFW of more than 150 gallons per day may be  
374 permitted under the following circumstances:  
375

376 (a) If a soil and site evaluation conducted on all land under common  
377 ownership within 600 feet of the building to be served by the proposed  
378 holding tank shows there is no suitable site for any of the following type  
379 of POWTS:  
380

- 381 1. At-Grade System;
- 382 2. Gravity In-ground System;
- 383 3. Mound System; or
- 384 4. Pressurized In-Ground System.

385 (b) For a public building notwithstanding the availability of a suitable area  
386 that allows for the installation of a POWTS that provides on-site treatment  
387 and disposal of domestic wastewater.  
388

389 (c) To replace a holding tank serving an existing building provided the new  
390 holding tank meets all requirements of this Private Sewage Ordinance.  
391

392 (d) If a public sewer approved by the DNR will be installed to serve the  
393 property within two years of the date of sanitary permit issuance. An  
394 application for a sanitary permit to install a temporary holding tank shall  
395 include written statements from:  
396

- 397 1. The municipality or sanitary district, verifying the date that public  
398 sewer will be installed and available to serve the property;
  - 399 2. The DNR verifying approval of the public sewer;
- 400  
401  
402  
403  
404  
405

3. The property owner agreeing to connect to public sewer when it becomes available and to abandon the temporary holding tank; and
4. The property owner agreeing that if public sewer does not become available within two years of the date of sanitary permit issuance, the holding tank must be replaced with a suitable POWTS.

#### 13.13 Floodplain.

Any private sewage system, or any portion thereof, installed within a floodplain shall comply with all applicable requirements of Wis. Admin. Code ch. NR 116 and Chapter 31 (Floodplain Zoning) of the Manitowoc County Code of Ordinances.

#### 13.14 Issuance of Building Permits.

- (1) New construction. No Manitowoc County zoning permit may be issued to commence construction or installation of a building that must have a private sewage system unless the owner of the property possesses either a valid reconnection permit or a valid sanitary permit for the installation of a private sewage system from the Department. Any private sewage system that serves a newly constructed building shall be installed, inspected, and approved before the building may be occupied.
- (2) Construction affecting wastewater flow or contaminant load.
  - (a) No Manitowoc County zoning permit may be issued to commence construction of any addition or alteration to an existing building when the proposed construction will modify the designed wastewater flow or contaminant load, or both, to an existing POWTS, unless the owner of the property:
    1. Possesses a valid sanitary permit to either modify the existing POWTS or construct a POWTS to accommodate the modification in wastewater flow and contaminant load; or
    2. Provides documentation to verify that the existing POWTS is sufficient to accommodate the modification in wastewater flow and contaminant load.
  - (b) For the purpose of this § 13.14, a modification in design wastewater flow or contaminant load shall be considered to occur:
    1. For commercial facilities, public buildings, and places of employment, when there is a proposed change in occupancy of the building or the proposed modification affects either the type or

number of plumbing appliance, fixtures, or devices discharging to the system; or

2. For a dwelling, when there is an increase or decrease in the number of bedrooms.

#### 13.15 Abandonment.

- (1) When public sewer approved by the DNR becomes available to a building served by a POWTS, the building shall be disconnected from the POWTS within one (1) year and a connection shall be made to the public sewer. Determination of whether the sewer is available shall be made by the utility having jurisdiction. Abandonment of the disconnected POWTS shall be done in accordance with the provisions of Wis. Admin. Code ch. SPS 383.
- (2) At the time of the installation of a replacement POWTS, the components of an existing POWTS that are not part of the approved design of the replacement POWTS shall be abandoned according to Wis. Admin. Code ch. SPS 383.

### PART IV. PERMITS AND APPLICATIONS.

#### 13.16 Soil and Site Evaluation.

- (1) A soil and site evaluation shall comply with Wis. Admin. Code chs. SPS 383, SPS 385, and SPS 391 and this Private Sewage Systems Ordinance.
- (2) Soil test pits dug as part of a soil and site evaluation shall be constructed to allow adequate visual observation of the soil profile in place.
- (3) The Department shall review soil and site evaluation reports and may verify the report by conducting an on-site investigation. Verification of a soil and site evaluation shall be made at the discretion of the Director before the issuance of a sanitary permit. Verification shall result in one of the following:
  - (a) Issuance of a sanitary permit, provided all information on the application is correct and complete;
  - (b) Establishment of a file indicating site suitability;
  - (c) Holding a sanitary permit application open pending clarification of information or new information by the owner, the plumber, or the certified soil tester; or
  - (d) Denial of a sanitary permit if the site does not meet all requirements of the Wisconsin Statutes, Administrative Codes, and this Private Sewage Systems Ordinance. If the permit application is denied, the fees will be

497 returned to the submitting party, except the required soil and site  
498 evaluation review fee.  
499

- 500 (4) A certified soil tester may request the Department to verify a soil and site  
501 evaluation before a complete sanitary permit application is submitted.  
502 Application for verification of a soil and site evaluation shall be made on forms  
503 provided by the Department, and shall include the original copy of the soil and  
504 site evaluation report and as many copies as required by the Department. A re-  
505 inspection fee may be assessed if excavation of soil test pits are not complete  
506 before the time appointed by the Department to conduct an on-site investigation  
507 as part of verifying the soil and site evaluation.  
508

509 13.17 Sanitary Permits.  
510

- 511 (1) A sanitary permit shall be obtained by the property owner, his or her agent, or his  
512 or her contractor before any POWTS or any part thereof may be installed,  
513 replaced, repaired, reconnected, or modified. A sanitary permit is not required for  
514 minor repairs to POWTS such as manhole risers or covers, septic tank baffles,  
515 pumps and related controls and wiring, vents, and other items as determined by  
516 the Department.  
517
- 518 (2) A sanitary permit shall be obtained before constructing or installing a non-  
519 plumbing sanitation system.  
520
- 521 (3) A sanitary permit shall be obtained by the property owner, his or her agent, or his  
522 or her contractor in the name of the property owner, before the installation,  
523 establishment, or construction of any building that requires a private sewage  
524 system.  
525
- 526 (4) If any part of a POWTS has failed, or requires replacement or modification, the  
527 entire system shall be evaluated for compliance with this Private Sewage Systems  
528 Ordinance before the issuance of a sanitary permit. This evaluation shall include  
529 a soil and site evaluation for those components that utilize in situ soil for  
530 treatment or dispersal. Notwithstanding the foregoing, a soil and site evaluation is  
531 not required if the Department approved a soil and site evaluation report after July  
532 1, 1980 that verifies that the vertical separation distance between the infiltrative  
533 surface of the existing treatment or dispersal component and estimated high  
534 groundwater or bedrock complies with Wis. Admin. Code ch. SPS 383. The  
535 Department may accept soil and site evaluation reports on file with, and approved  
536 by, the Department before July 1, 1980 on a case by case basis at its sole  
537 discretion. If any part of a POWTS is found to be defective or not in  
538 conformance with the applicable provisions of this Private Sewage Systems  
539 Ordinance, the sanitary permit application shall include specifications for the  
540 repair, renovation, replacement or removal of that part.  
541

(5) Every private sewage system shall require a separate application and separate sanitary permit.

(6) Any sanitary permit provision, stipulation, component, requirement, or condition of approval shall have the same effect as any requirement, standard, or provision of this Private Sewage Systems Ordinance. A violation of any sanitary permit condition, provision, stipulation, component, or requirement shall be deemed a violation of this Private Sewage Systems Ordinance.

#### 13.18 Application Requirements.

(1) An applicant for a sanitary permit shall provide the following information on forms provided by the State of Wisconsin and/or the Department, along with all applicable fees:

(a) Name(s) and address(es) of the owner of the site and the plumber (when applicable);

(b) Legal description of the site and the parcel identification number;

(c) All lot dimensions;

(d) Description of the building use (single family, duplex, etc.);

(e) Soil and site evaluation report;

(f) System plans meeting the following:

1. Plans submitted to Manitowoc County shall include the original and two copies.

2. For any plans reviewed and approved by the State of Wisconsin, at least one set of plans submitted to Manitowoc County shall bear an original State of Wisconsin approval stamp or seal.

3. Plans submitted shall be clear, legible, and permanent.

4. Plans submitted for POWTS shall comply with Wis. Admin. Code ch. SPS 383, and shall include the following:

a. The name of the property owner and the legal description of the site;

b. Estimated daily wastewater flow and design wastewater flow;

- c. A detailed plot plan (site plan), dimensioned or drawn to scale, on paper no smaller than 8½ inches by 11 inches in size. The plot plan shall delineate the lot size and the location of all existing and proposed of the following: POWTS components; building sewers; private interceptor main sewers; wells; water mains or water services; buildings; lot lines; swimming pools; navigable waters; and, the benchmark established on the soil and site evaluation report. Adjoining properties shall be checked to insure that the horizontal setback distances in Wis. Admin. Code § SPS 383.43 are met. All separating distances and dimensions shall be clearly shown on the plot plan;
- d. Details and configuration layouts depicting how the POWTS is to be constructed;
- e. A management plan for the proposed POWTS;
- f. A description of a contingency plan in the event the proposed POWTS fails and cannot be repaired;
- g. Sufficient supporting information to determine whether the proposed design, installation, and management of the proposed POWTS, or modification to an existing POWTS, complies with this Private Sewage Systems Ordinance; and
- h. Signature or seal as required by Wis. Admin. Code ch. SPS 383.
5. Plans submitted for non-plumbing sanitation systems shall include the following:
- a. The name of the property owner and the legal description of the site;
- b. Details and configuration layouts depicting how the non-plumbing sanitation system is to be constructed;
- c. A management plan for the proposed non-plumbing sanitation system;
- d. A description of a contingency plan in the event the proposed non-plumbing sanitation system fails and must be replaced;

- 633 e. Sufficient supporting information to determine whether the  
634 proposed design, installation and management of the  
635 proposed non-plumbing sanitation system, or modification  
636 to an existing non-plumbing sanitation system, complies  
637 with this Private Sewage Systems Ordinance;  
638
- 639 f. Signature of the applicant.  
640
- 641 6. A copy of the approved plan shall be maintained at the  
642 construction site until the private sewage system installation is  
643 completed, inspected, and accepted. The plans shall be made  
644 available to the Department upon request.  
645
- 646 7. A revision to an approved plan for a modification to the design of a  
647 private sewage system shall be submitted to the Department or the  
648 State of Wisconsin, whichever is applicable. Plan revisions must  
649 be approved before private sewage system installation. Revisions  
650 required after the installation of a private sewage system shall be  
651 submitted to the Department within 30 days of the date of  
652 installation. A fee may be charged when submitting revised plans.  
653
- 654 (g) Agreements and contracts for system management and maintenance as  
655 required by this Private Sewage Systems Ordinance;  
656
- 657 (h) Verification that any existing POWTS on the same parcel is not failing;  
658
- 659 (i) Copies of any documents required in § 13.18(3) of this Private Sewage  
660 Systems Ordinance and verification that such documents have been  
661 recorded with the Manitowoc County Register of Deeds; and  
662
- 663 (j) Any other information required by Manitowoc County.  
664
- 665 (2) When any official State of Wisconsin action is required before the issuance of a  
666 sanitary permit, an original copy of the official state action shall accompany the  
667 application.  
668
- 669 (3) The following documents shall be recorded with the Manitowoc County Register  
670 of Deeds before issuance of a sanitary permit:  
671
- 672 (a) A maintenance agreement, or other maintenance documents, if recording  
673 is required by Wis. Admin. Code ch. SPS 383 or this Private Sewage  
674 Systems Ordinance;  
675
- 676 (b) A maintenance agreement if the proposed POWTS serves more than one  
677 structure. The maintenance agreement must include all parties that have



ownership rights in the system and a description of the responsibilities for the operation and maintenance of the system;

(c) A maintenance agreement if the proposed POWTS is owned by a party other than the owner of the parcel on which it is installed. The maintenance agreement must identify the owner of the system, the structures to be served by the system, and the party responsible for operation and maintenance of the system;

(d) A deed restriction if the design wastewater flow of a POWTS for a dwelling is not based upon the number of bedrooms within the dwelling;

(e) A deed restriction if a holding tank will be installed in lieu of another type of private sewage system because there is a DWF of less than 150 gallons per day; and

(f) A maintenance agreement if a land division would occur that would separate any POWTS component from the parcel where the structure served by that components is located.

(4) If the proposed POWTS, or any part thereof, is located on a different parcel than the building served, the parcels shall be combined in accordance with Chapter 12 (Subdivision Ordinance) of the Manitowoc County Code. If it is not possible to combine the parcels, an appropriate easement or affidavit shall be recorded.

(5) Manitowoc County reserves the right to require a Floodplain and/or Wetland delineation before issuance of a sanitary permit. Manitowoc County may require elevations on plans to be tied to floodplain elevation datum by a Registered Land Surveyor.

(6) Manitowoc County may refuse incomplete or incorrect permit applications or may delay permit issuance until a corrected or completed application is received.

#### 13.19 Permits Cards.

(1) The permit card issued by the Department to the property owner, his or her agent, or his or her contractor shall serve as the sanitary permit.

(2) The permit card shall be displayed at the site in such a manner that it will be visible from a road abutting the lot during all phases of construction.

(3) The permit card may not be removed until the private sewage system has been installed, inspected, and approved by the Department.

722 13.20 Permit Expiration and Renewal.

- 723
- 724 (1) A sanitary permit for a private sewage system that has not been: a) installed,  
725 replaced, repaired, modified, or reconnected; or b) approved by the Department  
726 shall expire two years after the date of issuance unless renewed. Sanitary permits  
727 may only be renewed by applying to the Department before the expiration date of  
728 the original permit.
- 729
- 730 (2) There shall be a fee for the renewal of a sanitary permit.
- 731
- 732 (3) A sanitary permit renewal shall be based on Wisconsin Statutes and  
733 Administrative Codes and Manitowoc County ordinance requirements in force at  
734 the time of renewal.
- 735
- 736 (4) A sanitary permit that has been renewed shall expire two years from the date of  
737 renewal.
- 738
- 739 (5) A new sanitary permit must be obtained by the owner, his or her agent, or his or  
740 her contractor before beginning construction of any part of any building once a  
741 sanitary permit has expired.
- 742

743 13.21 Transfer of Ownership.

744

745 Transfer of ownership of a valid sanitary permit shall be subject to the following:

746

- 747 (1) The applicable form shall be submitted to the Department;
- 748
- 749 (2) The sanitary permit card shall be returned to the Department. The Department  
750 may issue a new permit card; and
- 751
- 752 (3) Transfer of ownership shall not affect the expiration date or renewal requirements.
- 753

754 13.22 Change of Plumbers.

755

756 Change of plumbers for a valid sanitary permit shall be subject to the following:

757

- 758 (1) The applicable form shall be submitted to the Department;
- 759
- 760 (2) The change of plumbers shall be approved by the Department before the  
761 installation of the private sewage system; and
- 762
- 763 (3) If plan approval is/was required, the plan shall bear the stamp of an architect or  
764 engineer, plumbing designer, or plan approval must be obtained by the new  
765 plumber from DSPS or the Department, whichever is applicable.
- 766

767 13.23 Permit Denial.

768  
769 If any provision of Wisconsin Statute, Wisconsin Administrative Code, or this Private  
770 Sewage Systems Ordinance has not been complied with when applying for a sanitary  
771 permit, the permit shall be denied. Reasons for the denial shall be forwarded to the  
772 plumber and landowner.

773  
774 13.24 Withholding Permit Approval.

775  
776 Where the applicant, owner, or licensed contractor is in violation of this Private Sewage  
777 Systems Ordinance or any other ordinance administered by Manitowoc County, the  
778 Department may withhold any permit(s) or approval(s) that would otherwise be granted  
779 pursuant to this Private Sewage Systems Ordinance until such violation is corrected. A  
780 request for waiver of this provision may be made to the Planning and Park Commission.

781  
782 13.25 POWTS Reconnection.

783  
784 (1) A “reconnection permit” shall be obtained from the Department before:

- 785  
786 (a) Construction of a building to be connected to an existing POWTS;  
787  
788 (b) Disconnection of a building from an existing POWTS and connection of a  
789 different building to the POWTS, except as permitted in § 13.25(4) of this  
790 Private Sewage Systems Ordinance;  
791  
792 (c) Rebuilding a building that is connected to a POWTS; or  
793  
794 (d) A modification of, or addition to, an existing building that includes a new  
795 connection to an existing POWTS.

796  
797 (2) Before issuing a reconnection permit, the existing POWTS shall be examined to:

- 798  
799 (a) Determine if it is a failing POWTS;  
800  
801 (b) Determine if the POWTS will be capable of handling the proposed  
802 wastewater flow and contaminant load from the building to be served; and  
803  
804 (c) Determine that the POWTS meets the minimum setback requirements of  
805 Wis. Admin. Code ch. SPS 383.

806  
807 (3) An application for a reconnection permit shall include the following:

- 808  
809 (a) All items in § 13.18(1)(a) thru (e) and § 13.18(1)(h) thru (j) of this Private  
810 Sewage Systems Ordinance;  
811

- (b) An inspection report of the POWTS as specified in § 13.32(3) of this Private Sewage Systems Ordinance, unless the Department determines that an inspection report as specified in § 13.32(4) is sufficient. If a POWTS that complies with this Private Sewage Systems Ordinance was installed less than three years before the issuance of the reconnection permit or if an inspection report as specified in § 13.32(3) of this Private Sewage Systems Ordinance was accepted by the Department less than three years before reconnection permit issuance, a new inspection report is not required;
- (c) Complete plans as specified in § 13.18(1)(f) of this Private Sewage Systems Ordinance for any POWTS component that will be modified or replaced; and
- (d) If required by the Department, a new maintenance agreement, a new servicing contract, and/or an updated holding tank agreement that meets the requirements of this Private Sewage Systems Ordinance.
- (4) Notwithstanding § 13.25(1) of this Private Sewage Systems Ordinance, replacing a building connected to a POWTS with a new or different building within two years of the date of sanitary permit issuance shall only require the following:
- (a) A statement that the POWTS has not been altered;
- (b) A statement that a modification in wastewater flow or contaminant load will not occur;
- (c) A plot plan that documents all setbacks between the structure and POWTS components; and
- (d) A reinspection fee.
- (5) Reconnection to an undersized POWTS is not permitted.
- (6) The Department may require a POWTS to be inspected at the time of reconnection, before backfilling.
- 13.26 Emergency Repairs and Installations.
- (1) Emergency repairs or removal of stoppages may be performed without a sanitary permit provided such work is reported to the Department as soon as possible.
- (2) Emergency tank installations may be performed provided a sanitary permit application is submitted to the Department within 14 days from the date of installation. If a property owner cannot submit a permit application to the Department within 14 days from the date of installation, the property owner shall

858 make acceptable and expeditious arrangements with the Department for sanitary  
859 permit issuance.

- 860  
861 (3) The installer must notify the Department before performing any work.  
862

863 13.27 Fees.  
864

- 865 (1) Sanitary permit and reconnection permit fees must be paid at the time that an  
866 application is submitted. Sanitary permit and reconnection permits shall not be  
867 issued until the fee has been paid.  
868  
869 (2) Applicable fees shall be submitted at the time private sewage system plans,  
870 revisions, and soil tests are submitted for Department review. The Department  
871 shall not review any private sewage system plan, revision, or soil test until the fee  
872 has been paid.  
873  
874 (3) Any fee for services requested of the Department relating to this Private Sewage  
875 Systems Ordinance shall be paid before the service is rendered.  
876  
877 (4) An annual maintenance program fee shall be paid for each private sewage system  
878 included in the maintenance program established by § 13.32 of this Private  
879 Sewage Systems Ordinance. The annual fee may be included on the owner's  
880 property tax bill.  
881  
882 (5) Fees shall be determined and adjusted from time to time by the Planning and Park  
883 Commission Pursuant to Wis. Stat. § 66.0628(2) and as specified in Chapter 4  
884 (Finance) of the Manitowoc County Code. Any fee imposed shall have a  
885 reasonable relationship to the service for which the fee is imposed.  
886

887 PART V. INSPECTIONS AND TESTING.  
888

889 13.28 Inspections; General.  
890

- 891 (1) When a sanitary permit is required under this Private Sewage Systems Ordinance,  
892 no part of a private sewage system or any private sewage system component may  
893 be covered nor shall any private sewage system or any private sewage system  
894 component be put into service until the Department has had an opportunity to  
895 inspect the private sewage system in accordance with this § 13.28.  
896  
897 (2) The master plumber or the master plumber-restricted service responsible for the  
898 installation, replacement, repair, modification, or reconnection of a POWTS shall  
899 notify the Department when the work will be or is ready for inspection and shall  
900 schedule the inspection with the Department at least one (1) full business day,  
901 excluding weekends and holidays, before the requested inspection time. The  
902 notification shall be in person, in writing, by telephone, or other electronic  
903 communication in a format acceptable to the Department.

- 904
- 905 (3) Private sewage systems shall be inspected by the Department for compliance with
- 906 all applicable Wisconsin Statutes, Administrative Codes, the approved plans, and
- 907 this Private Sewage Systems Ordinance. Inspections will occur after construction,
- 908 but before backfilling, no later than the end of the next workday, excluding
- 909 Saturdays, Sundays, and holidays, after receiving notice.
- 910
- 911 (4) The entire POWTS shall be left completely open until it has been inspected and
- 912 accepted, unless an inspection is not made by the end of the next workday,
- 913 excluding Saturdays, Sundays, and holidays, after receiving notice, in which case
- 914 the master plumber or master plumber restricted service may proceed with the
- 915 installation of the POWTS, including backfilling and covering.
- 916
- 917 (5) The master plumber or the master plumber-restricted service responsible for the
- 918 installation, replacement, repair, modification, or reconnection of a POWTS shall
- 919 provide the proper apparatus, equipment, and necessary assistance for the
- 920 Department to make a proper inspection.
- 921

922 13.29 Inspections; Site Constructed Holding Tanks.

923

- 924 (1) All site constructed holding tanks shall have an initial inspection after the floor is
- 925 poured and the keyway and water stop are installed or after the forms for the tank
- 926 walls have been set, but in all instances before any concrete for the walls has been
- 927 poured.
- 928
- 929 (2) Concrete walls may be poured only after the Department has determined that the
- 930 tank, as formed, complies with the approved plans.
- 931
- 932 (3) An initial holding tank inspection shall not eliminate the need for an inspection
- 933 after the installation has been completed.
- 934

935 13.30 Reinspection.

936

- 937 (1) A reinspection fee may be assessed when a reinspection of a POWTS is required
- 938 because the initial inspection disclosed that the installation is incomplete at the
- 939 scheduled inspection time or does not comply with applicable Wisconsin Statutes,
- 940 Administrative Codes, this Private Sewage Systems Ordinance, or the approved
- 941 plans. Each additional reinspection shall require a separate fee.
- 942
- 943 (2) The reinspection fee shall be due within ten working days of written notification
- 944 by the Department.
- 945

946 13.31 Testing.

947

- 948 (1) If testing of a new POWTS or any new POWTS component is required by
- 949 Wisconsin Statute, Administrative Code, this Private Sewage Systems Ordinance,

950 or as a condition of plan approval, the master plumber or the master plumber-  
951 restricted service responsible for the installation, replacement, repair,  
952 modification, or reconnection of the POWTS or POWTS component shall  
953 schedule the inspection with the Department at least one (1) full business day,  
954 excluding weekends and holidays, before the requested inspection time.

955  
956 (2) The Department shall verify that required testing has been completed by either:

957  
958 (a) Performing an inspection during the test; or

959  
960 (b) Requiring written verification from the person responsible for performing  
961 the test.

## 962 963 PART VI. MANAGEMENT AND MAINTENANCE.

### 964 965 13.32 Maintenance Program.

966  
967 (1) A maintenance program for all POWTS located in the unincorporated areas of  
968 Manitowoc County and outside of any sanitary district is hereby created.

969  
970 (2) As part of the maintenance program, a complete inspection of a POWTS is  
971 required within a reasonable period of time after the conveyance, merger,  
972 partition, subdivision, or transfer of any property that contains a POWTS or any  
973 property on which a building serviced by a POWTS is located. For the purposes  
974 of this section, a “complete inspection” shall mean an inspection that meets the  
975 requirements of § 13.32(3) of this Private Sewage Systems Ordinance.

976  
977 (a) The following shall constitute a conveyance, merger, partition,  
978 subdivision, or transfer of property for purposes of this § 13.32:

979  
980 1. The transfer of real property or any interest in real property from  
981 any person or entity to any other person or entity with or without  
982 consideration unless expressly exempted by this Private Sewage  
983 Systems Ordinance;

984  
985 2. When an owner transfers real property and retains a life estate;

986  
987 3. When real property is transferred to an irrevocable living trust;

988  
989 4. When an option to purchase is exercised, whether contained in a  
990 lease or otherwise;

991  
992 5. The execution of a land contract; or

993  
994 6. When one or more additional person(s) obtains an ownership  
995 interest in real property.

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- (b) The following shall not constitute a conveyance, merger, partition, subdivision, or transfer of property for purposes of this § 13.32:
1. The transfer between spouses;
  2. When property is transferred to a revocable trust or property is returned to the original owner from a revocable trust. A copy of the trust document must be sent to the Department to verify that such transfer is not subject to the inspection requirement this Private Sewage Systems Ordinance;
  3. Execution of a lease with an option to purchase. However, when an option to purchase is exercised, whether contained in a lease or otherwise, a complete inspection is required;
  4. When a person is removed from the real property ownership;
  5. The filing of a correction instrument as authorized by Wis. Stat. § 706.085;
  6. When a deed is filed by an owner of real property whereby the owner combines two or more lots into a single lot;
  7. The recording of a mortgage;
  8. The transfer by operation of law or court order;
  9. The transfer of land for public road right of way and similar projects; and
  10. The transfer to correct lot lines and property boundaries.
- (c) If a POWTS was inspected and found to not be failing, a second transfer of the same real property within 24 months of the initial inspection shall not require an additional inspection.
- (d) If a POWTS is found to be failing, the purchaser may enter into an agreement with the Department to cease using any building serviced by the failing POWTS until such time as the building is served by a private sewage system that meets the requirement of this Private Sewage Systems Ordinance.
- (e) For purposes of this Private Sewage Systems Ordinance a transfer is considered complete upon the execution of the applicable document.



- (3) A complete inspection of a POWTS must include:
- (a) A written report of observation and soil boring by a certified soil tester. The soil boring must extend 3 feet below the bottom of the absorption area and be sufficient to determine the presence of bedrock, groundwater, or seasonally saturated soils. The Director may allow use of a previously filed soil test conducted in an area near the POWTS to verify soil conditions.
  - (b) A written evaluation of the POWTS and its components, including the following:
    - 1. Treatment tanks, including risers and covers;
    - 2. Inlet and outlet baffles;
    - 3. Vents and observation ports;
    - 4. High water alarms;
    - 5. The existence of any outfall pipe or any connection to a drain tile;
    - 6. Absorption area, including the presence of any ponding or surface discharge;
    - 7. The presence and cleanliness of any effluent filter; and
    - 8. Compliance with setback requirements.
  - (c) The inspection report must be filed with the Department within 30 days of the date the POWTS is inspected.
  - (d) The Department may conduct its own inspection to verify the results of the complete inspection. Any costs associated with the Department's inspection including, but not limited to, backhoe pits or pumping fees shall be paid by the owner of the POWTS.
  - (e) If the POWTS is not in compliance with this Private Sewage Systems Ordinance, a POWTS that complies with Wisconsin Statutes, Administrative Codes, and this Private Sewage Systems Ordinance must be installed within one year of the date on which the POWTS is inspected.
- (4) Every POWTS in Manitowoc County must be inspected once every three (3) years. The inspector must provide the owner of the POWTS with a signed certificate of inspection on a form approved by the Director. The signed certificate must indicate whether the POWTS is in compliance with all applicable

Wisconsin Statutes, Administrative Codes, and this Private Sewage Systems Ordinance and whether the combined sludge and scum volume equals 1/3 or more of the tank volume. If the combined sludge and scum volume equals 1/3 or more of the tank volume, the owner must have the tank pumped. The owner must, within 30 days from the date of inspection, provide the Director with the certificate of inspection signed by inspector.

- (5) When a maintenance inspection reveals that the POWTS is not in compliance with any applicable Wisconsin Statute, Administrative Code, or this Private Sewage Systems Ordinance, a complete inspection must be completed within 30 days of the date the maintenance inspection.
- (6) The inspections required by this Private Sewage Systems Ordinance must be performed by one of the following:
  - (a) A licensed master plumber;
  - (b) A licensed master plumber-restricted service;
  - (c) A licensed journeyman plumber;
  - (d) A licensed journeyman plumber-restricted service;
  - (e) A certified POWTS inspector;
  - (f) A certified septage servicing operator under Wis. Admin. Code ch. NR 114; or
  - (g) A registered POWTS maintainer.
- (7) The owner of a POWTS may request an extension of up to 12 months in which to complete any inspection or pumping required under this Private Sewage Systems Ordinance. The request must be submitted in writing to the Director. The request must indicate the circumstances, such as inclement weather, road weight restrictions, or site limitations, that necessitate the extension and the request must indicate the length of the requested extension. No extension shall be granted due to the cost of the inspection or pumping. Any extension must be authorized by the Director in writing.

#### 13.33 Holding Tank Maintenance and Agreement.

- (1) The owner of each holding tank shall sign a maintenance agreement that documents the maintenance requirements for the holding tank system, including owner's responsibility to:
  - (a) Maintain a servicing contract;

- 1134
- 1135 (b) Have the system serviced; and
- 1136
- 1137 (c) Provide servicing reports in accordance with this Private Sewage Systems
- 1138 Ordinance.
- 1139
- 1140 (2) The maintenance agreement shall provide that it is binding upon the owner and
- 1141 the successors, heirs, and assignees of the owner.
- 1142
- 1143 (3) The maintenance agreement shall be filed with the Manitowoc County Register of
- 1144 Deeds and shall be recorded in a manner that will permit the existence of the
- 1145 maintenance agreement to be determined by reference to the real property where
- 1146 the holding tank is located.
- 1147
- 1148 (4) A copy of the maintenance agreement shall be submitted to the Department when
- 1149 holding tank plans are submitted for review.
- 1150
- 1151 (5) Owners of all holding tanks are required to submit pumping reports to the
- 1152 Department. The pumping reports shall be submitted on forms provided by the
- 1153 Department, shall certify that the holding tank was pumped according to the terms
- 1154 of the holding tank maintenance agreement, and shall certify that each time the
- 1155 tank was pumped in the subject period it was pumped by a licensed pumper
- 1156 according to the requirements of Wis. Admin. Code ch. NR 113.
- 1157
- 1158 (6) The Department may require the owner of a holding tank that is violating the
- 1159 maintenance agreement to replace the holding tank with a POWTS or, if the
- 1160 parcel is unsuitable for any type of POWTS, to hire a plumber to install a water
- 1161 meter and evaluate the holding tank for compliance with this Private Sewage
- 1162 Systems Ordinance and sign a new maintenance agreement that requires the
- 1163 certified septage servicing operator to report water meter readings at each
- 1164 pumping.
- 1165
- 1166 (7) Holding tanks that are pumped at intervals of more than three (3) years shall be
- 1167 subject to the maintenance inspections found in S. 13.32(4) of this Private Sewage
- 1168 Systems Ordinance.
- 1169
- 1170 13.34 Maintenance Responsibilities.
- 1171
- 1172 (1) The owner of a private sewage system shall be responsible for ensuring that the
- 1173 operation and maintenance of the private sewage system occurs in accordance
- 1174 with this Private Sewage Systems Ordinance and any approved management plan.
- 1175
- 1176 (2) The owner of a POWTS shall be responsible for ensuring that access opening
- 1177 covers remain locked or secured except for inspection, evaluation, maintenance,
- 1178 or servicing purposes.
- 1179

- 1180 (3) The owner of a POWTS shall maintain a maintenance contract with a POWTS  
1181 maintainer if the management of the POWTS involves evaluating, monitoring, or  
1182 maintaining any part of the system at an interval of 12 months or less.  
1183
- 1184 (4) The owner of a POWTS shall maintain a service contract with a certified septage  
1185 servicing operator for the POWTS if the management plan involves the servicing  
1186 of any holding, treatment, or dispersal component at an interval of 12 months or  
1187 less.  
1188
- 1189 (5) A private sewage system that is not serviced or maintained in accordance with the  
1190 approved management plan shall be considered a human health hazard and shall  
1191 be subject to the provisions of § 7.17 of the Manitowoc County Code in addition  
1192 to any enforcement action taken under this Private Sewage Systems Ordinance.  
1193
- 1194 (6) Unless expressly stated otherwise, activities relating to evaluating, monitoring and  
1195 maintaining POWTS components pursuant to an approved management plan shall  
1196 be conducted by a registered POWTS maintainer.  
1197
- 1198 (7) The inspection, evaluation, or maintenance of any private sewage system  
1199 treatment component that requires maintenance at an interval of less than twelve  
1200 (12) months shall be conducted in accordance with the requirements specified by  
1201 the manufacturer or designer of the treatment component.  
1202

## 1203 PART VI. ADMINISTRATION AND ENFORCEMENT.

1204

### 1205 13.35 Administration.

1206

- 1207 (1) Declaration of Intent. This Private Sewage Systems Ordinance shall be  
1208 administered in accordance with applicable sections of Wis. Stat. ch. 145 and all  
1209 Administrative Code promulgated thereunder including, but not limited to, Wis.  
1210 Admin. Code chs. SPS 383, SPS 385, and SPS 391. It is intended that this Private  
1211 Sewage Systems Ordinance shall be no more nor less restrictive than the State  
1212 Statutes and Administrative Codes relating to the design, installation, inspection,  
1213 and management of a POWTS.  
1214
- 1215 (2) Duties. The Manitowoc County Board of Supervisors hereby assigns the duties of  
1216 administering this Private Sewage Systems Ordinance along with all other duties  
1217 relating to the State of Wisconsin and Manitowoc County POWTS programs, to  
1218 the Manitowoc County Planning and Zoning Department. The Planning and Park  
1219 Commission shall appoint the Director and other employees who are certified by  
1220 the State of Wisconsin as issuing agents. The issuing agents shall be under the  
1221 direct supervision of the Director and shall perform all duties assigned by the  
1222 Director to carry out the terms of this Private Sewage Systems Ordinance.  
1223

1224 13.36 Appeals.

- 1225
- 1226 (1) Any applicant denied a sanitary or reconnection permit by the Department or any
- 1227 person adversely affected by an administrative determination of the Department
- 1228 relating to this Private Sewage Systems Ordinance may have such determination
- 1229 reviewed in accordance with the provisions of Wis. Stat. ch. 68.
- 1230
- 1231 (2) In all cases where applications for sanitary or reconnection permits are denied by
- 1232 the Department, the Department's denial shall be in writing.
- 1233

1234 13.37 Violations.

- 1235
- 1236 (1) It is unlawful to violate any provision of this Private Sewage Systems Ordinance,
- 1237 any order or directive issued pursuant Private Sewage Systems Ordinance, or to or
- 1238 fail to comply with any requirement contained within or issued pursuant to this
- 1239 Private Sewage Systems Ordinance.
- 1240
- 1241 (2) It is unlawful to fail to comply with any permit condition, plan component,
- 1242 management plan requirement, or other permit requirement as provided by the
- 1243 Department or DSPS.
- 1244
- 1245 (3) It is unlawful to install, construct, replace, repair, reconnect, or modify any
- 1246 private sewage system or any part or component thereof without a valid sanitary
- 1247 permit issued by the Department.
- 1248
- 1249 (4) It is unlawful to alter, construct, repair, or cause work to be performed on a
- 1250 private sewage system in violation of any order, certificate, directive, or permit
- 1251 issued under the provisions of this Private Sewage Systems Ordinance.
- 1252
- 1253 (5) It is unlawful to interfere, resist, or obstruct the Director or any other person in the
- 1254 discharge of duties authorized under the provisions of this Private Sewage
- 1255 Systems Ordinance.
- 1256
- 1257 (6) It is unlawful to own or operate a failing POWTS.
- 1258
- 1259 (7) It is unlawful to use or occupy any building that requires a private sewage system,
- 1260 which is not serviced by a private sewage system that complies with the Private
- 1261 Sewage Systems Ordinance.
- 1262
- 1263 (8) It is unlawful for any person to knowingly provide false information, make a false
- 1264 statement, fail to provide, or misrepresent any material fact to any Manitowoc
- 1265 County agent, board, commission, committee, department, employee, official, or
- 1266 officer acting in an official capacity under this Private Sewage Systems
- 1267 Ordinance.
- 1268

1269 13.38 Enforcement.  
1270

- 1271 (1) The Department shall enforce this Private Sewage Systems Ordinance and may  
1272 conduct inspections, investigate alleged or actual violations of this Private  
1273 Sewage Systems Ordinance, issue orders to abate violations, and submit  
1274 violations to the Corporation Counsel for enforcement.  
1275
- 1276 (2) The Department may request permission to inspect, at a reasonable time and date,  
1277 any premises or structure for which a permit has been applied for or granted to  
1278 determine compliance with this Private Sewage Systems Ordinance. Refusal to  
1279 grant permission is grounds for denial or revocation of a permit.  
1280
- 1281 (3) The Department may apply for, obtain, and execute a special inspection warrant  
1282 pursuant to Wis. Stat. § 66.0119 as necessary to enforce this Private Sewage  
1283 Systems Ordinance.  
1284
- 1285 (4) If the Department finds a violation of any provision of this Private Sewage  
1286 Systems Ordinance, the Department may issue a written notice to the owner  
1287 stating the conditions of non-compliance, specifying the action required to come  
1288 into compliance, and providing a reasonable amount of time within which  
1289 compliance is required.  
1290
- 1291 (5) The Department may revoke a permit for substantial noncompliance with any  
1292 provision of this Private Sewage Systems Ordinance, refusal to permit inspection  
1293 of a premises for which a permit has been granted, or failure to comply with the  
1294 any action required in a notice of noncompliance.  
1295
- 1296 (6) The Department may issue a citation for any violation of this Private Sewage  
1297 Systems Ordinance. The Department is not required to issue a notice of  
1298 noncompliance or take any other action before issuing a citation.  
1299
- 1300 (7) The Director may refer a violation of this Private Sewage Systems Ordinance to  
1301 Corporation Counsel for legal action, including but not limited to, an action  
1302 seeking injunctive relief. The Department is not required to issue a notice of  
1303 noncompliance or take any other action before referring a violation to Corporation  
1304 Counsel.  
1305
- 1306 (8) Nothing in this § 13.38 may be construed to prevent the Department from using  
1307 any other lawful means to enforce this Private Sewage Systems Ordinance.  
1308
- 1309 (9) A violation of this Private Sewage Systems Ordinance is deemed a public  
1310 nuisance. The creation of such a nuisance may be enjoined, and the maintenance  
1311 of such a nuisance may be abated, by action at suit of Manitowoc County, the  
1312 State of Wisconsin, or any citizen thereof.  
1313

1314 13.39 Penalties.

- 1315
- 1316 (1) A person shall, upon conviction for any violation of this Private Sewage Systems
- 1317 Ordinance, forfeit not less than \$100 nor more than \$1,000 for each offense,
- 1318 together with the costs of prosecution for each violation, and may be ordered to
- 1319 take such action as is necessary to abate the offense within a specified time. Each
- 1320 day that a violation exists or continues shall constitute a separate offense.
- 1321
- 1322 (2) A person who has the ability to pay a forfeiture entered pursuant to this Private
- 1323 Sewage Systems Ordinance, but who fails or refuses to do so may be confined in
- 1324 the county jail until the forfeiture and costs are paid, but the period of
- 1325 confinement may not exceed 30 days. In determining whether a person has the
- 1326 ability to pay, all items of income and all assets may be considered regardless of
- 1327 whether the income and assets are subject to garnishment, lien, or attachment by
- 1328 creditors.
- 1329
- 1330 (3) The failure of a Manitowoc County employee, official, or officer to perform an
- 1331 official duty imposed by Private Sewage Systems Ordinance will not subject the
- 1332 employee, official, or officer to a penalty.
- 1333

1334 13.40 Effective Date.

1335

1336 This Private Sewage Systems Ordinance shall be effective upon passage and publication

1337 by the Manitowoc County Board of Supervisors and shall be effective in all of the

1338 incorporated and unincorporated areas of Manitowoc County and shall not require

1339 approval or be subject to disapproval by any town, village, or city as provided by Wis.

1340 Stat. § 59.70(5).

1341 and

1342

1343

1344 BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and

1345 publication and shall not require approval or be subject to disapproval by any town or town

1346 board as provided by Wis. Stat. § 59.70(5).

Dated this 19th day of December 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Muench to enact Ordinance 11 (2017/2018-76) Amending Zoning Map (Edward M. Berndt Jr). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**

(Edward Berndt Jr. and Barbara Berndt)

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 4, 2017; 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  
9 does ordain as follows:  
10

11 A parcel of land located in part of the Northeast ¼ of the Southeast ¼ of the Southeast ¼  
12 of Section 34, T21N, R22 E, Town of Cooperstown, Manitowoc County, Wisconsin described as  
13 follows:  
14

15 Commencing at the East ¼ Corner of Section 34; thence along the easterly line of the SE  
16 ¼ South 0°18'08" East 1,333.23 feet to the point of beginning; thence continuing South  
17 0°18'08" East 293.40 feet; thence North 88°30'20" West 337.63 feet; thence North  
18 0°28'19" East 286.94 feet; thence South 89°35'51" East 333.61 feet to the point of  
19 beginning, said parcel containing 2.23 acres of land more or less and is hereby rezoned  
20 from General Agriculture (GA) District to Small Estate (SE) District.

Dated this 19th day of December 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Behnke to enact Ordinance 12 (2017/2018-77) Amending Zoning Map (Gilbert and Linda Dorn). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**

(Gilbert and Linda Dorn)

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 4, 2017; 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 Manitowoc County Board of Supervisors does ordain as  
9 follows:  
10

11 A parcel of land located in a part of the Northwest ¼ of the Northeast ¼ of Section 1,  
12 T20N, R24E, Town of Two Rivers, Manitowoc County, Wisconsin described as:  
13

14 Commencing at the North ¼ of Section 1; thence along the northerly line of the NE ¼  
15 North 89°52'00" East 860.07 feet to the point of beginning; Thence continuing North  
16 89°52'00" East 459.71 feet; thence South 0°15'10" East 599.17 feet; thence North  
17 89°47'41" West 458.70 feet; thence North 0°21'06" West 596.46 feet to the point of  
18 beginning, said parcel containing 6.30 acres of land more or less and is hereby rezoned  
19 from Exclusive Agriculture (EA) District to Large Estate (LE) District;  
20

21 and;  
22

23 A parcel of land located in Part of the Southwest ¼ of the Northeast ¼ and part of the  
24 Northwest ¼ of the Southeast ¼ of Section 1, T20N, R24E, Town of Two Rivers, Manitowoc  
25 County, Wisconsin described as:  
26

27 Commencing at the North ¼ of Section 1; thence along the northerly line of the NE ¼  
28 North 89°52'00" East 860.07 feet; thence continuing North 89°52'00" East 459.71 feet;  
29 thence South 0°15'10" East 2,586.60 feet; thence South 0°34'39" West 41.27 feet; thence  
30 South 88°53'49" West 82.53 feet; thence North 0°34'39" East 16.75 feet; thence South  
31 88°38'23" West 235.87 feet to the point of beginning; thence continuing South  
32 88°38'23" West 130.88 feet; thence South 36°31'35" West 134.93 feet; thence South  
33 75°08'26" West 110.93 feet; thence North 85°21'32" West 119.68 feet; thence North  
34 3°23'16" East 475.89 feet; thence South 90°00'00" East 369.37 feet; thence South  
35 6°38'53" East 347.09 feet to the point of beginning, said parcel containing 3.94 acres of  
36 land more or less and is hereby rezoned from Exclusive Agriculture (EA) District to  
37 Small Estate (SE) District.

Dated this 19th day of December 2017.

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 13 (2017/2018-78) Amending Zoning Map (Michael K. Froh). Upon vote, the motion carried unanimously.

No. 2017/2018 - 78

**ORDINANCE AMENDING ZONING MAP**  
(Michael Froh)

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 4, 2017; 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  
9 does ordain as follows:  
10

11 A parcel of land located in part of Government Lot 3 of Section 2, Township 17 North,  
12 Range 21 East, Town of Schleswig, Manitowoc County, Wisconsin and described as follows:  
13

14 Commencing at the Southwest Corner of said Section 2; thence N89°-54'-10"E along the  
15 South line of the SW1/4 of said Section 2 a distance of 836.85 feet; thence N01°-38'-  
16 56"W 235.34 feet to the point of beginning; thence S89°-57'-08"W 150.06 feet; thence  
17 N00°-19'-16"E 267.80 feet to the South line of Block 1, of Gus Thiedemann's  
18 Subdivision; thence N82°-28'-03"E along said South line 60.07 feet; thence N42°-39'-  
19 51"E along the Southeasterly line of the Replat of Block 2 of Gus Thiedemann's  
20 Subdivision a distance of 116.01 feet; thence S01°-38'-56"E 361.00 feet to the point of  
21 beginning, said parcel containing 43,276 square feet (0.99 acres) of land and is hereby  
22 rezoned from Large Estate (LE) District to Lake Residential (LR) District.

Dated this 19th day of December 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Falkowski to enact Ordinance 14 (2017/2018-79) Amending Zoning Map (Todd and Lori Lensmeyer). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**

(Todd and Lori Lensmeyer)

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 4, 2017; 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  
9 does ordain as follows:  
10

11 A portion of land located in the Southeast Quarter of the Southwest Quarter of Section  
12 19, Township 20 North, Range 23 East, Town of Kossuth, Manitowoc County, Wisconsin  
13 described as follows:  
14

15 The Westerly 288 feet of the Easterly 618 feet of the Southerly 330 feet of the Southeast  
16 Quarter of the Southwest Quarter of Section 19, Township 20 North, Range 23 East,  
17 Town of Kossuth, Manitowoc County, Wisconsin or being more particularly described  
18 as: Commencing at the South One Quarter corner of said Section 19; Thence N 89°43'27"  
19 W, along the south line of the Southwest Quarter of said Section 19, a distance of 330  
20 feet to the Point of Beginning; Thence continuing N 89°43'27" W, along said South  
21 Quarter line, a distance of 288 feet; Thence N 0°13'06" E, along a line being parallel to  
22 and 618 feet distant of the East line of the Southwest Quarter of said Section 19, a  
23 distance of 330 feet; Thence S 89°43'27" E, a distance of 288 feet to the Northwest  
24 corner of lands described at Page 356 Volume 342 records of Manitowoc County; Thence  
25 S 0°13'06" W, along the West line of said parcel, a distance of 330 feet to the Point of  
26 Beginning, said parcel containing 95,040 sq. ft. or 2.18 acres of land and is hereby  
27 rezoned from Exclusive Agriculture (EA) District to Small Estate (SE) District.

Dated this 19th day of December 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Muench to enact Ordinance 15 (2017/2018-80) Amending Zoning Map (Tom J. Rautmann). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP**  
(Tom Rautmann)

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 4, 2017; 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  
9 does ordain as follows:  
10

11       A parcel of land located in a part of the Northeast Quarter (NE1/4) of the Southeast  
12 Quarter (SE1/4) of Section 3, Township 17 North, Range 21 East, Town of Schleswig,  
13 Manitowoc County, Wisconsin and described as follows:  
14

15       Commencing at the East Quarter Corner of said Section 3; thence S89<sup>0</sup>-10'-13"W along  
16 the North line of the SE1/4 of said Section 3 a distance of 103.83 feet to the West line of  
17 Glen Flora Road and being the point of beginning; thence S00<sup>0</sup>-00'-00"E along said West  
18 line 365.89 feet; thence S49<sup>0</sup>-55'-54"W 19.86 feet; thence S00<sup>0</sup>-49'-09"W 64.99 feet;  
19 thence S81<sup>0</sup>-38'-03"W 230.13 feet; thence N55<sup>0</sup>-17'-03"W 415.25 feet; thence S50<sup>0</sup>-18'-  
20 08"W 290.63 feet; thence N46<sup>0</sup>-24'-05"W 592.15 feet to the Northwest Corner of the  
21 NE1/4 of said SE1/4; thence N89<sup>0</sup>-10'-13"E along the North line of said SE1/4 a distance  
22 of 1237.72 feet to the point of beginning, said parcel containing 9.0 acres of land more or  
23 less and is hereby rezoned from Natural Area (NA) District to Large Estate (LE) District  
24

25 and;  
26

27       A parcel of land located in a part of the Northeast Quarter (NE1/4) of the Southeast  
28 Quarter (SE1/4) of Section 3, Township 17 North, Range 21 East, Town of Schleswig,  
29 Manitowoc County, Wisconsin and described as follows:  
30

31       Commencing at the East Quarter Corner of said Section 3; thence S89<sup>0</sup>-10'-13"W along  
32 the North line of the SE1/4 of said Section 3 a distance of 1341.55 feet to the Northwest  
33 Corner of the NE1/4 of said SE1/4 and being the point of beginning; thence S00<sup>0</sup>-23'-  
34 44"W along the West line of the NE1/4 of said SE1/4 1344.46 feet to the Southwest  
35 Corner of the NE1/4 of said SE1/4; thence S89<sup>0</sup>-45'-56"E along the South line of the  
36 NE1/4 of said SE1/4 28.56 feet; thence N08<sup>0</sup>-59'-24"E 206.21 feet; thence N00<sup>0</sup>-51'-  
37 52"E 488.40 feet; thence S78<sup>0</sup>-51'-57"E 332.19 feet; thence N81<sup>0</sup>-16'-47"E 242.35 feet;  
38 thence N35<sup>0</sup>-35'-12"W 335.63 feet; thence N46<sup>0</sup>-24'-05"W 592.15 feet to the point of

39 beginning, said parcel containing 6.33 acres of land more or less and is hereby rezoned  
40 from Natural Area (NA) District to General Agriculture (GA) District.

Dated this 19th day of December 2017.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Falkowski to adopt Resolution 16 (2017/2018-81) Accepting Donation of \$500 for the Manitowoc County Sheriff's Office K9 Unit. Upon vote, the motion carried unanimously.

No. 2017/2018 - 81

**RESOLUTION ACCEPTING \$500.00 DONATION FOR MANITOWOC  
COUNTY SHERIFF'S K9 UNIT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff has a K9 Unit that requires officers to  
2 respond to high-risk situations with their K9 partners; and  
3

4 WHEREAS, K9 officers require nutrition, veterinary care, and equipment; and  
5

6 WHEREAS, the Manitowoc County Village Association has donated \$500.00 to defer  
7 expenses and purchase equipment for the K9 Unit;  
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
10 Supervisors accept the donation from the Manitowoc County Village Association in the amount  
11 of \$500.00 to be used for expenses related to the operation of the Manitowoc County Sheriff's  
12 K9 unit; and  
13

14 BE IT FURTHER RESOLVED that upon receipt of the \$500.00 donation, those funds  
15 shall be deposited in account 756-23401 designated for the Manitowoc County Sheriff's K9  
16 Unit.

Dated this 19th day of December 2017.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases funds in the Agency Fund by \$500 for the purpose as stated above.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Baumann to adopt Resolution 17 (2017/2018-82) Determining Adequate Staffing Needs of Manitowoc County Jail. Upon vote, the motion carried unanimously.

No. 2017/2018 - 82

**RESOLUTION DETERMINING ADEQUATE STAFFING NEEDS OF  
MANITOWOC COUNTY JAIL**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Corrections has promulgated Wis. Admin.  
2 Code § DOC 350.20 pertaining to double occupancy of cells in county jails; and  
3

4 WHEREAS, Wis. Admin. Code § DOC 350.20(1) 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  
7

8 WHEREAS, Wis. Admin Code § DOC 350.20(1) further requires that County Board and  
9 Sheriff reduce their joint determination to writing and file a copy of that determination, signed by  
10 the Sheriff and representatives of the County Board, with the Wisconsin Department of  
11 Corrections; and  
12

13 WHEREAS, the Sheriff has advised the Public Safety Committee that the adequate jail  
14 staff consisting of 43 full-time positions and 10.1 full-time-equivalent jail support 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 § 350.20(1);  
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 Clerk is directed to file a certified copy  
31 of this resolution, countersigned by the County Board Chair and the Sheriff, with the Wisconsin  
32 Department of Corrections.

Dated this 19th day of December 2017.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Weiss gave a brief report.

Miscellaneous-Public Works Committee and Finance Committee: Supervisor Weiss moved, seconded by Supervisor Baumann to adopt Resolution 18 (2017/2018-83) Authorizing Subordination, Non-Disturbance, and Attornment Agreement (Manitowoc Place and Verizon Wireless). Upon vote, the motion carried unanimously.

No. 2017/2018 - 83

**RESOLUTION AUTHORIZING SUBORDINATION, NON-  
DISTURBANCE, AND ATTORNMENT AGREEMENT**  
(Manitowoc Place and Verizon Wireless)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc Place, LLC purchased the tax delinquent property formerly  
2 known as the Evergreen Inn and has completed a \$5.2 million historic rehabilitation of the  
3 property into affordable residential and commercial space; and  
4

5 WHEREAS, Manitowoc County assisted in this economic development project by  
6 making a loan that was secured by a \$99,000 mortgage, together with a Real Estate Mortgage  
7 Subordination Agreement; and  
8

9 WHEREAS, Manitowoc Place, LLC wishes to lease space on its building to Verizon  
10 Wireless Personal Communications LP and has asked that Manitowoc County enter into a  
11 Subordination, Non-Disturbance, and Attornment (SNDA) Agreement; and  
12

13 WHEREAS, the SNDA Agreement provides that Verizon's lease is subordinate to the  
14 county's mortgage, but also provides that the county would not disturb the lease in the event of a  
15 foreclosure but would replace Manitowoc Place as the lessor and would receive rent due from  
16 Verizon under the lease; and  
17

18 WHEREAS, the Public Works and Finance Committees recommend that the county enter  
19 into the SNDA Agreement, which has been reviewed by the Corporation Counsel;  
20

21 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board authorizes  
22 the Comptroller and such other county officials as may be appropriate to execute the  
23 Subordination, Non-Disturbance, and Attornment (SNDA) Agreement with Manitowoc Place,  
24 LLC and Verizon Wireless Personal Communications LP.

Dated this 19th day of December 2017.

Respectfully submitted by the Public Works Committee and Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Land Conservation Committee and Personnel Committee: Supervisor Behnke moved, seconded by Supervisor Gauger to adopt Resolution 19 (2017/2018-84) Accepting Nine Key Element Plan Grant and Increasing the Public Relations/Education Coordinator Position by .4 FTE (From .6 to 1.0 FTE). Upon vote, the motion carried unanimously.

No. 2017/2018 - 84

**RESOLUTION ACCEPTING NINE KEY ELEMENT PLAN GRANT AND  
INCREASING THE PUBLIC RELATIONS/EDUCATION  
COORDINATOR POSITION BY .4 FTE (FROM .6 TO 1.0 FTE)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, nonpoint source pollution is the most important remaining uncontrolled  
2 source of water pollution to the Lake Michigan ecosystem; and  
3

4 WHEREAS, the Pine Creek sub-watershed, located in Manitowoc County and part of the  
5 Manitowoc River Basin, is identified on the State of Wisconsin's Impaired Waters List; and  
6

7 WHEREAS, development of a nine key element plan for the Pine Creek sub-watershed  
8 would identify environmental stressors and provide a coordinated effort to ensure that the most  
9 effective best management practices are selected and implemented to reduce polluted runoff  
10 from a variety of sources; and  
11

12 WHEREAS, the Wisconsin Department of Natural Resources is willing to provide  
13 Manitowoc County a grant of \$25,000 in 2018 and \$25,000 in 2019 to develop the nine key  
14 element plan for the Pine Creek sub-watershed; and  
15



16 WHEREAS, the Public Relations/Education Coordinator position will be instrumental in  
17 achieving the goals of this grant; and

18  
19 WHEREAS, the cost of increasing the Public Relations/Education Coordinator position  
20 from .60 FTE to 1.0 FTE will be covered by the grant funding; and

21  
22 WHEREAS, the Land Conservation Committee and Personnel Committee support the  
23 increase in the Public Relations/Education Coordinator position from .60 FTE to 1.0 FTE;

24  
25 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
26 Supervisors authorizes the Soil and Water Conservation Department Director to accept a grant  
27 from the Wisconsin Department of Natural Resources in an amount \$50,000 as outlined above;  
28 and

29  
30 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
31 designates the Soil and Water Conservation Department Director as Manitowoc County's  
32 authorized representative for the grant; and

33  
34 BE IT FURTHER RESOLVED that the number of authorized Soil & Water positions be  
35 increased by .40 full-time equivalent position; and

36  
37 BE IT FURTHER RESOLVED that the 2018 Full-Time Equivalent (FTE) by  
38 Department included in the 2018 Adopted Annual Budget Book is amended accordingly and that  
39 the Comptroller/Auditor is directed to record such information in the official books of the  
40 County for the year ending December 31, 2018 as may be required.

Dated this 19th day of December 2017.

Respectfully submitted by the Land Conservation Committee and Personnel Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by equal  
amounts of \$25,000 in the 2018 budget and will be included in the 2019  
budget when appropriate.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved to adjourn, seconded by Supervisor Baumann, and the motion was  
adopted by acclamation. The meeting adjourned at 8:29 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, January 16, 2018

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 16<sup>th</sup> day of January 2018, for the purpose of transacting business as a Board of Supervisors.

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

Supervisor Gauger gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 20 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Holschbach, Metzger, Nasep, Nickels, Swade, Vogel, Wagner, Weiss, Williams, and Zimmer. Supervisor Hoffman, Maresh, Muench, Vogt, and Waack were excused.

On a motion by Supervisor Weiss, seconded by Supervisor Baumann the December 19, 2017 meeting minutes were approved on a unanimous vote.

Chairperson Brey announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Commemorating the Life and Service of Steven R. Alpert to the Mrs. Alpert.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:12 p.m.

Christma Rusch, Grant Coordinator, WIRCO ED2, presented the Recovery Resource and Drop-In Center that she received grant funding to implement the program in Manitowoc County. The three-phase program is another source of continued help for recovering addicts of Manitowoc County. Phase 1, the Drop-In Center, would provide peer-to-peer support, along with peer specialists and recovery coaches. Phase 2, a holistic approach, involves education on budgeting, relapse prevention, healthy relationships and anger management. Phase 3 involves direct (recovery coach, transportation, etc.) and indirect services (sober living, employment skills, pastoral counseling, etc.). Ms. Rusch wanted to spread the word that there are 22 million people suffering from addiction, but there are so many more people recovering from addiction. It is time for survivors to tell their story.

Maura Yost, Town of Centerville, expressed sympathy with hearing the news of Manitowoc Company Headquarters leaving its hometown. She believes, though, it is the end of this era, and it could provide an opportunity to redefine the city and county. She also expressed concern over the financial downward trend Manitowoc County has incurred since 2005 after research of the County's Comprehensive Annual Financial Reports and Annual Budgets.

No one else present wished to speak, subsequently Chairperson Brey closed public input at 7:35 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointment of Travis Waack as the Emergency Services Director. Supervisor Behnke moved, seconded by Supervisor Gauger to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Tom Musial to the Ethics Board to complete a term expiring February 28, 2021. Supervisor Dyzak moved, seconded by Supervisor Hansen to approve the appointment. Upon voice vote, the motion carried unanimously.

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

Criminal Justice Coordinating Council: Supervisor Falkowski gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

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

Finance Committee: Supervisor Holschbach and Supervisor Hansen gave brief reports.

Public Works Committee: Supervisor Weiss gave a brief report.

Supervisor Behnke moved to adjourn, seconded by Supervisor Dyzak, and the motion was adopted by acclamation. The meeting adjourned at 7:58 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, February 13, 2018

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 13<sup>th</sup> day of February 2018, for the purpose of transacting business as a Board of Supervisors.

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

Supervisor Holschbach gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 21 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Henrickson, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Swade, Vogt, Wagner, Weiss, and Williams. Supervisor Nickels, Vogel, Waack, and Zimmer were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Swade the January 16, 2018 meeting minutes were approved on a unanimous vote.

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

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:03 p.m.

Maura Yost, Town of Centerville, expressed concern that the County borrowed money to perform the basic government service of road construction this past year. She is apprehensive that borrowing may be the continued funding method to repair the roads and bridges within the County to meet the growing transportation needs. She encouraged the Finance Committee to continue consideration of the sales tax and to also have the municipalities within the County identify their projected costs so their needs can be factored into the prospective shared revenue formula.

No one else present wished to speak, subsequently Chairperson Brey closed public input at 7:09 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointment of Robert Wegner to the Local Emergency Planning Committee to complete a term expiring June 2019. Supervisor Henrickson moved, seconded by Supervisor Gauger to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Jim Baumann to the Manitowoc-Calumet Library System Board of Trustees to complete a term expiring January 2021. Supervisor Williams moved, seconded by Supervisor Weiss 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 Metzger gave a brief report.

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

Finance Committee: Supervisor Hansen gave brief reports.

Supervisor Hansen moved, seconded by Supervisor Muench to adopt Resolution 1 (2017/2018-85) Denying Claim (Mark Reznichuk). Upon vote, the motion carried with 19 ayes, 1 no and 1 abstention. Supervisor Williams voted no; Supervisor Metzger abstained; all others voted aye.

No. 2017/2018 - 85

**RESOLUTION DENYING CLAIM**  
(Mark Reznichuk)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Mark Reznichuk filed a claim with Manitowoc County on January 16, 2018  
2 seeking \$24,375.00 in damages for damage to his automobile, lost work, and pain and emotional  
3 damage that was allegedly caused as a result of being hit by 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; and  
7

8 WHEREAS, the insurance carrier has reviewed the information provided, investigated  
9 the facts, and determined that Manitowoc County should deny the claim; and  
10

11 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
12 insurance carrier's recommendation that the claim be denied and that the county issue a formal  
13 disallowance;  
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 13th day of February 2018.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report.

Supervisor Gerroll moved, seconded by Supervisor Hansen to enact Ordinance 2 (2017/2018-86) Amending Manitowoc County Code Ch. 15 (Highways)( §§ 15.01(4)(c) (List of Stops on Through Highways) and 15.06 (Permits for Driveways on Right of Way)). Upon vote, the motion carried unanimously.

No. 2017/2018 - 86

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 15 (HIGHWAYS)  
(§§ 15.01(4)(c) (LIST OF STOPS ON THROUGH HIGHWAYS) AND 15.06  
(PERMITS FOR DRIVEWAYS ON RIGHT OF WAY))**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Highway Department has reviewed the current  
2 Manitowoc County Code Chapter 15 (Highways); and  
3

4 WHEREAS, the Manitowoc County Code does not reflect certain changes at various  
5 segments of the County Trunk Highway System; and  
6

7 WHEREAS, Highway Committee recommends updating the code to correctly reflect the  
8 current list of stops on County Trunk Highways; and  
9

10 WHEREAS, the Manitowoc County Highway Department is responsible for issuing  
11 driveway permits; and  
12

13 WHEREAS, before the Highway Department issued driveway permits, the Planning and  
14 Park Department was responsible for that activity; and  
15

16 WHEREAS, after the administration of the driveway permit program was moved to the  
17 Highway Department, the Manitowoc County Code was not updated to reflect the shift in  
18 responsibilities and as such there is an outdated references to the "Planning and Parks  
19 Department" in Chapter 15 (Highways) of the Manitowoc County Code; and  
20

21 WHEREAS, the Highway Committee recommends updating the code to correctly reflect  
22 which department issues driveway permits  
23

24 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc  
25 does ordain as follows:  
26

27 Manitowoc County Code § 15.01(4)(c)11. is amended to add division "e." as follows:  
28

- e. Eastbound and Westbound traffic on County Trunk “K” shall stop before entering the intersection of County Trunk “K” and County Trunk “W” in the Town of Maple Grove.

Manitowoc County Code § 15.01(4)(c)15. is amended to strike division “a.” and amend and renumber division “b.” to read as follows:

15. County Trunk Highway “P”:\_

- ~~a. Eastbound and Westbound traffic on County Trunk Highway “P” shall stop before entering the intersection of County Trunk Highway “Q” and County Trunk Highway “P” and “Arlington Avenue” in the City Of Manitowoc.~~

- b. Eastbound and ~~Westbound~~ traffic on County Trunk Highway “P” shall stop before entering the intersection of County Trunk “P” and County Trunk Highway “R” in the Town of Manitowoc Rapids.

Manitowoc County Code § 15.01(4)(c)16. is stricken in its entirety, which includes both divisions “a.” and “b.”

Manitowoc County Code § 15.01(4)(c)20. is amended to amend divisions “a.” and “b.” to read as follows:

- a. Eastbound and Westbound traffic on County Trunk Highway “V” shall stop before the intersection of County Trunk Highway “V” and County Trunk Highway “B” ~~and “Church Street” in the Village of Mishicot.~~
- b. Eastbound and Westbound traffic on County Trunk Highway “V” shall stop before entering the intersection of County Trunk Highway “V” and County Trunk Highway “Q” ~~and County Trunk Highway “VV” in the Town of Kossuth.~~

Manitowoc County Code § 15.01(4)(c)21. is amended to strike divisions “a.” and “c.” and renumber division “b.” as follows:

21. County Trunk Highway “VV”:\_

- ~~a. Westbound traffic on County Trunk Highway “VV” shall stop before entering the intersection of County Trunk Highway “VV” and County Trunk Highway “Q” and County Trunk Highway “V” in the Town of Kossuth.~~

- b. Westbound traffic on County Trunk Highway “VV” shall stop before entering the intersection of County Trunk Highway “VV” and County Trunk Highway “B” and “Manitou Drive” in the Town of Two Rivers.

75 e. ~~Eastbound traffic on County Trunk Highway "VV" shall stop before~~  
76 ~~entering the intersection of County Trunk Highway "VV" and County~~  
77 ~~Trunk Highway "B" in the Town of Two Rivers.~~

78  
79 Manitowoc County Code § 15.06(2) is amended to read as follows:  
80

- 81 (2) A landowner seeking a permit for a driveway shall complete an application on a  
82 form prescribed by the Highway Department and pay a \$150 fee. If the proposed  
83 driveway meets the requirements of subsection (3) of this Section, the ~~Planning~~  
84 ~~and Park Highway~~ Department shall issue a permit for construction and use of the  
85 driveway. A permit is valid for construction of a driveway within one year of  
86 issuance.  
87

88 and  
89

90 BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication;  
91 and  
92

93 BE IT FURTHER ORDAINED that Chapter 15 of the Manitowoc County Code, as  
94 amended, shall be recorded in the office of the Register of Deeds of Manitowoc County,  
95 Wisconsin in accord with 15.02(12)(h) of the Code.

Dated this 13th day of February 2018.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Henrickson 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.

Supervisor Behnke moved, seconded by Supervisor Hoffmann to adopt Resolution 3 (2017/2018-87) Authorizing Self-Insurance Status for Worker's Compensation. Upon vote, the motion carried unanimously.

No. 2017/2018 - 87

**RESOLUTION AUTHORIZING SELF-INSURANCE STATUS FOR  
WORKER'S COMPENSATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:



1 WHEREAS, a political subdivision of the State of Wisconsin may establish a self-insured  
2 worker's compensation program without a special order from the Wisconsin Department of  
3 Workforce Development if it agrees to faithfully report all compensable injuries and agrees to  
4 comply with the Wisconsin Worker's Compensation Act and Department of Workforce  
5 Development rules; and

6  
7 WHEREAS, Manitowoc County is a political subdivision of the State of Wisconsin and  
8 established a self-funded worker's compensation program January 1, 2011; and

9  
10 WHEREAS, every three years each self-insured political subdivision must provide the  
11 Department of Workforce Development with a resolution that states the political subdivision's  
12 intent and agreement to self-insure its worker's compensation program; and

13  
14 WHEREAS, the Personnel Committee recommends the continuance of a self-insured  
15 worker's compensation program;

16  
17 NOW, THEREFORE, BE IT RESOLVED that Manitowoc County agrees to faithfully  
18 report all compensable injuries and agrees to comply with the Wisconsin Worker's  
19 Compensation Act and Department of Workforce Development rules; and

20  
21 BE IT FURTHER RESOLVED that Manitowoc County will continue to self-insure its  
22 worker's compensation program; and

23  
24 BE IT FURTHER RESOLVED that the County Clerk is directed to forward a certified  
25 copy of this resolution to the Department of Workforce Development, Worker's Compensation  
26 Division.

Dated this 13th day of February 2018.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Committee: Supervisor Dyzak gave a brief report.

Supervisor Dyzak moved, seconded by Supervisor Cavanaugh to adopt Resolution 4 (2017/2018-88) Accepting the Farmland Preservation Plan Map Revision for the Town of Franklin. Upon vote, the motion carried unanimously.

No. 2017/2018 - 88

**RESOLUTION ACCEPTING THE FARMLAND PRESERVATION PLAN  
MAP REVISION FOR THE TOWN OF FRANKLIN**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Chapter 29 (Comprehensive Plan) of the Manitowoc County Code adopted  
2 the Manitowoc County 20-Year Comprehensive Plan, which includes and incorporates the  
3 Manitowoc County Farmland Preservation Plan (FPP); and  
4

5 WHEREAS, Manitowoc County has a state-certified farmland preservation plan that  
6 clearly identifies farmland preservation goals, objectives, and policies, as well as the areas  
7 intended to be preserved for agricultural use so the county and its residents may participate in the  
8 farmland preservation program and may qualify for farmland preservation tax credits; and  
9

10 WHEREAS, the Department of Agriculture, Trade and Consumer Protection (DATCP)  
11 recertified the Town of Franklin's Farmland Preservation Zoning Ordinance in 2017 and through  
12 that process identified parcels to be updated in the FPP to meet the required consistency between  
13 the plan and the zoning ordinance; and  
14

15 WHEREAS, the Planning and Park Commission held a public hearing on January 22,  
16 2018, to seek public comment on the proposed Manitowoc County Farmland Preservation Plan  
17 map revisions for the Town of Franklin; and  
18

19 WHEREAS, the proposed map revisions would allow additional residents to qualify for  
20 farmland preservation tax credits; and  
21

22 WHEREAS, after careful consideration and examination of the facts, the Planning and  
23 Park Commission now recommends that the revision of map be approved;  
24

25 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
26 Supervisors approves the proposed Farmland Preservation Plan map revisions for the Town of  
27 Franklin.

Dated this 13th day of February 2018.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Dyzak moved, seconded by Supervisor Hansen to adopt Resolution 5 (2017/2018-89)  
Granting an Easement to WE Energies on the Cedar Lake Boat Launch Parking Lot Property in  
the Town of Schleswig. Upon vote, the motion carried unanimously.

**RESOLUTION GRANTING AN EASEMENT TO WE ENERGIES ON  
THE CEDAR LAKE BOAT LAUNCH PARKING LOT PROPERTY IN  
THE TOWN OF SCHLESWIG**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County owns an approximately .33 acre parcel of property in the  
2           Town of Schleswig that is the site of a parking lot and boat launch for Cedar Lake; and  
3

4           WHEREAS, We Energies has requested guidance from Manitowoc County in regard to  
5           rebuilding an existing electrical line near the Cedar Lake boat launch parking lot; and  
6

7           WHEREAS, WE Energies currently has 70-foot poles on the property in order to  
8           accommodate sailboat masts; and  
9

10          WHEREAS, WE Energies desires to move its poles to a different location on the property  
11          and install customary 45-foot tall poles; and  
12

13          WHEREAS, WE Energies requires an easement to install its poles on Manitowoc County  
14          property; and  
15

16          WHEREAS, Manitowoc County and WE Energies desire to work cooperatively to  
17          properly document this easement; and  
18

19          WHEREAS, the Planning and Parks Commission, after a careful consideration of the  
20          matter and an examination of the facts, recommends that Manitowoc County grant WE Energies  
21          a utility easement to place poles in the new location near the southwesterly lot line in  
22          substantially the same form in the attached easement; and  
23

24          WHEREAS, the easement will be recorded in the Manitowoc County Register of Deeds  
25          office with any costs associated with the filing to be borne by WE Energies;  
26

27          NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
28          Supervisors grants WE Energies a utility easement near the southwesterly lot line of the Cedar  
29          Lake boat launch parking lot property in substantially the same form in the attached easement  
30          and authorizes the County Executive, County Board Chair, County Clerk, Corporation Counsel,  
31          and such other county officials as may be necessary to finalize and execute the easement.

Dated this 13th day of February 2018.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Randy Vogel: Supervisor Behnke moved, seconded by Supervisor Baumann to adopt Resolution 6 (2017/2018-90) Approving Town of Newton Zoning Ordinance (Ethel Backus Estate). Upon vote, the motion carried unanimously.

No. 2017/2018 - 90

**RESOLUTION APPROVING TOWN OF NEWTON ZONING  
ORDINANCE**  
(Ethel Backus Estate)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Town of Newton adopted a zoning ordinance pursuant to the authority  
2 granted to towns under Wis. Stat. § 60.62; and  
3

4 WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority  
5 granted to counties under Wis. Stat. § 59.69; and  
6

7 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances, and  
8 amendments thereto, are subject to county board approval in counties that have adopted a zoning  
9 ordinance under Wis. Stat. § 59.69; and  
10

11 WHEREAS, the Town of Newton amended its zoning ordinance on Wednesday, January  
12 10, 2018 by rezoning property owned by the Ethel Backus Estate from A-3 (Farmland  
13 Preservation) District to A-2 (General Agriculture) District in accordance with Wis. Stat.  
14 § 60.62; and  
15

16 WHEREAS, Wis. Stat. § 60.62(3) provides that town zoning ordinances are subject to  
17 county board approval in counties that have adopted a zoning ordinance under Wis. Stat. § 59.69;  
18 and  
19

20 WHEREAS, the Town of Newton has submitted its amended zoning ordinance to the  
21 Manitowoc County Board of Supervisors for approval, and a copy of the amended zoning  
22 ordinance has been provided to each member of the county board for review;  
23

24 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
25 Supervisors approves the Town of Newton's amended zoning ordinance that rezones that certain  
26 property owned by the Ethel Backus Estate from A-3 (Farmland Preservation) District to A-2  
27 (General Agriculture) District and was adopted by the Town Board of the Town of Newton on  
28 January 10, 2018.

Dated this 13th day of February 2018.

Respectfully submitted by Randy Vogel, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Chairperson Jim Brey: Supervisor Hansen moved, seconded by Supervisor Behnke to adopt Resolution 7 (2017/2018-91) Opposing 2017 Senate Bill 777 Consolidating the Authority of the County Executive. Upon vote, the motion carried unanimously.

No. 2017/2018 - 91

**RESOLUTION OPPOSING 2017 SENATE BILL 777 CONSOLIDATING  
THE AUTHORITY OF THE COUNTY EXECUTIVE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2017 SB 777 would consolidate the power of the County Executive and  
2 thereby reduce or eliminate the legislative oversight of the Manitowoc County Board of  
3 Supervisors; and  
4

5 WHEREAS, the proposed legislation would grant the County Executive the authority to  
6 use a biennial budget process with shortened timeline for legislative review; and  
7

8 WHEREAS, the proposed legislation would permit the County Executive to increase or  
9 decrease appropriations when revenues or expenditures are different than anticipated; and  
10

11 WHEREAS, the proposed legislation removes County Board authority over debt issuance  
12 and requires courts to broadly construe the authority of the County Executive; and  
13

14 WHEREAS, adoption of the proposed legislation could create conflicts with existing law  
15 that may be difficult to reconcile;  
16

17 NOW THEREFOR BE IT RESOLVED that the Manitowoc County Board of Supervisors  
18 opposes 2017 SB 777 or bills that contain similar provisions to eliminate the legislative oversight  
19 of the administration of Manitowoc County; and  
20

21 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
22 supports a governance model that includes checks and balances on the authority of the County  
23 Executive; and  
24

25 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this  
26 resolution to Governor Walker and the legislators for Manitowoc County.

Dated this 13th day of February 2018.

Respectfully submitted by Jim Brey, County Board Chair.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved to adjourn, seconded by Supervisor Baumann, and the motion was adopted by acclamation. The meeting adjourned at 7:40 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, March 20, 2018

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at The Heritage Center, in the City of Manitowoc, being the 20<sup>th</sup> day of March 2018, for the purpose of transacting business as a Board of Supervisors.

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

Supervisor Williams gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 23 members present: Baumann, Behnke, Brey, Cavanaugh, Dyzak, Falkowski, Gauger, Gerroll, Hansen, Hoffman, Holschbach, Maresh, Metzger, Muench, Nasep, Nickels, Swade, Vogel, Vogt, Wagner, Weiss, Williams, and Zimmer. Supervisors Henrickson and Waack were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Baumann the February 13, 2018 meeting minutes were approved on a unanimous vote.

Chairperson Brey announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation to Supervisor Jack Nasep in recognition of his 2 years of service to the County Board.

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Commemorating the Life and Service of Judge Deehr.

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation Proclaiming the Month of April as Child Abuse and Neglect Prevention Month to Human Services Director Patricia Dodge. Ms. Dodge thanked the Board for the proclamation. She provided information on how the Human Services Department and other community organizations drive awareness with multiple events during the month of April. She wanted to note that these events are to raise awareness, and provide a healthy, family bonding time.

County Executive Bob Ziegelbauer and Chairperson Brey presented a Proclamation in Honor of National Public Safety Telecommunicators Week to Joint Dispatch Center Supervisor Connie Bashaw. Ms. Bashaw thanked the Board for the proclamation and the staff appreciated the board's support.

Public Works Director Gerry Neuser, Comptroller Todd Reckelberg, and Expo Facility Manager Jennell Krizek presented an Expo Overview and 2017 results of operation. Todd Reckelberg explained Expo operations are accounted for in a Special Revenue Fund comprised of four

activity areas, and no tax levy dollars are used for the Expo. Gerry Neuser presented the completed 2017 Capital Projects and 2018 Adopted Budgeted Expenses, both funded by the land sale proceeds. Jennell Krizek highlighted the new dairy cattle barn to be constructed and complete in time for the 2018 Manitowoc County Fair, which runs from August 21-26, 2018.

Personnel Director Sharon Cornils gave a presentation of the health plan cost trends from 2012-2017. Ms. Cornils noted that the overall cost per employee per year decreased over the last five years starting in 2012 at \$14,775 per employee decreased in 2017 to \$10,400 per employee. The County has saved significantly over the past five year by directing the employees to seek out high quality with low cost providers, using focused health. The County wanted to continue this trend by controlling the cost of hospital services. With the help of M3 Insurance, there are educational videos to inform employees of their health options.

#### PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Brey declared public comment open at 7:46 p.m.

Manitowoc Public Library Director Kristin Stoeger provided an overview of the services and programs the library provided to the public in 2017. She also presented what is to come in 2018.

Jerilyn Dietz, candidate for Circuit Court Judge, Branch 2, thanked the Board for the proclamation proclaiming April Child Abuse and Neglect Prevention Month. She is a strong advocate against child abuse and neglect.

Maura Yost, Town of Centerville, covered information regarding the 0.5% sales tax that the Finance Committee has researched and discussed at their meetings. Along with information regarding the interest incurred from the current borrowing. Ms. Yost states in the end, money paid in interest leaves our community, whereas money collected in sales tax continues to circulate in our community as municipalities purchase goods and services.

No one else present wished to speak, subsequently Chairperson Brey closed public input at 8:10 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Brey presented County Executive Ziegelbauer's appointment of Mary Halada as the Manitowoc County Health Officer. Supervisor Behnke moved, seconded by Supervisor Gauger to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Dr. Todd Nelson to the Board of Health to complete a term expiring April 2020. Supervisor Hoffman moved, seconded by Supervisor Dyzak to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Marla Bernhardt to the Board of Health to complete a term expiring April 2019. Supervisor Vogel moved, seconded by Supervisor Maresh to approve the appointment. Upon voice vote, the motion carried unanimously.



Chairperson Brey presented County Executive Ziegelbauer's appointment of Marilynn Lentz to the Expo Board to complete a term expiring December 31, 2019. Supervisor Behnke moved, seconded by Supervisor Cavanaugh to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointments of Scott Schneider and Rob Herrmann to the Joint Dispatch Board to complete terms expiring April 2020. Supervisor Swade moved, seconded by Supervisor Falkowski to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointments of David Diedrich and Attorney Timothy Salutz to the Loan Review Board to complete terms expiring April 2021. Supervisor Holschbach moved, seconded by Supervisor Zimmer to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointments of Paul Tittl and Kurt Duzeski to the Local Emergency Planning Committee to complete a term expiring April 2020. Supervisor Zimmer moved, seconded by Supervisor Holschbach to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Brey presented County Executive Ziegelbauer's appointment of Barb Bundy-Jost to the Manitowoc Public Library Board of Trustees to complete a term expiring April 2021. Supervisor Holschbach moved, seconded by Supervisor Williams 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 Metzger gave a brief report.

Supervisor Metzger moved, seconded by Supervisor Holschbach to enact Ordinance 1 (2017/2018-92) Amending Manitowoc County Code Ch. 7 (Adoption of Certain Wisconsin Administration Codes by Reference and Correcting Typographical Errors). Upon vote, the motion carried unanimously.

No. 2017/2018 - 92

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 7  
(Adoption of Certain Wisconsin Administration Codes by Reference and Correcting  
Typographical Errors)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

- 1 WHEREAS, the Manitowoc County Health Department is an agent of the Department of
- 2 Agriculture Trade and Consumer Protection and the Department of Safety and Professional
- 3 Services for the purpose of inspecting and licensing of certain public establishments; and
- 4

5 WHEREAS, the Manitowoc County Health Department is required to enforce certain state  
6 regulations as a requirement of the agent status; and  
7

8 WHEREAS, the agent contract requires Manitowoc County to adopt certain state statutes  
9 and administrative codes by reference; and  
10

11 WHEREAS, the Department of Agriculture, Trade and Consumer Protection recently  
12 revised Wisconsin Administrative Code Ch. ATPC 74 related to agent contracts with local health  
13 departments; and  
14

15 WHEREAS, typographic and clerical errors are discovered from time-to-time when  
16 periodically reviewing the Manitowoc County Code; and  
17

18 WHEREAS, the proposed revision to §§ 7.28(1) and 7.36(2) corrects minor typographical  
19 errors; and  
20

21 WHEREAS, to keep the Manitowoc County Code up to date and consistent with the most  
22 current administrative code references, the Board of Health recommends that Chapter 7 of  
23 Manitowoc County Code be amended to correct the typographical errors in §§ 7.28(1) and  
24 7.36(2) and include the references to the updated ATPC Administrative Codes;  
25

26 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc does  
27 ordain as follows:  
28

29 Manitowoc County Code § 7.06 is amended as follows:  
30

31 The provisions of Wis. Stat. chs. 97, 251, 254, and 463; Wis. Stat. §§ 66.0417 and 95.21;  
32 Wis. Admin. Code chs. ATPC 70, 72, 73, 74, 75, 76, 78, and 79; Wis. Admin. Code chs.  
33 Comm. 26 and 90; and Wis. Admin. Code ch. SPS 221 and 326 are adopted and  
34 incorporated into this code by reference.  
35

36 Manitowoc County Code § 7.28(1) is amended as follows:  
37

38 (1) The provisions of Wis. Stat. § 254.92 relating to the purchase ~~of~~or possession of  
39 cigarettes or tobacco products by persons under 18, including any amendments  
40 thereto, are adopted by reference.  
41

42 Manitowoc County Code § 7.36(2) is amended as follows:  
43

44 (2) A person will, upon conviction for a violation of sec. 7.19(8)(b) or ~~(b)~~(c) of this  
45 ordinance, forfeit not less than \$25 nor more than \$50 for each offense, together  
46 with any applicable assessment, cost, surcharge, and the cost of prosecution for  
47 each violation.  
48

49 and  
50

51 BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication.

Dated this 20th day of March 2018.

Respectfully submitted by the Board of Health.

FISCAL IMPACT:     None

APPROVED:           Bob Ziegelbauer, County Executive.

Criminal Justice Coordinating Council: Supervisor Falkowski gave a brief report.

Executive Committee: Chairperson Brey gave a brief report.

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

Finance Committee: Supervisor Hansen gave brief reports.

Supervisor Hansen moved, seconded by Supervisor Williams to adopt Resolution 2 (2017/2018-93) Authorizing Fund Balance Designations, Carry-Over, Transfers, and Reappropriation of Specified Funds from 2017 to 2018. Upon vote, the motion carried unanimously.

No. 2017/2018 - 93

**RESOLUTION AUTHORIZING FUND BALANCE DESIGNATIONS,  
CARRY-OVER, TRANSFERS, AND REAPPROPRIATION OF  
SPECIFIED FUNDS FROM 2017 TO 2018**

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 2017  
5 budget year did not take place, were not completed, or are on-going and must be carried over into  
6 the next budget year; and  
7

8           WHEREAS, the County Board has previously adopted Resolution Implementing Fund  
9 Balance Policy In Accordance With GASB Statement No. 54 (No. 2011/2012 74 December 2011);  
10 and  
11

12           WHEREAS, the Comptroller/Auditor has compiled a pre audit list designating those  
13 activities, programs, projects, and funds that should be carried forward and re-appropriated in the  
14 2018 budget; and  
15

16           WHEREAS, the appropriate oversight committees and the Finance Committee have  
17 reviewed the requests and recommend that the designation, carry over, transfer, and  
18 re-appropriation 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, transfer, and re-appropriation of funds; and

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

WHEREAS, any additional items or adjustments that may be required at the completion of Manitowoc 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 that the Manitowoc County Board of Supervisors authorizes the following funds and their designations to be carried over from the official books of Manitowoc County for the year ended December 31, 2017 to the official books of Manitowoc County for the year ending December 31, 2018; that the funds be reappropriated and expended as may be required; and, that the 2018 Annual Budget is amended and the appropriate line items be increased as necessary:

#### NON-SPENDABLE FUND BALANCE

Account Number	Description	Amount
100.34100	Resrwd-Property Taxes	\$1,504,250.92
100.34103	Resrwd-Mortgage Receivable	\$99,000.00
100.34115	Resrwd-Prepaid Items	\$0.00
100.34120	Resrwd-Inventory	\$21,855.00
TOTAL		\$1,625,105.92

#### RESTRICTED FUND BALANCE

Account Number	Description	Amount
100.34240	Unres/Desig-Public Health	\$5,496.29
100.34245	Unres/Desig-Veterans Srv	\$41,003.72
100.24256	Unres/Desig-Utility Conservation	\$671,600.00
100.34270	Unres/Desig-Lnd Rec Modern	\$240,520.59
100.34271	Unres/Desig-ROD Redaction	\$85,812.42
100.34284	Unres/Desig-UW Extension	\$1,960.42
TOTAL		\$1,046,393.50

#### COMMITTED FUND BALANCE

Account Number	Description	Amount
100.34232	Unres/Desig-Mapping	\$67,620.03
100.34233	Unres/Desig-Area Plan PP	\$118,576.26
100.34274	Unres/Desig-Park Dept	\$4,000.00
100.34275	Unres/Desig-Sheriffs Dept	\$0.00
100.34277	Unres/Desig-Vehicle Pool PW	\$104,678.50

65	100.34278	Unres/Desig-D.A. Office	\$5,000.00
66	100.34280	Unres/Desig-Emgt Hazmat	\$156,458.60
67	100.34282	Unres/Desig-Personnel	\$22,000.00
68	100.34288	Unres/Desig-PW Continuing Proj.	\$0.00
69	100.34289	Unres/Desig-Elections CC	\$96,231.66
70	100.34290	Unres/Desig-Treasurer Outlay	\$17,540.00
71	100.34293	Unres/Desig-Communications Pro	\$174,875.74
72	100.34294	Unres/Desig-PW-PBX Phone Sys	\$350,520.65
73	100.34295	Unres/Desig-Future Cap Proj	
74	TOTAL		\$1,117,501.44

75  
76 ASSIGNED FOR SUBSEQUENT YEARS

78	<u>Account Number</u>	<u>Description</u>	<u>Amount</u>
79	100.34210	Unres/Desig-Sub Yr Bdgt	\$820,000.00

80  
81 and

82  
83 BE IT FURTHER RESOLVED that remaining funds in the County's Special Revenue  
84 Funds, Debt Service Funds, and Capital Projects Funds be carried forward for their intended  
85 purpose as previously approved by the County Board and may be reappropriated in the 2018  
86 budget as may be required; and

87  
88 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such  
89 information in the official books of Manitowoc County for the year ended December 31, 2017 and  
90 for the year ending December 31, 2018 as may be required.

Dated this 20th day of March 2018.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Carries over and transfers the amounts specified from the 2017 budget to the 2018 budget and amends the 2018 Annual Budget as may be required.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report.  
Supervisor Gerroll moved, seconded by Supervisor Holschbach to adopt Resolution 3 (2017/2018-94) Accepting \$2,893.00 Donation for Manitowoc County Airport Marquee Sign. Upon vote, the motion carried unanimously.

No. 2017/2018 - 94

**RESOLUTION ACCEPTING \$2,893.00 DONATION FOR MANITOWOC  
COUNTY AIRPORT MARQUEE SIGN**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1  
2 WHEREAS, the Manitowoc County Airport has an electronic marquee sign installed on  
3 property owned by the Manitowoc County Airport; and  
4

5 WHEREAS, the airport marquee sign is a key element in providing airport activity  
6 communications with the community; and  
7

8 WHEREAS, the programing and remote operation of the marquee sign currently is not  
9 accessible by Manitowoc County; and  
10

11 WHEREAS, the marquee is currently inactive due to the absence of operational access  
12 and availability of all unit components, and  
13

14 WHEREAS, the cost of providing access and upgraded programing and equipment is  
15 \$2893.00; and  
16

17 WHEREAS, Mr. Tom Bare is willing to donate the \$2,893.00 necessary to reactivate the  
18 airport marquee sign; and  
19

20 WHEREAS, the donor shall not have any legal binding obligation of ownership or further  
21 financially responsibility to Manitowoc County;  
22

23 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
24 Supervisors accepts the donation from Tom Bare in the amount of \$2,893.00; and  
25

26 BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in  
27 the 2018 budget are amended by the amount of the donation and that the Comptroller/Auditor is  
28 directed to record such information in the official books of the county for the year ending  
29 December 31, 2018 as may be required.

Dated this 20th day of March 2018.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by equal amounts.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Cavanaugh 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.

Supervisor Behnke moved, seconded by Supervisor Maresh to adopt Resolution 4 (2017/2018-95) Amending Employee Policy Manual to Include §8.13 (Performance Management), §8.14 (Performance Evaluations), and §8.15 (Failure to Meet Performance Standards). Upon vote, the motion carried unanimously.

No. 2017/2018 - 95

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL TO  
INCLUDE § 8.13 (PERFORMANCE MANAGEMENT), § 8.14  
(PERFORMANCE EVALUATIONS), AND § 8.15 (FAILURE TO MEET  
PERFORMANCE STANDARDS)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County has authorized an Employee Policy Manual to establish  
2 uniform personnel policies and procedures; and  
3

4           WHEREAS, amendments must be made to the Employee Policy Manual from time-to-  
5 time to keep the policies current, reflect current practice, and address new issues and  
6 circumstances; and  
7

8           WHEREAS, in 2013 Manitowoc County implemented a performance management  
9 system that includes all employees covered under the Manitowoc County wage schedule; and  
10

11           WHEREAS, the proposed §§ 8.13 and 8.14 of the Employee Policy Manual provide a  
12 written description of the existing performance management system; and  
13

14           WHEREAS, the proposed § 8.15 provides a uniform process for managers and  
15 employees to use when employees are not meeting performance standards; and  
16

17           WHEREAS, the proposed additions to the Employee Policy Manual codify the existing  
18 practices and will ensure consistent application of the performance management system in the  
19 future;  
20

21           NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
22 Supervisors amends the Manitowoc County Employee Policy Manual to create a new § 8.13,  
23 § 8.14 and § 8.15 to read as follows:  
24

25   8.13   Performance Management  
26

27           Manitowoc County has adopted a performance management system focused on creating a  
28 work environment in which employees are empowered to perform to the best of their  
29 ability. Managers play a critical role in the performance management system and are  
30 responsible for clarifying job duties, defining performance standards, and discussing and  
31 documenting performance throughout the year.

All employees covered under the Manitowoc County wage schedule are included in the performance management system.

#### 8.14 Performance Evaluations

(1) Performance evaluations are based on the principle of no surprises – nothing should appear on the performance evaluation that the employee has not seen or heard before. The performance evaluation process requires equal participation of employees and managers.

(2) Employees shall be evaluated annually on their anniversary date in position. The performance evaluation shall be based only on job related behavior and reflects the cumulative performance of the employee throughout the review period. Events that occurred outside of the rating period shall not be included.

(3) The evaluation form shall include the following sections:

(a) Performance of job duties;

(b) Performance competencies;

(c) Progress toward current goals; and

(d) Goals established for the next review period.

(4) Performance Ratings

It is possible to earn any of the following ratings. Managers must provide specific documentation for any rating that does not meet standards or exceeds standards (i.e. a rating of “1”).

1 Needs Improvement

2 Meets Job Requirements – this is the level of performance expected of any competent, qualified employee in the position

3 Exceeds Job Requirements

4 Outstanding

(5) Progression through the wage schedule provided by § 5.04 of the Manitowoc County Code is dependent on an employee’s cumulative score received on the annual performance evaluation as follows:

(a) An employee’s progression through the wage schedule from the **minimum to the midpoint** is based on overall job performance which



meets or exceeds job requirements. This is defined to be a cumulative score of at least 1.75 on the employee performance evaluation.

- (b) An employee's progression from **midpoint to maximum** is based on performance that consistently exceeds proficient performance levels for incumbents in the class of positions as follows:
  - (i) Employees with cumulative score of 2.01 to 2.74 receive 50% of the performance increase allocated in the annual budget.
  - (ii) Employees with cumulative score of 2.75 or greater receive 100% of the performance increase allocated in the annual budget.
- (c) Performance awards may be provided to employees who have reached the maximum of the wage schedule in recognition of performance that consistently exceeds proficient performance levels. The performance award is paid for the upcoming anniversary year according to the following guidelines:
  - (i) Employees with a cumulative score of 2.01 to 2.74 receive 50% of the performance increase allocated in the annual budget.
  - (ii) Employees with cumulative score of 2.75 or greater receive 100% of the performance increase allocated in the annual budget.

#### 8.15 Failure to Meet Performance Standards

- (1) Managers must make employees aware of performance concerns as soon as reasonably possible. When a manager becomes concerned that the employee is not meeting performance standards a performance evaluation should be conducted.
- (2) A non-probationary employee will be deemed to not meet performance standards when his or her cumulative performance score is less than 1.75 on the 4 point scale.
- (3) Managers must utilize the following performance improvement process when an employee fails to meet performance standards. The Personnel Department is available to assist managers through this process.
  - (a) The manager must meet with the employee to review the performance evaluation. The performance evaluation must specify the unsatisfactory work performance.

- 120 (b) The manager must provide the employee with a written performance  
121 improvement plan that describes the steps necessary to achieve a  
122 satisfactory performance evaluation.  
123  
124 (c) The manager must provide the employee a reasonable period of time to  
125 correct unsatisfactory performance.  
126  
127 (d) The manager must frequently communicate with the employee during the  
128 performance improvement process to give the employee feedback and  
129 coaching.  
130  
131 (e) If the employee successfully completes the performance improvement  
132 plan he or she will be notified in writing of successful completion, along  
133 with a statement of expectations for the future. If the employee fails to  
134 meet performance standards in the future, the manager is not under any  
135 obligation to offer another performance improvement plan.  
136

137 Employees failing to successfully complete a performance improvement plan may be  
138 terminated, subject to Section 9.02(1) of this Employee Policy Manual which requires  
139 consultation with the Personnel Director and Corporation Counsel.

Dated this 20th day of March 2018.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 5 (2017/2018-96) Authorizing Addition of 1.0 Full-Time Equivalent Human Services Employee (Adult Protective Services Social Worker). Upon vote, the motion carried unanimously.

No. 2017/2018 - 96

**RESOLUTION AUTHORIZING ADDITION OF 1.0 FULL-TIME  
EQUIVALENT HUMAN SERVICES EMPLOYEE  
(Adult Protective Services Social Worker)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

- 1 WHEREAS, the Adult Protective Services unit of Manitowoc County Human Services  
2 Department is responsible for investigating physical, emotional, and financial abuse as well as  
3 sexual abuse, neglect and self-neglect of elders and vulnerable adults; and

4  
5 WHEREAS, the Manitowoc County population of people over 85 has increased by 63%  
6 since 1990 while the number of Adult Protective Services Social Workers remains at 1990  
7 staffing levels; and

8  
9 WHEREAS, the Human Services Department is receiving an average of 4 new referrals  
10 per week; and

11  
12 WHEREAS, Adult Protective Services Workers must respond to new referrals within 24  
13 hours; and

14  
15 WHEREAS, 80 new guardianships were received in 2017 and the Department is  
16 currently responsible for 96 protective placements; and

17  
18 WHEREAS, the increased work load necessitates an increase in staffing; and

19  
20 WHEREAS, the Human Services Department has analyzed the cost of an additional  
21 Adult Protective Services Social Worker and have concluded that the cost of the additional  
22 position can be absorbed in the 2018 budget and with the addition of Basic County Allocation  
23 funds; and

24  
25 WHEREAS, the Human Services Board and Personnel Committee support the creation of  
26 an additional 1.0 full-time Adult Protective Services Social Worker;

27  
28 NOW, THEREFORE, BE IT RESOLVED that the number of authorized full-time  
29 Human Services Department positions is increased by 1.0 full-time equivalent positions; and

30  
31 BE IT FURTHER RESOLVED that the 2018 Full-Time Equivalent Report (FTE) by  
32 Department included in the 2018 Adopted Annual Budget Book is amended accordingly and that  
33 the Comptroller/Auditor is directed to record such information in the official books of the  
34 County for the year ending December 31, 2018 as may be required.

Dated this 20th day of March 2018.

Respectfully submitted by the Personnel Committee and Human Services Board.

FISCAL IMPACT: Increases expenditures in the Adult Protective Services activity \$49,258 by increasing our Basic County Allocation receipt from the State by \$18,493, moving \$13,201 in savings from a Mental Health position that will be unfilled until 5/15/18, moving \$13,577 in savings from HSD Agency Support health insurance line for family to single coverage savings, and moving \$3,986 in savings from AODA activity Outpatient Clinical worker position savings for delay in filling position until 5/15/18.

APPROVED: Bob Ziegelbauer, County Executive.

Planning & Park Committee: Supervisor Dyzak gave a brief report.

Supervisor Dyzak moved, seconded by Supervisor Falkowski to adopt Resolution 6 (2017/2018-97) Authorizing 2018-2019 Snowmobile Trail Program. Upon vote, the motion carried unanimously.

No. 2017/2018 - 97

**RESOLUTION AUTHORIZING 2018-2019 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 45 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 \$74,505.00 for a Snowmobile Trail Program to  
11 cover the costs for 248.35 miles of trail; and  
12

13 WHEREAS, the Planning and Zoning Department has provided the County Board with a  
14 trail system map showing the 248.35 miles of trail that are included in the Snowmobile Trail  
15 Program;  
16

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

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

27 BE IT FURTHER RESOLVED that the Planning and Zoning Director is authorized to  
28 sign documents and take the actions necessary to undertake, direct, and complete the 2018-2019  
29 Snowmobile 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.

Dated this 20th day of March 2018.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. \$74,505.00 is included in the 2018 approved budget.  
The State of Wisconsin reimburses the County the total amount spent on  
the program.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Dyzak moved, seconded by Supervisor Baumann to enact Ordinance 7 (2017/2018-98) Amending Zoning Map (Bonde Acres Dairy LLC). Upon vote, the motion carried unanimously.

No. 2017/2018 - 98

**ORDINANCE AMENDING ZONING MAP**  
(Bonde Acres 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 February 26, 2018; 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  
9 does ordain as follows:  
10

11 An existing parcel of land located in the NE1/4, NW1/4, Section 3, T17N, R22E, Town  
12 of Meeme, Manitowoc County, Wisconsin described as follows:

13  
14 Commencing at the N ¼ Corner of said Section 3 which is the point of real beginning;  
15 thence southerly approximately 1474 feet, thence westerly approximately 1332 feet,  
16 thence northerly approximately 1388 feet, thence easterly along south ROW of C.T.H. F  
17 approximately 750.9 feet, thence northeasterly along south ROW of C.T.H. F  
18 approximately 238.44 feet, thence South 170 feet, thence East 93.00 feet, thence South  
19 13.00 feet, thence S.83°45'45"E. 184.09 feet, thence North 255.00 feet, thence easterly  
20 along the section line 61 feet to the point of real beginning, said parcel containing  
21 approximately 41.24 acres of land and is hereby rezoned from Natural Area (NA) District  
22 to Exclusive Agriculture (EA) District.

23  
24 and

25  
26 An existing parcel of land located in the NE1/4, NW1/4, Section 3, T17N, R22E, Town  
27 of Meeme, Manitowoc County, Wisconsin described as follows:

28  
29 Commencing at the N ¼ corner of said Section 3, thence West along the section line  
30 (centerline C.T.H. F) 61.00 feet to the point of real beginning; thence continue West  
31 along said section line (centerline C.T.H. F) 276.00 feet, thence South 222.00 feet, thence  
32 East 93.00 feet, thence South 13.00 feet, thence S.83°45'45"E. 184.09 feet, thence North  
33 255.00 feet to the point of real beginning, said parcel containing approximately 1.5 acres  
34 of land and is hereby rezoned from Small Estate (SE) District to Exclusive Agriculture  
35 (EA) District.

Dated this 20th day of March 2018.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Dyzak moved, seconded by Supervisor Baumann to enact Ordinance 8 (2017/2018-99) Amending Zoning Map (Allen and Kim Schuh). Upon vote, the motion carried unanimously.

No. 2017/2018 - 99

**ORDINANCE AMENDING ZONING MAP**  
(Allen and Kim Schuh)

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 26, 2018; 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  
9 does ordain as follows:  
10

11 A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 8,  
12 Township 20 North, Range 21 East, Town of Maple Grove, Manitowoc County, Wisconsin  
13 described as follows:  
14

15 East 516 feet of the North 845 feet, lying north of Lot 1 Certified Survey Map Volume 24  
16 Page 73, of the Southeast Quarter of the Southwest Quarter of Section 8, Township 20  
17 North, Range 21 East, Town of Maple Grove, Manitowoc County, Wisconsin said parcel  
18 containing 10 acres of land more or less and is hereby rezoned from Exclusive  
19 Agriculture (EA) District to General Agriculture (GA) District.

Dated this 20th day of March 2018.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Dyzak moved, seconded by Supervisor Baumann to enact Ordinance 9 (2017/2018-  
100) Amending Zoning Map (Mary Zimmerman). Upon vote, the motion carried unanimously.

No. 2017/2018 - 100

**ORDINANCE AMENDING ZONING MAP**

(Mary Zimmerman)

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 26, 2018; 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  
9 does ordain as follows:

10  
11 A parcel of land located in in the SW 1/4 of the NE 1/4 of Section 6, T. 18 N., R. 22 E.,  
12 Town of liberty, Manitowoc County, Wisconsin, and described as follows:

13  
14 The North 210 feet of the East 210 feet, of the West 250 feet of said SW 1/4 of the NE  
15 1/4 of Section 6, said parcel containing approximately 1.21 acres of land more or less and  
16 is hereby rezoned from Exclusive Agriculture (EA) District to Rural Residential (RR)  
17 District.

Dated this 20th day of March 2018.

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- Finance Committee, Personnel Committee, and Public Works: Supervisor Behnke moved, seconded by Supervisor Zimmer to adopt Resolution 10 Authorizing Restructuring of Information Systems Department into a Division of the Public Works Department. Discussion followed.

Supervisor Hansen moved, seconded by Supervisor Muench to table Resolution 10 Authorizing Restructuring of Information Systems Department into a Division of the Public Works Department. Upon discussion and vote, the motion carried 15 ayes and 8 noes. Supervisors Baumann, Behnke, Dyzak, Falkowski, Gerroll, Maresh, Nasep, and Zimmer voted no; all other supervisors voted aye.

Miscellaneous-Chairperson Jim Brey: Supervisor Vogel moved, seconded by Supervisor Hoffmann to adopt Resolution 11 (2017/2018-101) Dissolving Lakeland Care District Pursuant to Wis. State §46.2895(13). Upon vote, the motion carried 22 ayes and 1 no. Supervisor Nasep voted no; all others voted aye.

No. 2017/2018 - 101

**RESOLUTION DISSOLVING LAKELAND CARE DISTRICT PURSUANT  
TO WIS. STAT. § 46.2895(13)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:



1 WHEREAS, Lakeland Care District (“LCD”) is a long-term care district formed by  
2 Manitowoc, Fond du Lac, and Winnebago counties pursuant to Wis. Stat. § 46.2895 for the  
3 purpose of delivering “Family Care” services as a managed care organization (“MCO”) under  
4 the State of Wisconsin’s Family Care program; and

5  
6 WHEREAS, 2015 Wisconsin Act 215 amended Wis. Stat. § 46.2895 to allow a long term  
7 care district such as LCD to organize as a nonstock corporation under Wis. Stat. ch. 181; and

8  
9 WHEREAS, 2015 Act 215 further authorized a long term care district to transfer all  
10 assets, liabilities, contracts, permits, and certifications that are currently held by that long term  
11 care district to a newly-formed nonstock corporation subject to the approval of the Department of  
12 Health Services (“DHS”) and Office of Commissioner of Insurance (“OCI”); and

13  
14 WHEREAS, in July of 2016, LCD’s Board of Directors adopted a resolution indicating  
15 its intent to organize a nonstock corporation and transfer all assets, liabilities, contracts, permits,  
16 and certifications to a newly-formed nonstock corporation; and

17  
18 WHEREAS, the nonstock corporation titled “Lakeland Care, Inc.” (“LCI”) was created in  
19 August of 2016 to succeed LCD following approval from DHS and OCI; and

20  
21 WHEREAS, in November of 2016, DHS and OCI approved the transfer of all assets,  
22 liabilities, contracts, permits, and certifications of LCD to LCI and certified the corporation as an  
23 MCO effective January 1, 2017; and

24  
25 WHEREAS, as of January 1, 2017, LCD has no continuing business operations and  
26 undertakes no activities related to the purpose for which it was formed, which was to contract  
27 with DHS for the provision of Family Care services; and

28  
29 WHEREAS, the final step of winding down LCD’s operations is the dissolution of the  
30 district, which requires joint action by LCD’s Board and the county boards that formed the  
31 district pursuant to Wis. Stat. § 46.2895(13); and

32  
33 WHEREAS, this Resolution is intended to act as Manitowoc County’s official action  
34 authorizing the dissolution of LCD; and

35  
36 WHEREAS, the dissolution of LCD will have no impact on the operations of LCI and  
37 will not otherwise impact, financially or otherwise, the operations of Manitowoc County; and

38  
39 WHEREAS, the Secretary of DHS may rely on this Resolution as action on the part of  
40 Manitowoc County authorizing dissolution of LCD;

41  
42 NOW, THEREFORE, BE IT RESOLVED, that the Manitowoc County Board of  
43 Supervisors hereby authorizes dissolution of LCD pursuant to Wis. Stat. § 46.2895(13).

Dated this 20th day of March 2018.

Respectfully submitted by County Board Chairman Jim Brey.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous-Supervisor Bob Cavanaugh: Supervisor Cavanaugh moved, seconded by Supervisor Falkowski to adopt Resolution 12 (2017/2018-102) Approving Town of Franklin Zoning Ordinance Text and Map Amendment. Upon vote, the motion carried unanimously.

No. 2017/2018 - 102

**RESOLUTION APPROVING TOWN OF FRANKLIN ZONING  
ORDINANCE TEXT AND MAP AMENDMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Town of Franklin has adopted a zoning ordinance (known as the Town of Franklin Unified Development Ordinance) pursuant to the authority granted to towns under Wis. Stat. § 60.62; and

WHEREAS, Manitowoc County adopted a zoning ordinance pursuant to the authority granted to counties under Wis. Stat. § 59.69; and

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

WHEREAS, the Town of Franklin amended its Unified Development Ordinance on March 13, 2018 by making certain map amendments to comply with the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) requirements to maintain certification for land owners who are interested in obtaining farmland preservation tax credits; and

WHEREAS, the Town of Franklin map amendments include establishing conformance with the Manitowoc County Farmland Preservation Plan; and

WHEREAS, the Town of Franklin map amendments include rezoning those certain properties owned by James C Hynek, Mallary J Schenian, Tabatha and Jordon Linle, Timothy and Kathleen Leahy, Bruce and Marie L Denor, Mark Denor, Ted Greif, Rio Vista Holding LLC, Gail A Haas Living Trust, and Thomas L Dvorachek as follows:

<u>Parcel #</u>	<u>Sec.</u>	<u>Parcel Owner(s)</u>	<u>Previous Zoning</u>	<u>Proposed Zoning</u>
00501401500100	14	James C Hynek	Conservancy	Exclusive

					Agricultural
00501700100300	17	Mallary J Schenian	Exclusive Agricultural	Rural Residential	
00501700100400	17	Tabatha & Jordon Lindle	Exclusive Agricultural	Rural Residential	
00501700100100	17	Timothy & Kathleen Leahy	Exclusive Agricultural	General	
					Agricultural
00502500600100	25	Bruce & Marie L Denor	General Agricultural	Exclusive	
					Agricultural
00502500700000	25	Mark Denor	General Agricultural	Exclusive	
					Agricultural
00502701500200	27	Ted Greif	General Agricultural	Exclusive	
					Agricultural
00502800200000	28	Rio Vista Holdings LLC	Exclusive Agricultural	Country Estates	
00503101100100	31	Gail A Haas Living Trust	General Agricultural	Exclusive	
					Agricultural
00503101100400	31	Thomas L Dvorachek	Exclusive Agricultural	General	
					Agricultural

and

WHEREAS, the Town of Franklin further amended its Unified Development Ordinance on March 13, 2018 by making certain text amendments, which include the following:

- Removing non-farm residences as a conditional use and establishing non-farm residences built prior to January 1, 2014 located in and Exclusive Agricultural zoning district subject to a one acre minimum lot size;
- Removing the requirement that a parcel be identified as “Residential” in the Franklin land use plan in order to be rezoned Country Estates;
- Adding “flag lot” dimensional standards to the C-E zoning district;
- Creating standards for private roads;

and

WHEREAS, the Town of Franklin has submitted its text and map amendments to its Unified Development Ordinance to the Manitowoc County Board of Supervisors for approval, and a copy of the amended zoning ordinance has been provided to each member of the County Board for review;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors approves the Town of Franklin’s map amendments, which rezone certain properties owned by James C Hynek, Mallary J Schenian, Tabatha and Jordon Linle, Timothy and Kathleen Leahy, Bruce and Marie L Denor, Mark Denor, Ted Greif, Rio Vista Holding LLC, Gail A Haas Living Trust, and Thomas L Dvorachek on March 13, 2018; and

70 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
71 approves the text amendments to the Town of Franklin Unified Development Ordinance that  
72 were adopted by the Town Board of the Town of Franklin on March 13, 2018.

Dated this 20th day of March 2018.

Respectfully submitted by Bob Cavanaugh, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Announcements: Chairperson Brey informed everyone that the County Board Supervisor picture would be taken at April 17, 2018 around 5:30pm at the County Board room.

Supervisor Behnke would like supervisors to forward phone calls that regard Resolution 10 to him.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Gauger, and the motion was adopted by acclamation. The meeting adjourned at 9:28 p.m.

Respectfully submitted,  
Lois Kiel, Manitowoc County Clerk

# COUNTY BOARD PROCEEDINGS INDEX

## APPOINTMENTS

### **April 11, 2017 Session:**

- < Human Services Board: Supervisor Bob Cavanaugh.

### **May 16, 2017 Session:**

- < Local Emergency Planning Committee: Chad Bennin, Karl Puestow, Travis Waack, alternate Bob Mayer, and Lois Kiel.
- < Traffic Safety Commission: Jason Orth, and alternate Brian Nack.
- < Transportation Coordinating Committee: Shirley Lau.

### **June 20, 2017 Session:**

- < Board of Adjustment: Orville Bonde, Earl Glaeser, and alternate Allen Kracht.
- < Northeast Wisconsin Regional Economic Partnership: Peter Wills, and alternates Dan Pawlitzke and Nicolas Sparacio.
- < Planning and Park Commission: Supervisor Melvin Waack.
- < Manitowoc Public Library Board of Trustees: Barb Bundy-Jost.

### **August 15, 2017 Session:**

- < Local Emergency Planning Committee: Amy John, and alternate Debbie Holschbach.
- < Traffic Safety Commission: Julie Reimer.

### **November 7, 2017 Session:**

- < Expo-Ice Center Board: Barry Blatz, Derek Fitzgerald, Brian Herr, Rick Kohlbeck, Scott Konik, Dan Newberg and Jerome Vetting.
- < Human Services Board: Supervisor Melvin Waack.
- < Local Emergency Planning Committee: Lois Kiel, Supervisor Rick Henrickson, and alternate Randy Vogel, Gerald Wiesner, Dave Funkhouser, and alternate Robert Hennings, Jr., Jerry Wendt, Mary Halada, and alternate Jessica Wanserski.
- < Veterans Service Commission: Mike Demske.

### **December 19, 2017 Session:**

- < Human Services Department: Patricia Dodge.
- < Bay-Lake Regional Planning Commission: Supervisor James Falkowski.
- < Commission on Aging: Shirley Fessler and Tim Nicholls.
- < Human Services Board: Eleanor Agnew.
- < Joint Dispatch Board: Paul Granger.
- < Local Emergency Planning Committee: Todd Bergmann.
- < Manitowoc-Calumet Library System Board of Trustees: Julie Grinde and Jeremy Sehloff.

## **APPOINTMENTS continued...**

### **January 16, 2018 Session:**

- < Manitowoc County Emergency Services Director: Travis Waack.
- < Ethics Board: Tom Musial.

### **February 13, 2018 Session:**

- < Local Emergency Planning Committee: Robert Wenger.
- < Manitowoc-Calumet Library System Board of Trustees: Supervisor Jim Baumann.

### **March 20, 2018 Session:**

- < Manitowoc County Health Officer: Mary Halada.
- < Board of Health: Dr. Todd Nelson and Marla Bernhardt.
- < Expo-Ice Center Board: Marilyn Lentz.
- < Joint Dispatch Board: Rob Hermann and Scott Schneider.
- < Loan Review Board: David Diedrich and Atty. Timothy Salutz.
- < Local Emergency Planning Committee: Paul Tittl and Kurt Duzeski.
- < Manitowoc Public Library Board of Trustees: Barb Bundy-Jost.

## COMMUNICATIONS

### **April 11, 2017 Session:**

1. Outagamie County – Resolution Supporting the Ability to Copy Vital Records for Passports by County Clerk and Clerk of Court “For Administrative Use.”

### **May 16, 2017 Session:**

1. Burnett County B Resolution Recommending Change in Unemployment Compensation Rules.
2. Burnett County B Resolution Recommending Amendment to Wisconsin Statute 59.22.
3. Dunn County B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
4. Outagamie County B Resolution Supporting the Recount Reform Bill.
5. St. Croix County B Resolution to Close Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Homeowners.
6. St. Croix County B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
7. Walworth County B Resolution Recommending Change in Unemployment Compensation Rules.

### **June 20, 2017 Session:**

1. Jackson County – Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
2. Lincoln County – Resolution Requesting Staff Legislature to Increase Nursing Home Medicaid Funding.
3. Outagamie County – Resolution Supporting Full Funding of the Great Lakes Restoration Initiative.
4. Outagamie County – Resolution to Close Loopholes that Shift a Greater Property Tax Burden from Commercial to Residential Homeowners.
5. Outagamie County – Resolution Supporting Continued Funding of the County Land Conservation Department.

### **July 18, 2017 Session:**

1. Chippewa County – Resolution Supporting Creation of A Non-Partisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
2. Door County – Resolution Supporting Recount Reform.
3. Outagamie County – Resolution Opposing Legislation to Repeal Wisconsin’s Prevailing Wage Law.
4. Outagamie County – Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
5. Outagamie County – Resolution Supporting Proposed Legislation Permitting Inmates Confined to County Department of Corrections the Ability to Leave the Facility for Contracted Employment Related Activities or Approved Programs.
6. Outagamie County – Resolution Supporting an Individuals Petition for Expungement Once the Sentence is Completed.
7. Portage County – Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
8. Shawano County – Resolution Recommending Change in Unemployment Compensation Rules.

## **COMMUNICATIONS continued...**

### **August 15, 2017 Session:**

1. Door County B Resolution Opposing the Aquila Resources, Inc. Proposed Back Forty Mine Project.
2. Door County B Resolution to Maintain Funding for the Great Lakes Restoration Initiative.
3. Door County B Resolution to Maintain Funding for the Coastal Management Program.
4. Lincoln County B Resolution Requesting Staff Legislature to Increase Nursing Home Medicaid Funding.
5. Outagamie County B Resolution Opposing the Sale of the Current Green Bay Correctional Institution.
6. Wood County B Resolution Opposing Legislation to Repeal Wisconsin's Prevailing Wage Law.
7. Wood County B Resolution Supporting Creation of a Bipartisan Procedure at the State Level for the Preparation of Legislative and Congressional Redistricting Plans.
8. City of Thorold B Designation of the NOAA Wisconsin-Lake Michigan National Marine Sanctuary.

### **September 19, 2017 Session:**

1. Forest County B Resolution Supporting the Recount Reform Bill.
2. Outagamie County B Resolution Supporting the Reduced Fines Pertaining to the Possession of Marijuana.

### **October 10, 2017 Session:**

1. Monroe County B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
2. Outagamie County B Resolution Opposing Legislation that Revokes a Person's Probation if Charged with a Crime.
3. Sauk County B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
4. Trempealeau County B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
5. Vernon County B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
6. Town of Hull B Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.

### **October 30, 2017 Session:**

1. Portage County B Resolution Opposing the Passage of 2017 Senate Bill 54 & Assembly Bill 94.
2. Village of Sister Bay B Resolution Opposing the Aquila Resources, Inc. Proposed Back Forty Mine Project.

### **November 7, 2017 Session:**

1. Door County – Resolution 2017-68 in Opposition to the Proposed SB 395 and AB 499 Relating to the Regulation of Nonferrous Metallic Mining.
2. Outagamie County – Resolution 76 (2017-18) Supporting Proposed Legislation that Ratifies and Enters Wisconsin into the Enhanced Nurse Licensure Compact.
3. Outagamie County – Resolution 77 (2017-18) Opposing any Mining Projects that does not Provide Safeguards to Natural Resources, Public Health, Cultural Heritage, and Economy of Wisconsin.
4. Trempealeau County – Resolution 2017-10-08 Opposition to Section 7 of SB 387/AB 479.

### **December 19, 2017 Session:**

1. Door County B Resolution 2017-64 in Opposition of the Elimination of the J-1 Visa Program.
2. Town of Two Creeks B Resolution 11-02-2017 Proposed National Marine Sanctuary.



3. Village of Cleveland B Resolution 2017-R-06 to Support Manitowoc County 0.5% Sales Tax as Revenue for all Local Governments.

**COMMUNICATIONS continued...**

**January 16, 2018 Session:**

1. Town of Schleswig – Letter regarding Manitowoc County 0.5% Sales Tax.

**February 13, 2018 Session:**

1. Town of Newton – Resolution 1-1018 Proposed National Marine Sanctuary on the Western Shores of Lake Michigan.

**March 20, 2018 Session:**

1. Adams County – Resolution Supporting Creation of a Nonpartisan Procedure for the Preparation of Legislative and Congressional Redistricting Plans.
2. Racine County – Resolution Opposing 2017 Senate Bill 777 and 2017 Assembly Bill 923.

## PETITIONS

### May 16, 2017 Session:

1. David Rank-dec, Darlene Rank – Town of Cato
2. Bryan Lemmens – Town of Cooperstown
3. Amy and Gerald Barrette – Town of Meeme

### July 18, 2017 Session:

1. Marjorie Bodwin – Town of Cato
2. Larry and Lori Buchholz – Town of Cooperstown
3. Joseph A. Giandinoto – Town of Schleswig
4. Herbert Mast and Floyd Petersheim – Town of Rockland

### September 19, 2017 Session:

1. Debra Lueloff – Town of Eaton
2. Planning and Parks Commission – Manitowoc County

### December 19, 2017 Session:

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2. Town of Centerville – Center Road Bridge P-36-0941
3. Town of Centerville – Fritz Bridge
4. Town of Centerville – Jaeger Bridge
5. Town of Cooperstown – Pleasant Road Bridge P-36-0107
6. Town of Cooperstown – Cooperstown Road Bridge P-36-0094
7. Town of Franklin – Hillcrest Road (East) B-36-0214
8. Town of Franklin – Hillcrest Road (West) P-36-0905/B-36-0220
9. Town of Franklin – Taus Road Bridge P-36-0118
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15. Town of Liberty – Bonde Bridge
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17. Town of Meeme – West Washington Road Bridge P-36-0193
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19. Town of Meeme – County Line Road P-36-0907
20. Town of Newton – South Union Road Bridge B-36-0229
21. Town of Rockland – Wenzel Bridge
22. Town of Schleswig – Rockville Road Bridge B-36-0023
23. Town of Schleswig – Lax Chapel Road Bridge B-36-0025

\* Denotes an Ordinance.

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