

**2010 - 2011**

## **COUNTY BOARD PROCEEDINGS**

### **COUNTY BOARD OF SUPERVISORS OF MANITOWOC COUNTY**

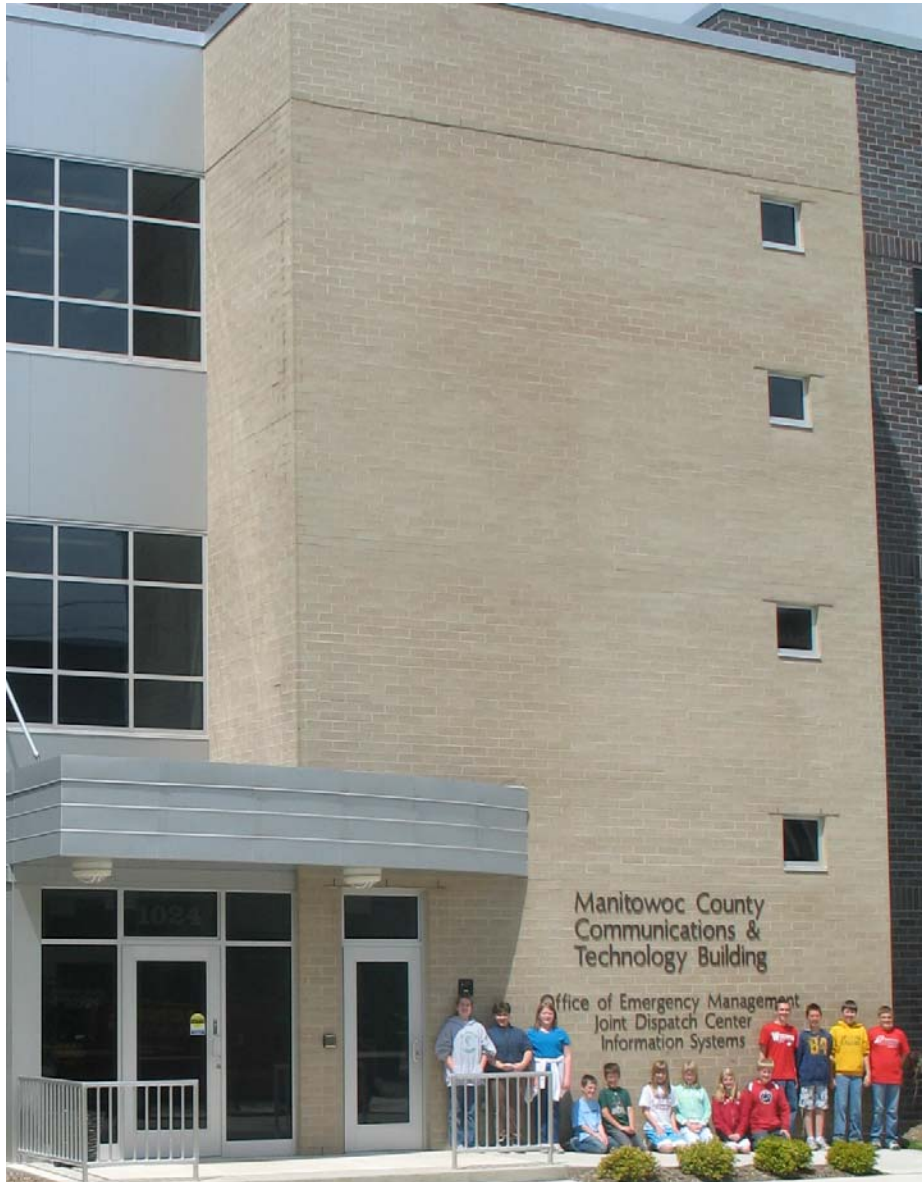


Photo: Manitowoc County Communications and Technology Building  
Pictured: Students from St. John's Lutheran 5<sup>th</sup> grade class, Two Rivers

**Sessions: April 20, 2010 - March 15, 2011**

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

# **2010-2011 OFFICIAL PROCEEDINGS**

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

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### **Chairperson of the County Board**

**Paul R. Tittl**

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### **Vice Chairpersons**

**Kevin L. Behnke**

**Paul B. Hansen**

**Prepared by: Jamie J. Aulik, County Clerk  
June 2011**

**2010-2011 OFFICIAL PROCEEDINGS**  
**MANITOWOC COUNTY BOARD OF SUPERVISORS**

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MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 20, 2010, 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 20<sup>th</sup> day of April, 2010, for the purpose of transacting business as a Board of Supervisors.

Acting Chairperson James 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.

The County Clerk read the Certified List of Members elected to the County Board for a two year term starting April 20, 2010, and expiring April 17, 2012. The Clerk then administered the oath of office.

Roll call: 25 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

Establish the Rules: Supervisor Behnke moved, seconded by Supervisor Schmidt, to adopt Resolution 1 (2010/2011-1) Adopting County Board Rules To Govern The Board For The 2010-2012 Term Pending Amendments At The Next County Board Meeting. Upon vote, the motion carried unanimously.

No. 2010/2011 - 1

**ADOPTING COUNTY BOARD RULES TO GOVERN THE BOARD  
FOR THE 2010-2012 TERM PENDING AMENDMENTS AT THE NEXT  
COUNTY BOARD MEETING**

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENTS DIRECTORS

Chairperson Brey presented a Proclamation Proclaiming Paralyzed Veterans of America Awareness Week to Augie Krieser who represented the Manitowoc County Paralyzed Veterans Chapter. Augie thanked the Board for their recognition and said that he was honored to accept the proclamation on behalf of all paralyzed veterans in Manitowoc County.

Chairperson Brey read a Proclamation honoring outgoing Supervisor Dave Gauger.

ELECTION OF OFFICERS

Acting Chair Brey announced he would be a candidate for Chairperson. Therefore, Acting First

Vice-Chair Kevin Behnke assumed the Chair position for the election.

CHAIRPERSON:

Acting First Vice-Chair Behnke announced that nominations were open for the position of Chairperson. Supervisor Hansen nominated Supervisor Brey. Supervisor Schneider nominated Supervisor Tittl. There were no more nominations. Speeches were given by the prospective candidates. Ballots were cast and the results were read aloud as follows: Supervisor Tittl received 13 votes, and Supervisor Brey received 12 votes. Supervisor Tittl was elected as Chairperson for a two year term, and assumed the Chair position.

FIRST VICE-CHAIR:

Chairperson Tittl announced that nominations were open for the position of First Vice-Chairperson. Supervisor Vogt nominated Supervisor Behnke. Supervisor Rappe nominated Supervisor Markwardt. There were no more nominations. Speeches were given by the prospective candidates. Ballots were cast and the results were read aloud as follows: Supervisor Behnke received 14 votes, and Supervisor Markwardt received 11 votes. Supervisor Behnke was elected as First Vice-Chair for a two year term.

SECOND VICE-CHAIR:

Chairperson Tittl announced that nominations were open for the position of Second Vice-Chairperson. Supervisor Korinek nominated Supervisor Henrickson. Supervisor Brey nominated Supervisor Hansen. Supervisor Muench nominated Supervisor Brey. There were no more nominations. Supervisor Henrickson and Supervisor Hansen gave speeches. Ballots were cast and the results were read aloud as follows: Supervisor Hansen received 15 votes, Supervisor Brey received 6 votes, and Supervisor Henrickson received 4 votes. Supervisor Hansen was elected as Second Vice-Chairperson for a two year term.

MINUTES: On motion by Supervisor Markwardt, seconded by Supervisor Henrickson, the March 29, 2010 meeting minutes were approved by unanimous vote.

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

Miscellaneous: Supervisor Brey moved, seconded by Supervisor Bauknecht, to adopt Resolution 2 (2010/2010-2) Extending Moratorium on Applications for Adult Entertainment Establishments. Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Korinek voted no; all other supervisors voted aye.

No. 2010/2011 - 2

**RESOLUTION EXTENDING MORATORIUM ON  
APPLICATIONS FOR ADULT ENTERTAINMENT ESTABLISHMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

- 1 WHEREAS, a number of citizens have expressed a strong desire for Manitowoc County
- 2 to regulate adult entertainment establishments in order to prevent the secondary effects

3 associated with adult entertainment establishments; and

4 WHEREAS, the Manitowoc County Board of Supervisors adopted Resolution No.  
5 2009/2010-7 on April 21, 2009 barring the acceptance of applications for adult entertainment  
6 establishments or taking further action on any applications already received, but not approved,  
7 for a period of one year or until the necessary ordinance review has been completed and any  
8 necessary ordinance amendments have been adopted; and

9  
10 WHEREAS, Manitowoc County is working with the Wisconsin Coastal Management  
11 Program and Bay Lake Regional Planning Commission under a grant to rewrite the county's  
12 General Zoning Ordinance, which will incorporate adult entertainment establishments in the  
13 revised ordinance and which is expected to be completed in August 2011; and

14  
15 WHEREAS, the Planning and Park Commission unanimously voted to recommend an  
16 extension of the current moratorium until the revision of the General Zoning Ordinance is  
17 complete;

18  
19 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of  
20 Supervisors that the moratorium adopted by Resolution No. 2009/2010-7 barring the acceptance  
21 of applications for adult entertainment establishments or taking further action on any  
22 applications already received, but not approved, is hereby extended until the necessary ordinance  
23 review has been completed, any necessary ordinance amendments have been adopted, and the  
24 revision of the General Zoning Ordinance is complete.

Dated this 20th day of April 2010.

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

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Discussion took place on the the Schenck Business Solutions agreed-upon procedures letter as it relates to the Triple P invoices. Supervisor Markwardt moved, seconded by Supervisor Hansen, to refer the Schenck Business Solutions proposal to the Finance Committee for consideration. Upon vote, the motion carried by unanimous consent.

Supervisor Maresh moved to adjourn to April 27, 2010 at 7:00 p.m. to continue the organization of the 2010-2012 Board. Supervisor Schneider seconded, and the motion was adopted by acclamation. The meeting adjourned at 8:08 P.M.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 27, 2010, 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 27<sup>th</sup> day of April, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

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

Roll call: 25 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On motion by Supervisor Henrickson, seconded by Supervisor Behnke, the April 20, 2010 meeting minutes were approved on a unanimous vote.

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

Chairperson Tittl declared public input open at 7:04.

Dave Pozorksi, Town of Newton, addressed the Board regarding the Manitowoc County Lakes Association that is comprised of 800 lakeshore property owners. He talked about current projects that they are working on which include the Silver Lake Project and the Mill Road project.

No one else present wished to speak, subsequently Chairperson Tittl declared public input closed at 7:07 p.m.

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

Supervisor Hansen moved, seconded by Supervisor Brey, to consider amendments to Resolution 1 Adopting County Board Rules to Govern the Board for the 2010-2012. Discussion followed.

Supervisor Schneider moved, seconded by Supervisor Rappe to delete section 20 (a) Robert's Rules of Order notwithstanding, a motion is not required for debate if the county board chair has presented an agenda item to the board for discussion and 20 (b) Robert's Rules of Order notwithstanding, the county board chair is not required to step down from the chair in order to participate in discussion or debate of an agenda item, resolution, or ordinance. Discussion

followed. Upon vote, the motion failed with 17 noes and 8 ayes. Supervisors Burke, Konen, Maresh, Metzger, Rappe, Schneider, Wagner, and Weiss voted aye; all other supervisors voted no.

Upon vote on the Executive Committee's recommended amendments to Resolution 1 to establish the rules to govern the Board for the 2010-2012 County Board term, the motion carried with 24 ayes and 1 no. Supervisor Burke voted no; all other supervisors voted aye.

Supervisor Behnke moved, seconded by Supervisor Hansen to adopt the proposed amendment to Rule 21 (a) All resolutions, ordinances, and written motions must be submitted and approved by the appropriate standing committee, board, or commission before being presented to the county board. This provision may be waived by the County Board Chair, but any item added to the agenda as the result of a waiver may be stricken from the agenda upon the objection of any member. The county board may override the objection by a majority vote and restore the item to the agenda. Discussion followed. Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Vogel voted no; all other supervisors voted aye.

Supervisor Schmidt moved, seconded by Supervisor Konen to adopt Resolution 1 (2010/2011-3) to Establish the Rules to Govern the Board for the 2010-2012 County Board term as amended. Upon vote, the motion carried unanimously.

No. 2010/2011 - 3

## **MANITOWOC COUNTY BOARD RULES**

### **Executive Committee's Recommended Amendments**

#### **2 Open Meetings.**

(c) The person preparing the notice shall submit a copy to the county clerk. The county clerk is responsible for reviewing the notice for compliance with the open meetings law and for posting the notice as required by the open meetings law.

#### **8 Special Committees.**

8(d) Alternates may be appointed when authorized by statute, ordinance, resolution, or motion. An alternate may act when authorized to do so by the person for whom the alternative is serving as a replacement, provided that the committee chair is notified and the action is noted in the minutes of any meeting at which the alternate serves.

#### **11 Electronic Mail.**

(b) Each supervisor's county email address will be published in the county's official directory and on the county's web site. ~~The county clerk will provide a supervisor with a hard copy of email received at this address if the supervisor notifies the clerk that he or she cannot access his or her county email account.~~



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

11(h) A supervisor's county email communications are subject to the open meetings law, the public records law, and the county's computer resources policy. A supervisor's email, text, and recorded communications from any other electronic device are subject to the open meetings law and the public records law.

## **12 Meetings, Agenda, and Documents.**

(a) The person presiding over a board, commission, or committee may schedule and call such meetings as are appropriate and necessary. A regular meeting of a standing committee that is comprised solely of members of the county board must be scheduled to start at or after 4:00 p.m. A special meeting of a standing committee that is comprised solely of members of the county board may be scheduled to start before 4:00 p.m. if the committee chair has asked and been granted permission by the county board chair to start the meeting at an earlier time. Any public hearing must be scheduled to start at or after 4:00 p.m. unless the person presiding over the hearing has asked and been granted permission by the county board chair to start the hearing at an earlier time.

## **14 Quorum.**

(a) A majority of all members constitutes a quorum, except that three members of any standing committee will constitute a quorum.

(b) A member may raise a point of order related to the absence of a quorum and may request a roll call to determine whether a quorum is present.

(c) Any business conducted in the absence of a quorum, except for procedural actions to adjourn, fix the time for adjournment, recess, or take measures to obtain a quorum, is null and void. A member may raise a point of order related to the absence of a quorum and may request a roll call to determine whether a quorum is present.

## **18 Exclusion of County Board Members from Meetings.**

(a) No county board member may be excluded from any meeting or session, open or closed, of the county board, or any subunit of the county board except as provided in Rule 18(b).

## **20 Debate. (NEW)**

(a) Robert's Rules of Order notwithstanding, a motion is not required for debate if the county board chair has presented an agenda item to the board for discussion.

20(b) Robert's Rules of Order notwithstanding, the county board chair is not required to

step down from the chair in order to participate in discussion or debate of an agenda item, resolution, or ordinance.

## **25 Voting.**

(a) It is the duty of every member who has an opinion on a pending question to express that opinion by voting, but a member cannot be compelled to vote and may abstain from voting.

(b) A member shall abstain from voting when the member believes that he or she is legally required to do so. A member who abstains ~~because the member believes that he or she is legally required to do so~~ may shall inform the person presiding of the reason for the abstention. A member who abstains because the member is legally required to do so will not be counted when determining the number of votes required for a majority.

## **27(b) Contingency Fund.**

~~27(b) Contingency-Contingent Fund.~~ The Finance Committee may, with the approval of the appropriate board, commission, or committee, supplement the appropriation for an activity, department, or office by a transfer from the ~~contingency-contingent~~ fund. The total amount transferred may not exceed the amount in the ~~contingency-contingent~~ fund and may not exceed 10 percent of the amount originally appropriated for the activity, department, or office in the annual budget. Any other transfer or appropriation from the ~~contingency-contingent~~ fund requires a vote of two-thirds of the members of the county board.

## **28 Purchase and Sale of Real Property.**

(a) Except for tax foreclosed real estate ~~sold pursuant to MCC § 4.12~~, no real estate owned by the county may be sold unless the sale is first authorized by majority vote of the county board in open session.

## **21 Petitions, Resolutions, Ordinances, Written Motions, and Other Papers.**

(a) All resolutions, ordinances, and written motions must be submitted to and approved by the appropriate standing committee, board, or commission before being presented to the county board. This provision may be waived by the County Board Chair, but any item added to the agenda as the result of a waiver may be stricken from the agenda upon the objection of any member. The county board may override the objection by a majority vote and restore the item to the agenda.

## COUNTY BOARD ELECTED APRIL 2010

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## **1 Applicability.**

These rules apply to all meetings of the county board, its committees, and subunits, and all other Manitowoc County governmental bodies.

## **2 Open Meetings.**

- (a) Policy. All meetings of the county board, its committees, and subunits, and all other Manitowoc County governmental bodies must comply with the Wisconsin Open Meetings Law.
- (b) Notice. All meetings must be preceded by a public notice that specifies the time, date, place, and subject matter of the meeting, including any matter intended for consideration in closed session, in a manner that is reasonably likely to inform the public and the news media of the nature and purpose of the meeting. No additional public notice is required for any meeting of a subunit of a board, commission, committee, or other governmental body that is held during a recess from or immediately following a meeting of the parent group, provided that the person presiding at the meeting of the parent group publically announces the time, place, and subject matter of the subunit meeting prior to the time the subunit meeting convenes.
- (c) The person preparing the notice shall submit a copy to the county clerk. The county clerk is responsible for reviewing the notice for compliance with the open meetings law and for posting the notice as required by the open meetings law.

## **3 General Meeting Procedures.**

- (a) All meetings will be conducted in accordance with ROBERT'S RULES OF ORDER (NEWLY REVISED), as modified by these rules. No past practice, rule, or action is binding unless codified in these rules. No action may be invalidated solely because of a failure to comply with ROBERT'S RULES or these rules.
- (b) Any motion must be reduced to writing upon the demand of any two members.
- (c) Any question which is divisible must be divided upon the demand of any member.
- (d) A motion to reconsider may be made on any matter except the budget. The motion must be made on the same day or the following day if the meeting continues for more than one day.
- (e) A motion, resolution, or ordinance offered for the purpose of rescinding something previously adopted may not be voted upon at a meeting unless specific

notice of the subject matter was given as required by the Open Meetings law. If the matter was not noticed, any discussion and action must be set over to a later meeting for which notice is given.

#### **4 County Board Meetings.**

- (a) Meeting Time. Meetings of the county board will commence at 7:00 p.m. or as soon after as may be practical, unless another starting time is specified in the meeting notice.
- (b) Annual Meeting. The county board will hold an annual meeting on the last Monday of October in each year, except that the annual meeting will be held on the first Monday in November in any year that the last Monday in October is the last day of the month.
- (c) Emergency Meetings. The County Board Chair may call an emergency meeting upon at least two hours notice in the event of a declared emergency. A declaration of emergency must be included as part of the meeting notice. Upon convening, the county board shall ratify the existence of the emergency as a condition of proceeding further. For purposes of this rule, an emergency is deemed to exist if time is of the essence and a delay in meeting is likely to or will actually result in substantial damage, injury, or harm to the County, its residents, or property.
- (d) Organizational Meeting. The county board will meet on the third Tuesday of April in each even numbered year to organize and to elect a Chair, First Vice-Chair, and a Second Vice-Chair for the duration of the two-year term. The Board may also transact business, including any business permitted at the annual meeting.
- (e) Regular Meetings. The county board will hold its regular monthly meeting on the third Tuesday of each month, except that the meeting will be held on the fourth Tuesday of the month if a primary or general election for a seat on the county board is held on the third Tuesday. Any regular meeting may be rescheduled to another date and time by the County Board Chair with such notice as is appropriate under the circumstances.
- (d) Special Meetings. The county board may call a special meeting as provided for in Wis. Stat. § 59.11(2).

#### **5 County Board Chair and Vice-Chairs.**

- (a) The County Board Chair will preside at all meetings of the county board. The First Vice-Chair will preside in the absence of the Chair. The Second Vice-Chair will preside in the absence of the Chair and First Vice-Chair. The county board

may elect a temporary chair to preside at a meeting in the absence of the Chair and Vice-Chairs.

- (b) The County Board Chair will call the new county board to order at its Organizational Meeting and preside over the meeting until the new board elects a Chair. In the absence of the Chair and Vice-Chairs, the County Clerk will call the meeting to order and preside over the election of a temporary Chair. The temporary Chair is not eligible to be elected County Board Chair and will preside over the meeting until the new board elects a Chair. Once a County Board Chair has been elected, the new Chair will preside over the remainder of the elections and the agenda.
- (c) The County Board Chair is an ex-officio member of every county board committee and may attend all committee meetings unless prohibited pursuant to state law, county ordinance, or county board rule.

## **6 Policy Oversight.**

- (a) All matters pertaining to county organizational or administrative power are to be broadly construed in favor of the will of the county board as set forth in rules and other enactments and consistent with the scope of authority set forth in Wis. Stat. § 59.03.
- (b) Each of the county's boards, commissions, and committees is the public focal point for all programs and activities under its respective jurisdiction.
- (c) Complaints concerning county employees, officials, or departments that are first stated at a county board meeting will be immediately referred to the appropriate board, commission, or committee.

## **7 Appointments to Boards, Commissions, Committees, and Other Governmental Bodies.**

- (a) In the event of a vacancy on the county board, the County Board Chair shall promptly appoint a person who is a qualified elector and resident of the unrepresented supervisory district to fill the unexpired portion of the term. The county board shall, at its first meeting following the appointment, vote on whether to confirm the appointment. If the county board does not confirm the appointment, the members of the county board shall nominate one or more persons who are qualified electors and residents of the unrepresented supervisory district to fill the vacancy and shall elect a person to fill the unexpired portion of the term.
- (b) Standing committees will be appointed by the County Board Chair as soon as practicable after the April reorganization meeting and, in no event, later than the

next regular meeting of the board. The County Board Chair will also appoint a committee chair, unless the committee is authorized by statute to elect its own chair. Each committee will elect its own vice-chair and secretary. The County Board Chair will appoint a replacement to fill any vacancy that occurs on a committee.

- (c) Every member of the county board must serve on at least one standing committee.
- (d) The County Board Chair may replace any member of a county board committee when the member's service has been found to be unsatisfactory or when personality conflicts within the committee require a change.

## **8 Special Committees.**

- (a) The County Board may create special committees as the need arises. The County Board Chair will appoint the chair and members of each special committee, subject to approval by the county board.
- (b) Special committees will perform the tasks authorized or directed by the County Board or the County Board Chair.
- (c) Special committees may be dissolved at any time by order of the County Board and will automatically be dissolved upon completion of the tasks for which the committee was created.
- (d) Alternates may be appointed when authorized by statute, ordinance, resolution, or motion. An alternate may act when authorized to do so by the person for whom the alternative is serving as a replacement, provided that the committee chair is notified and the action is noted in the minutes of any meeting at which the alternate serves.

## **9 Joint Committee Meetings.**

- (a) A committee may request a joint meeting with another committee on matters of common concern.
- (b) When a joint committee meeting is requested, the committee chairs will cooperate in preparing for the meeting and in determining the time and place, who is to preside, who will take minutes, and all other arrangements for the joint meeting. The person presiding at the meeting is responsible for providing notice of the meeting.
- (c) If differences arise that the committee chairs cannot resolve, the chair of any affected committee may ask the County Board Chair to intervene. The County Board Chair may order whatever action is necessary to ensure the success of the

joint committee meeting.

- (d) Each Committee participating in a joint meeting will vote separately on matters that come before the joint meeting.

## **10 County Board Documents and Mailings.**

- (a) The committee chair will submit a copy of a resolution, ordinance, or written motion to the County Clerk at least one week before the regular meeting at which it is to be reported to the county board. The County Clerk will provide a copy of each resolution, ordinance, or written motion to the Comptroller and Corporation Counsel for review.
- (b) The County Clerk will mail a copy of the agenda, resolutions, ordinances, and written motions included to each Supervisor not less than five days before each regular meeting. The County Clerk will mail the agenda and related documents to each supervisor at least 72 hours prior to any special meeting. The County Clerk will provide the agenda and related documents to each supervisor at the time of any declared emergency meeting.
- (c) The County Clerk will distribute copies of the proposed budget to each Supervisor and the Corporation Counsel at or before the first regular meeting after the County Clerk has received a copy of the proposed budget from the Finance Committee.
- (d) The County Board Chair may direct that the County Clerk provide the members of the county board with copies of any communications or other papers addressed to the county board either as part of an agenda mailing, in a separate mailing, or in person at a county board meeting.
- (e) Copies of late resolutions, ordinances, written motions, and other papers will be provided to the county board when it meets and may be considered if the matter has been properly noticed in accordance with the Wisconsin Open Meetings Law.
- (f) The County Clerk will keep at least one copy of the agenda and related documents on file for public review.

## **11 Electronic Mail.**

- (a) Each supervisor will be provided with a county email account. While no supervisor is required to conduct county business by email, a supervisor who does so is required to use the county email account for all communications that pertain to county business.
- (b) Each supervisor's county email address will be published in the county's official



directory and on the county's web site.

- (c) A supervisor who does not wish to use email to conduct county business must notify the county board chair and the county clerk. Email sent to the supervisor's county email account will be automatically forwarded to the county board chair, who will provide the supervisor with a hard copy of that email.
- (d) The county clerk will distribute meeting notices and other information to each supervisor by email at the same time that meeting notices and other information are distributed to the news media.
- (e) A supervisor may communicate with other supervisors by email for the purpose of setting a meeting time, place, and agenda; but a supervisor should not engage in any substantive discussion of county business with any other supervisor by email.
- (f) A supervisor who uses email to share information with all of the members of a board, commission, or committee may send a copy of the email to the county clerk.
- (g) A supervisor must not send, forward, or reply to an email if doing so will result in a violation of the open meetings law by creating a quorum of any board, commission, committee, or other governmental body as defined by Wis. Stat. § 19.82(1).
- (h) A supervisor may communicate with his or her constituents by email.
- (i) A supervisor's county email communications are subject to the open meetings law, the public records law, and the county's computer resources policy. A supervisor's email, text, and recorded communications from any other electronic device are subject to the open meetings law and the public records law.
- (j) The standards contained in paragraphs (e) through (h) apply to all members of county governmental bodies.
- (k) Each email sent by a county employee, officer, or official in connection with official business must contain the following disclaimer:

This message is intended for the use of the person or organization to whom it is addressed. It may contain information that is confidential, privileged, or otherwise protected from disclosure by law. If you are not the intended recipient or a person responsible for delivering this message to the intended recipient, any copying, distribution, or use of this message or the information that it contains is not authorized and may be prohibited by law.

## **12 Meetings, Agendas, and Documents.**

- (a) The person presiding over a board, commission, or committee may schedule and call such meetings as are appropriate and necessary. A regular meeting of a standing committee that is comprised solely of members of the county board must be scheduled to start at or after 4:00 p.m. A special meeting of a standing committee that is comprised solely of members of the county board may be scheduled to start before 4:00 p.m. if the committee chair has asked and been granted permission by the county board chair to start the meeting at an earlier time. Any public hearing must be scheduled to start at or after 4:00 p.m. unless the person presiding over the hearing has asked and been granted permission by the county board chair to start the hearing at an earlier time.
- (b) The person presiding at a meeting is responsible for the preparation of an agenda for each meeting and may determine the order of business.
- (c) The person presiding at a meeting will make the members aware of any correspondence that has been received and may direct that any appropriate document be read, distributed, or placed on file. However, anonymous correspondence will not be read.
- (d) A governmental body will deny consideration to any ordinance, resolution, or motion which is substantially similar to any ordinance, resolution, or motion brought before the body on three or more occasions during any 365-day period. An ordinance, resolution, or motion may be considered substantially similar despite the fact that a different individual brings it before the committee for action. A governmental body may waive application of this rule only upon a two-thirds vote of its entire membership.

## **13 Attendance.**

- (a) A member is expected to attend all meetings and to notify the County Clerk of an expected absence at least two hours prior to the start of the meeting. If the meeting is held outside normal business hours, the member must notify the County Clerk prior to the close of business on the day of the meeting. The County Clerk will report the expected absence to the person presiding at the meeting, and that person shall determine whether to excuse the absence. All absences should be noted in the minutes of the meeting along with an indication of whether the absence was excused.
- (b) The person presiding will direct that a roll call or other action is taken to record the names of the members in attendance at a meeting.
- (c) The person presiding will report the name of any member who accumulates three

or more unexcused absences within a year from properly noticed meetings to the County Clerk. The County Clerk will provide a quarterly report to the county board of any member of the county board, its committees, subunits, or other governmental bodies who accumulates three unexcused or more absences within a year.

- (d) The county board may, consistent with the requirements of Wisconsin law, take whatever action it deems appropriate with respect to a person who has three or more unexcused absences within a year. Such action may include censure, suspension, or removal from the committee, subunit, or other governmental body.

#### **14 Quorum.**

- (a) A majority of all members constitutes a quorum, except that three members of any standing committee will constitute a quorum.
- (b) A member may raise a point of order related to the absence of a quorum and may request a roll call to determine whether a quorum is present.
- (c) Any business conducted in the absence of a quorum, except for procedural actions to adjourn, fix the time for adjournment, recess, or take measures to obtain a quorum, is null and void.

#### **15 Unintended Quorum.**

Members of the county board are entitled to attend the meetings of subunits of the county board, even when they are not members of the subunit. It is possible that the attendance of one or more nonmember supervisors at a meeting may result in the creation of a quorum of another subunit of the county board. Such a quorum is unintended and the nonmember supervisors are not meeting for the purpose of and shall not exercise the responsibility, authority, power, or duties of any other subunit of the county board.

#### **16 Minutes.**

- (a) Minutes will be kept of each meeting. The minutes will include the name of the person taking the minutes and a record of attendance, motions, and votes taken. Minutes may, at the direction of the person presiding, contain a description of the views expressed and a summary of any actions taken along with the reason for the action. Separate minutes will be kept for each closed session.
- (b) The person taking the minutes must provide draft minutes to the County Clerk within one week of any meeting. Draft minutes will normally be reviewed, corrected, and approved at the next meeting of the governmental body. However, draft minutes of the county board meeting as a committee of the whole will be reviewed at the next regular meeting of the county board. A copy of the

approved minutes must be on file with the County Clerk within one week of approval.

- (c) Minutes of any open session are open to the public for inspection and copying. Minutes of any closed session will remain closed to the public for so long as the reason for convening the closed session continues, but will be open to the public once the reason for convening the closed session has ended.
- (d) The County Clerk will provide one copy of the minutes of any meeting to a member of the county board upon request and without charge, unless the supervisor was been excluded from the meeting.
- (e) A copy of the approved minutes of each county board meeting will be printed in the county board proceedings book.

#### **17 Closed Sessions.**

- (a) Closed sessions are authorized by Wisconsin law when necessary to protect the public interest and when holding an open session would be incompatible with the proper conduct of government affairs.
- (b) Every meeting must be initially convened in open session. The meeting may subsequently convene in closed session only if a closed session is permitted under Wis. Stat. § 19.85(1); if the meeting notice provides for a closed session or if the need for a closed session was not known to the person providing the notice at the time it was given; and if a majority votes to convene in closed session.
- (c) Closed sessions should be held sparingly and a meeting should remain in open session if there is any doubt about whether a closed session is permitted. All discussion during closed session must be limited to the business specified in the meeting notice for the closed session.
- (d) Discussions held, information presented or obtained, and actions taken during closed sessions are deemed to be confidential information. Disclosure of confidential information without proper legal authorization violates MCC § 5.06(3)(e) and is punishable by forfeiture.
- (e) When the reason for holding a closed session has passed, any information presented or obtained during the closed session becomes available for public inspection.

#### **18 Exclusion of County Board Members from Meetings.**

- (a) No county board member may be excluded from any meeting or session, open or closed, of the county board, or any subunit of the county board except as provided

in Rule 18(b).

- (b) A county board member may be excluded from a closed session of a committee or subunit of the county board by a majority vote if the closed session directly concerns the county board member, a relative of the county board member, or someone maintaining a confidential relationship with the county board member.
- (c) A county board member may be excluded from a closed session of any other governmental body which is not a committee or subunit of the county board by a majority vote of the governmental body if the closed session directly concerns the county board member, a relative of the county board member, or someone maintaining a confidential relationship with the county board member.
- (d) For purposes of this rule, the term “relative” includes any aunt, brother, child, daughter-in-law, father-in-law, first cousin, foster child, grandparent, mother-in-law, nephew, niece, parent, sister, son-in-law, spouse or person in a marriage-like relationship, stepbrother, stepchild, stepparent, stepsister, or uncle; and the term “confidential relationship” includes professional relationships, such as those between attorney and client, medical provider and patient, or religious counselor and petitioner; personal relationships, such as those in which there is a long personal friendship and mutual trust between the parties; and legal relationships, such as those where the member is an employee, official, or officer of an adverse party in a legal matter.

## **19 Public Input.**

- (a) The purpose of public input is to provide nonmembers with an opportunity to present information to a governmental body. It is not intended to provide for interactive debate or for the cross-examination of citizens or members.
- (b) The person presiding at a meeting may require that a nonmember who wishes to speak must provide the nonmember’s name, address, telephone number, and topic prior to the start of public input.
- (c) A nonmember must be recognized by the person presiding. Once recognized, the nonmember may speak without interruption, except for procedural matters. A nonmember who is called to order by the person presiding must immediately cease speaking.
- (d) A nonmember will normally be allowed five minutes for public input. However, the person presiding may establish a shorter time limit. Additional time will not normally be granted, but the person presiding has the discretion to do so.
- (e) The person presiding may limit the number of persons who speak on an issue and may call a nonmember to order if the nonmember’s statements are not germane or

are unduly repetitive.

- (f) A person who wishes to ask a question during public input must direct his or her question to the Chair. A person who directs a question to anyone other than the Chair may be ruled out of order. When the person has concluded his or her comments, the Chair may present the question to the board, refer the question to a committee, forward the question to the county executive, or take such other action as the Chair deems appropriate. No one may be compelled to answer a question that is asked during public input.
- (g) The person presiding may take whatever action is necessary to maintain an appropriate level of decorum and order at all times. The person presiding will not permit public input to becoming a running debate or to serve as a platform for personal attacks, and the person presiding may rule any citizen or member out of order if that person's comments or conduct is inappropriate.
- (h) The members of a governmental body may, during the period of public comment, discuss any matter raised by the public.

## **20 Debate.**

- (a) Robert's Rules of Order notwithstanding, a motion is not required for debate if the county board chair has presented an agenda item to the board for discussion.
- (b) Robert's Rules of Order notwithstanding, the county board chair is not required to step down from the chair in order to participate in discussion or debate of an agenda item, resolution, or ordinance.

## **21 Nonmembers Opportunity to Speak During Debate.**

- (a) A member may ask the person presiding to allow a nonmember to speak on any agenda item that is properly before the meeting.
- (b) A nonmember may be denied permission to speak by a majority vote of the members present.
- (c) The person presiding may limit the number of nonmembers who are permitted to speak and may limit the amount of time that a nonmember is permitted to speak.
- (d) The person presiding may call upon a department head or the department head's designee to speak on any agenda item that is related to the department and that is properly before the meeting.
- (e) Corporation Counsel may provide advice relating to any matter that is properly before the meeting at any time during discussion or debate at the request of any

member.

## **22 Petitions, Resolutions, Ordinances, Written Motions, and Other Papers.**

- (a) All resolutions, ordinances, and written motions must be submitted to and approved by the appropriate standing committee, board, or commission before being presented to the county board. This provision may be waived by the County Board Chair, but any item added to the agenda as the result of a waiver may be stricken from the agenda upon the objection of any member. The county board may override the objection by a majority vote and restore the item to the agenda.
- (b) Any resolution, ordinance, or written motion which is reported to the county board must be signed by the committee chair or other person making the report and may be signed by one or more other members of the county board as sponsors.

## **23 Fiscal Impact Statement.**

- (a) Every resolution, ordinance, or written motion presented to the county board must contain a fiscal impact statement that describes the cost, revenue, and economic impact of the resolution, ordinance, or written motion. If the fiscal impact cannot be determined, a written explanation indicating why the fiscal impact cannot be determined must be provided.
- (b) The person drafting the resolution, ordinance, or written motion is responsible for drafting the fiscal impact statement.
- (c) Resolutions supporting or opposing legislation or honoring an individual, group, or event are exempted from the fiscal impact statement requirement.

## **24 Fiscal Note.**

- (a) Every resolution, ordinance, or written motion that contains a fiscal impact statement must be presented to the Comptroller for review and must contain a Fiscal Note in the following form:

FISCAL NOTE: Reviewed and approved by Comptroller. \_\_\_\_\_

- (b) The Comptroller will initial the fiscal note on the original document if the fiscal impact statement is approved or provide a statement indicating why the fiscal impact statement was not approved.

## **25 Legal Note.**

- (a) Every resolution, ordinance, or written motion must be presented to the Corporation Counsel for review as to form and must contain a Legal Note in the following form:

LEGAL NOTE: Approved as to form by Corporation Counsel. \_\_\_\_\_

- (b) The legal note will indicate whenever more than a simple majority vote is required.
- (c) The Corporation Counsel will initial the legal note on the original document if the matter is approved as to form or provide a statement indicating why the matter was not approved as to form.

## **26 Voting.**

- (a) It is the duty of every member who has an opinion on a pending question to express that opinion by voting, however a member cannot be compelled to vote and may abstain from voting.
- (b) A member shall abstain from voting when the member believes that he or she is legally required to do so. A member who abstains shall inform the person presiding of the reason for the abstention. A member who abstains because the member is legally required to do so will not be counted when determining the number of votes required for a majority.
- (c) Regular Method of Voting. The regular method of voting by the county board is by electronic tabulation, but the county board may vote by other means. The regular method of voting by any committee, subunit, or other governmental body is by voice vote.
- (d) Unanimous Consent. Any governmental body may take action by unanimous consent.
- (e) Secret Ballots. A secret ballot will be used when voting for the election of officers. Unless specifically authorized by statute, no secret ballot may be utilized to determine any other election or decision of a governmental body.
- (f) Closed Session Votes. A governmental body may vote in closed session when the vote is an integral part of deliberations authorized to be conducted in closed session under Wis. Stat. § 19.85(1). The governmental body must vote in open session unless doing so would compromise the need for the closed session. Whenever a vote is taken in closed session, the motion and the result of the vote, including the name and vote of each person in attendance, will be recorded and made a matter of public record.



- (g) Ascertaining and Recording Votes. Any member may request that a vote be taken in such a manner that the vote of each member is ascertained and recorded, except when voting to determine the election of officers.

## **27 Expense Reimbursement.**

- (a) It is the policy of Manitowoc County to reimburse certain authorized, reasonable, and necessary expenses incurred while conducting official county business as set forth in the County's Policy and Procedure Manual, Section 26, Travel Policy. For purposes of this rule, official county business includes attendance at county board and committee meetings, educational programs, professional associations, public hearings and meetings, training seminars, and other similar activities that are related to county business and that have been properly authorized.
- (b) Other Expenses. Other reasonable and necessary expenses incurred while conducting official county business may be reimbursed provided that the reimbursement is authorized by the county board prior to the date on which the expense is incurred.
- (c) Mileage will be paid for one trip per day from a person's residence to one meeting location and from one meeting location to the person's residence, even if the person attends more than one meeting and returns home between meetings. Mileage will be paid for necessary travel between meeting locations.
- (d) No expenses will be paid to any person attending any meeting when that person has not been authorized to attend the meeting as a member of the group that is conducting the meeting, as a program participant, or by direction of the County Board Chair, the county board, or a county board committee, subunit, other governmental body, the County Executive, or a department head.
- (e) A member's expenses associated with attending a public hearing may be reimbursed only if approved in advance by the county board or the appropriate committee. Such approval shall be recorded in the minutes of the county board or committee.
- (f) Members of the county board, committees, subunits, and other governmental bodies may, upon request, receive an advance toward reimbursable expenses other than mileage that are expected to be incurred while conducting official county business outside Manitowoc County which has been authorized by the county board.
- (g) Claims, Verification, and Receipts. All claims for reimbursement by members of the county board, committees, subunits, or other governmental bodies must be submitted to the County Clerk in a form approved by the County Clerk. All such claims must be itemized and accompanied by receipts for the expenses claimed or

by a statement explaining the absence of a receipt. All claims must be signed by the person seeking reimbursement swearing or affirming that the claim is accurate and that the expenses were reasonably and necessarily incurred while conducting official county business.

## **28 Budget and Funds.**

- (a) Annual Budget. The county board shall adopt an annual budget in compliance and conformity with Wis. Stat. § 65.90 by a majority vote of the county board. Any amendment to the budget subsequent to its adoption requires a two-thirds vote of the members present.
- (b) Contingent Fund. The Finance Committee may, with the approval of the appropriate board, commission, or committee, supplement the appropriation for an activity, department, or office by a transfer from the contingent fund. The total amount transferred may not exceed the amount in the contingent fund and may not exceed 10 per cent of the amount originally appropriated for the activity, department, or office in the annual budget. Any other transfer or appropriation from the contingent fund requires a vote of two-thirds of the members of the county board.
- (c) General Fund. A two-thirds vote of the members of the county board is required to make an appropriation from the General Fund.
- (d) Borrowing Funds. A two-thirds vote of the members of the county board is required to borrow funds.
- (e) Transfer of Funds. The Finance Committee may, with the approval of the appropriate board, commission, or committee, transfer funds between line items in a departmental budget.
- (f) This rule and its subparts may not be amended or suspended except by a unanimous roll call vote.

## **29 Purchase and Sale of Real Property.**

- (a) Except for tax foreclosed real estate, no real estate owned by the county may be sold unless the sale is first authorized by majority vote of the county board in open session.
- (b) The county board will not consider, vote upon, or accept any offer to purchase real property owned by the county that provides for a conveyance by warranty deed unless the offer is in a form customarily used for the purchase and sale of real estate and will create a binding contract for sale upon acceptance.

- (c) All offers to purchase or sell real property are contingent upon review and approval as to form by the Corporation Counsel, unless the county board directs otherwise.

### **30 Agreements, Contracts, and Leases.**

- (a) No County employee, official, or officer may enter into, execute, or continue an agreement, contract, or lease without first securing all necessary approvals and authorizations. Any agreement, contract, or lease entered into, executed, or continued in violation of this rule is voidable by a majority vote of the county board.
- (b) It is the responsibility of the employee, official, or officer executing or otherwise entering into an agreement, contract, or lease to seek, in advance, all necessary advice from Corporation Counsel regarding the terms of the agreement, contract, or lease and to request the assistance of any other department which has expertise necessary to prepare the agreement, contract, or lease.

### **31 Amendments.**

Except as provided in rule 28(f), these rules may be amended by a two-thirds vote of the members of the county board. An amendment may be voted upon only if it has been reduced to writing and distributed to the members of the county board at least five days prior to the meeting at which it is presented to the county board for adoption.

### **32 Suspension Of Rules.**

Except as provided in Rule 28(f), any rule may be suspended by a vote of two-thirds of the members present. Immediately upon completion of the business for which the rule was suspended, the suspended rule will automatically be reinstated without any further vote.

### **33 Rules of Construction and Severability.**

Nothing in these rules may be construed to conflict with any statute. These rules are severable and if any rule is held invalid, void, or unenforceable, the remainder of the rules will remain in full force and effect.

### **34 Effective Date and Repeal of Prior Rules.**

These rules are effective immediately upon adoption and repeal any and all prior rules.

#### **HISTORY**

04/20/2010: Adopted by Res. No. 2010/2011-1 (oral motion).

04/27/2010: Rule nos. 2, 5, 8, 11, 12, 14, 18, 25, 27, 28 amended, rule no. 20 created, and subsequent rules renumbered by Res. No. 2010/2011-3 (oral motion).

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENTS DIRECTORS

Chairperson Tittl read a Proclamation in Honor of Public Safety Telecommunicators Week.

County Executive Bob Ziegelbauer and Chairperson Tittl presented a Proclamation Proclaiming Foster Care Month to Foster Care Coordinator Georgeann Knier. Georgeann reported that there are 56 foster homes and 26 respite homes in Manitowoc County with currently 45 juveniles in foster homes. She introduced Will Schneider who has been operating a treatment foster care home for two years. Will thanked everyone for their continued support.

County Executive Bob Ziegelbauer and Chairperson Paul Tittl presented a Proclamation of National Day of Prayer to Mike Kleinhaus and Pastor Todd Erlandson. The National Day of Prayer event will take place in Washington Park on May 6.

County Executive Bob Ziegelbauer reported on the collective bargaining and fiscal condition of the county. He referred to a handout that illustrated the rate of inflation versus compensation increases and explained that it will remain a challenge. After one year, we continue to experience double digit unemployment rates in Manitowoc County. He talked about the concessions made by the non-bargaining employees, the nurses, and the Highway Department employees. He answered supervisors questions.

#### APPOINTMENTS BY CHAIRPERSON

Supervisor Henrickson moved, seconded by Supervisor Vogt to approve the recommended appointments for standing committees. The committee appointments are: Finance Committee:

Muench-Chair, Brey, Dufek, Hoffman, and Metzger; Highway Committee: Markwardt-Chair, Bauknecht, Behnke, Konen, and Korinek; Natural Resources & Education Committee: Maresh-Chair, Burke, Schneider, Waack, and Wagner; Personnel Committee: Vogt-Chair, Hansen, Markwardt, Rappe, and Schmidt; Public Safety Committee: Henrickson-Chair, Bauknecht, Gerroll, Panosh, and Vogel; Public Works Committee: Behnke-Chair, Hansen, Korinek, Vogt, and Weiss; Bay-Lake Regional Planning Commission: Markwardt; English Lake Management District: Wagner; Mainly Manitowoc Board of Directors: Vogt; Safety Net Accountability Panel: Rappe; Sergeant-At-Arms: Vogel; Sheboygan River & Rockville Mill Pond Management District: Waack; and Wisconsin Counties Utility Tax Association: Tittl. Upon vote, the motion carried by unanimous consent.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Supervisor Bauknecht moved, seconded by Supervisor Hoffman to approve County Executive Bob Ziegelbauer's appointments to various committees, boards, commissions and other organizations: Board of Health: Burke, Metzger, Panosh, Schneider, and Vogel; Community Action Program (CAP): Tittl; Ethics Board: Vogt; Expo Board: Behnke, Hansen; Glacierland and Resource Conservation & Development Council: Waack; Human Services Board: Burke-2013, Henrickson-2013, Metzger-2013, Rappe-2012, Schmidt-2013, and Vogel-2013; Ice Center Board: Hansen; Industrial Development Corporation: Dufek; Lester Public Library Board of Trustees: Henrickson; Loan Review Board: Muench; Local Emergency Planning Committee: Hoffman, and alternate Rappe; Manitowoc-Calumet Library System Board of Trustees: Konen; Manitowoc Public Library Board of Trustees: Brey; Planning and Park Commission: Brey-2014, Korinek-2011, Muench-2016, Waack-2017; and Transportation Coordinating Committee: Konen-2013, Weiss-2011. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl recommended the appointment of Clyde Mueller to the Planning and Park Commission as a citizen member to complete a vacancy expiring July 2013. Supervisor Waack moved, seconded by Supervisor Behnke to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Tittl recommended the appointments of Bradley Seymour and alternate Rick Habeck to the Traffic Safety Commission. Supervisor Henrickson moved, seconded by Supervisor Vogel to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

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

Expo Board: Supervisor Behnke gave a brief report.

Finance Committee: Supervisor Muench gave a brief report and answered supervisors' questions.

Human Services Board: Supervisor Rappe gave a brief report and answered supervisors' questions. Their next meeting will be Thursday, April 29.

Lakeland Care District: Supervisor Behnke gave a brief report.

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

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

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 1 (2010/2011-4) Amending Volunteer Policy. Upon discussion and vote, the motion carried with 23 ayes and 2 noes. Supervisors Burke and Metzger voted no; all other supervisors voted aye.

No. 2010/2011 - 4

## **RESOLUTION AMENDING VOLUNTEER POLICY**

### **TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS**

1 WHEREAS, Manitowoc County's current Volunteer Policy recognizes that volunteers  
2 make great contributions that benefit county government and the citizens of the county; and  
3

4 WHEREAS, the current Volunteer Policy addresses the issues of liability exposure and  
5 protection, as well as risk management, but does not address the issue of gratuities for  
6 volunteers; and  
7

8 WHEREAS, the Personnel Committee recommends the addition of a section to the  
9 Volunteer Policy that establishes reasonable parameters for volunteer gratuities that are flexible  
10 and that allow a variety of methods for providing recognition to volunteers, but that strictly  
11 prohibit giving cash or gift certificates to volunteers; and  
12

13 WHEREAS, the proposed addition limits to the provision of volunteer gratuities  
14 exclusively to volunteers; and  
15

16 WHEREAS, the proposed addition prohibits Departments from soliciting donations from  
17 local businesses or individuals as a way of providing volunteer gratuities; and  
18

19 WHEREAS, the expense of providing volunteer gratuities will be listed as a separate line  
20 item beginning with the 2011 budget in order to allow for accurate reporting of the cost of any  
21 volunteer gratuities that are provided;  
22

23 NOW, THEREFORE, BE IT RESOLVED that the Volunteer Policy is amended to  
24 include Section 25.06, Volunteer Gratuities, which reads as follows:  
25

26 25.06 Volunteer Gratuities.  
27

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

- 31
- 32 a) Volunteer gratuities must be budgeted for and expensed to the designated account  
33 number;
- 34
- 35 b) Distribution of cash or gift certificates is prohibited;
- 36
- 37 c) Volunteer gratuities are restricted to volunteers only; and
- 38
- 39 d) Departments may not solicit donations from local businesses or individuals as a  
40 way of providing volunteer gratuities.

Dated this 27th day of April 2010.

Respectfully submitted by Norbert A. Vogt, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous: Supervisor Vogt moved, seconded by Supervisor Schneider to adopt Resolution 1a (2010/2011-5) Approving Amendment to the 2008-2010 Collective Bargaining Agreement with Highway Department Employees Represented by Local 986, AFSCME, AFL-CIO. Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 5

**RESOLUTION APPROVING AMENDMENT TO 2008 – 2010  
COLLECTIVE BARGAINING AGREEMENT WITH  
HIGHWAY DEPARTMENT EMPLOYEES  
REPRESENTED BY LOCAL 986, AFSCME, AFL-CIO**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Manitowoc County Board of Supervisors approved an agreement with  
2 Highway Department employees represented by Local 986, AFSCME, AFL-CIO, on May 15,  
3 2007; and

4

5 WHEREAS, economic conditions have drastically changed since May 2007; and

6

7 WHEREAS, the employees of Local 986 have agreed to a 5% reduction in the 2010 wage  
8 rate effective May 9, 2010 in exchange for a commitment of no layoffs until April 1, 2011; and  
9

10 WHEREAS, the members of Local 986 will perform all Parks and Airport work duties in  
11 the calendar year of 2010 at a class grade 2 wage rate; and  
12

13 WHEREAS, the payment of class grade 2 for Parks and Airport work is limited to 2010  
14 and does not create a past practice or precedent; and  
15

16 WHEREAS, the employees of Local 986 will revert to the 2009 wage schedule on  
17 January 1, 2011 until a 2011 wage schedule is negotiated;  
18

19 NOW, THEREFORE, BE IT RESOLVED that the 2010 wage schedule for Local 986  
20 will be reduced by 5% effective May 9, 2010; and  
21

22 BE IT FURTHER RESOLVED that there is a commitment to not lay off any personnel  
23 represented by Local 986 through April 1, 2011; and  
24

25 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
26 expresses its appreciation to the employees of Local 986 for their willingness to assist  
27 Manitowoc County during these difficult economic times; and  
28

29 BE IT FURTHER RESOLVED that the County Executive, Personnel Committee Chair,  
30 and Personnel Director are authorized to execute this settlement.

Dated this 27th Day of April 2010.

Respectfully submitted by Norbert A. Vogt, Supervisor.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 3 (2010/2011-6)  
Authorizing Grant Application (Long Lake Public Access). Upon vote, the motion carried  
unanimously.

No. 2010/2011 - 6

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, the fishing and access pier at Long Lake is inadequate and not ADA  
5 compliant; and  
6



7 WHEREAS, a proposed ADA fishing and access pier with traffic guard barriers will  
8 improve public access to the lake; and  
9

10 WHEREAS, the project cost is estimated at \$8,403.36, which will be funded with  
11 \$4,201.68 in State grant funds and with the remaining balance provided by local fish and game  
12 organizations;  
13

14 NOW, THEREFORE, BE IT RESOLVED that the Planning and Park Commission is  
15 authorized to apply for and accept a Wisconsin Department of Natural Resources grant of  
16 \$4,201.68 for the purchase of an ADA fishing and access pier at Long Lake, provided that the  
17 balance of the project cost is paid by local fish and game organizations; and  
18

19 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents  
20 and take the actions necessary to undertake, direct, and complete the project authorized in the  
21 grant; and  
22

23 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and  
24 federal rules for the program; will be responsible for updating plans and monitoring ongoing  
25 operations; will obtain written approval from the Wisconsin Department of Natural Resources  
26 before making changes in the project; and will maintain a record of expenditures; and  
27

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

Dated this 27th day of April 2010.

Respectfully submitted by Mary Muench, Supervisor.

FISCAL IMPACT: No tax levy impact. Estimated expenses of \$8,403.36 will be paid using  
\$4,201.68 in State funds and \$4,201.68 from local fish and game  
organizations.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Waack to adopt Resolution 4 (2010/2011-7)  
Authorizing Lake Management Planning Grant. Upon vote, the motion carried unanimously.

No. 2010/2011 - 7

**RESOLUTION AUTHORIZING  
LAKE MANAGEMENT PLANNING GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County's lakes are important resources that are used by the  
2 public for recreation and enjoyed for their natural beauty; and  
3

4 WHEREAS, Manitowoc County is required to enforce the provisions of Wisconsin  
5 Administrative Code Ch. NR115 through a Shoreland Zoning Ordinance; and  
6

7 WHEREAS, the Wisconsin Department of Natural Resources has completed a major  
8 revision to Wisconsin Administrative Code Ch. NR115 and the county's Shoreland Zoning  
9 Ordinance needs to be revised to comply with new standards that have been adopted; and  
10

11 WHEREAS, the Department of Natural Resources has grant funding available to assist  
12 the county with its revision of the Shoreland Zoning Ordinance; and  
13

14 WHEREAS, the county can meet its obligations under the grant by using resources that  
15 are already included in the 2010 budget for the Planning and Zoning Department;  
16

17 NOW, THEREFORE, BE IT RESOLVED THAT the Manitowoc County Board of  
18 Supervisors authorizes Planning and Zoning Director Tim Ryan to submit an application to the  
19 State of Wisconsin for a Lake Management Planning Grant; to sign such documents and take  
20 such actions as may be necessary to undertake, direct, and complete the grant; and to submit  
21 reimbursement claims and supporting documentation on behalf of the county; and  
22

23 BE IT FURTHER RESOLVED that the appropriate line items in the 2010 budget are  
24 amended by the amount of the grant received and that the Comptroller/Auditor is directed to  
25 record such information in the official books of the County for the year ending December 31,  
26 2010 as may be required.

Dated this 27th day of April 2010.

Respectfully submitted by Mary Muench, Supervisor.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by the amount  
of any grant funds that are received.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Burke to adopt Resolution 5 (2010/2011-8)  
Authorizing 2010-2011 Snowmobile Trail Program. Upon vote, the motion carried  
unanimously.

No. 2010/2011 - 8

**RESOLUTION AUTHORIZING 2010-2011 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 37 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 \$61,275 for a Snowmobile Trail Program to cover  
11 the costs for 245.1 miles of trail; and  
12

13 WHEREAS, the Planning and Park Commission has provided the County Board with a  
14 trail system map showing the 245.1 miles of trail that are included in the Snowmobile Trail  
15 Program;  
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 Park Commission; and  
19

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

26 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents  
27 and take the actions necessary to undertake, direct, and complete the 2010-2011 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 Snowmobile Trail Program, the trails will be  
32 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 27th day of April 2010.

Respectfully submitted by Mary Muench, Supervisor.

FISCAL IMPACT: No tax levy impact. \$61,275.00 is included in the 2010 budget, and the State will reimburse the county for the amount that it spends.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Markwardt to enact Ordinance 6 (2010/2011-9) Amending Zoning Map (Peter Koeppel and Pattie Spaude). Upon discussion and vote, the motion carried with 23 ayes and 2 noes. Supervisors Rappe and Wagner voted no; all others supervisors voted aye.

No. 2010/2011 - 9

**ORDINANCE AMENDING ZONING MAP  
(Peter Koeppel and Pattie Spaude)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held  
2 a public hearing on a petition for a zoning ordinance amendment on March 22, 2010; 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 with respect to two parcels of land located in the SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Section 21,  
10 T20N-R23E, Town of Kossuth:  
11

12 Parcel No. 1, a parcel of land located in the SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, Section 21, T20N-R23E,  
13 Town of Kossuth, commencing at the S <sup>1</sup>/<sub>4</sub> Corner of said Section 21 thence westerly  
14 along the centerline of Reifs Mills Road approximately 1,048 feet; thence northerly  
15 approximately 33 feet to the north r/w of Reifs Mills Road which is the point of real  
16 beginning; thence continue northerly approximately 626 feet; thence westerly  
17 approximately 284 feet; thence southerly approximately 626 feet; thence easterly  
18 along the north r/w of Reifs Mills Road approximately 284 feet to the point of real  
19 beginning, said parcel containing approximately 4.10 acres of land, shall be and is  
20 hereby rezoned from SE Small Estate, to ES, Estate; and

21  
22 Parcel No. 2, a parcel of land located in the SE¼, SW¼, Section 21, T20N-R23E,  
23 Town of Kossuth, commencing at the S ¼ Corner of said Section 21 thence westerly  
24 along the centerline of Reifs Mills Road approximately 1,048 feet; thence northerly  
25 approximately 659 feet which is the point of real beginning; thence continue  
26 northerly approximately 486 feet; thence westerly approximately 284 feet; thence  
27 southerly approximately 486 feet; thence easterly approximately 284 feet to the point  
28 of real beginning, said parcel containing approximately 3.15 acres of land, shall be  
29 and is hereby rezoned from PA Principal Agriculture to ES Estate.

Dated this 27th day of April 2010.

Respectfully submitted by Mary Muench, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Supervisor Rappe moved, seconded by Supervisor Hansen to adopt Resolution 2 (2010/2011-10)  
Creating Part-Time Clinical Social Worker. Upon vote, the motion carried unanimously.

No. 2010/2011 - 10

## **RESOLUTION CREATING PART-TIME CLINICAL SOCIAL WORKER**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, there is an increasing demand for outpatient mental health services for  
2 children and young adults in Manitowoc County; and  
3

4 WHEREAS, the Manitowoc County Human Services Department is required to provide  
5 outpatient mental health services; and  
6

7 WHEREAS, providing outpatient mental health services assists in the treatment and  
8 recovery of youth and avoids the more costly alternatives, such as inpatient admission,  
9 out-of-county placement, or interaction with the criminal justice system; and  
10

11 WHEREAS, hiring a part-time Clinical Social Worker will allow the existing full-time  
12 psychologist to provide the needed mental health services to children and young adults; and  
13

14 WHEREAS, it is less expensive to employ a part-time Clinical Social Worker than  
15 contract for additional psychologist hours; and  
16

17 WHEREAS, the Human Service Board, Personnel Committee, and Finance Committee

18 concurred in recommending the creation of a .5 full-time-equivalent Clinical Social Worker  
19 Position in the Human Services Department;

20  
21 NOW, THEREFORE, BE IT RESOLVED that the authorized positions for the Human  
22 Services Department be increased by a .50 full-time-equivalent Clinical Social Worker position;  
23 and

24  
25 BE IT FURTHER RESOLVED that this position be filled in accordance with the Human  
26 Services Professionals labor agreement and Section 3 of the Non-Represented Policy Manual;  
27 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 ended December 31, 2010 as may be  
31 required.

Dated this 27th day of April 2010

Respectfully submitted by Edward C. Rappe, Supervisor; Norbert A. Vogt, Supervisor; and,  
Mary Muench, Supervisor

FISCAL IMPACT: The annual cost of this position in 2010 is estimated to be \$31,901. The  
actual cost for 2010 will be approximately 50% of that (\$15,950)

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Maresh and the motion was  
adopted by acclamation. The meeting adjourned at 8:27 p.m.

Respectfully submitted,  
Lois Kiel, Deputy County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, May 18, 2010, 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 18<sup>th</sup> day of May, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

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

Roll call: 23 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Henrickson and Schneider were excused.

On motion by Supervisor Muench, seconded by Supervisor Markwardt, the April 27, 2010 meeting minutes were approved on a unanimous vote.

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

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

Finance Committee: Brad Viegut, Director of Robert W. Baird & Company, gave a summary of the issuance of the \$10,085,000 Note Anticipation Bond with an interest rate of 1.45 percent and a maturity date of October 1, 2010.

Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 1 (2010/2011-11) Authorizing Designation, Carry-Over, Transfer, and Reappropriation of Specified Funds from 2009 to 2010. Upon vote, the motion carried unanimously.

No. 2010/2011 - 11

**RESOLUTION AUTHORIZING DESIGNATION,  
CARRY-OVER, TRANSFER, AND REAPPROPRIATION  
OF SPECIFIED FUNDS FROM 2009 TO 2010**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, events occur after the adoption of the Annual Budget that affect various

2 program activities and their appropriations for a given budget year; and

3  
4 WHEREAS, some of the activities, programs, and projects that were planned for the  
5 2009 budget year did not take place, were not completed, or are on-going and must be  
6 carried-over into the next budget year; and

7  
8 WHEREAS, the Comptroller/Auditor has compiled a pre-audit list designating those  
9 activities, programs, projects, and funds that should be carried forward and reappropriated in the  
10 2010 budget; and

11  
12 WHEREAS, the appropriate oversight committees and the Finance Committee have  
13 reviewed the requests and recommend that the designation, carry-over, and reappropriation  
14 requests be approved; and

15  
16 WHEREAS, Wisconsin statutes and county board rules require that the county board take  
17 official action to authorize the designation, carry-over, and reappropriation of funds; and

18  
19 WHEREAS, sound financial practice requires that such carry-over designations be  
20 recorded in the official books of the County; and

21  
22 WHEREAS, any additional items or adjustments that may be required at the completion  
23 of the County's external audit will be brought to the County Board in a separate resolution at the  
24 conclusion of the field work of the external audit;

25  
26 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of  
27 Supervisors that the following unreserved, designated funds are authorized to be carried over  
28 from the official books of the County for the year ended December 31, 2009 to the official books  
29 of the County for the year ending December 31, 2010; that the funds are reappropriated and may  
30 be expended as required; and that the 2010 Annual Budget is amended and the appropriate line  
31 items in the General Fund may be increased by the amounts shown:

Description/Purpose	Account	Amount
Unres/Desig-Airport	100.34222	10,215.81
Unres/Desig-Planning Conservation	100.34230	1,591.00
Unres/Desig-Mapping	100.34232	34,383.35
Unres/Desig-Area Plan PP	100.34233	73,576.26
Unres/Desig-Silver Lake Dona	100.34235	22,760.49
Unres/Desig-Maribel Caves	100.34236	603.94
Unres/Desig-Public Health	100.34240	9,437.91
Unres/Desig-Veterans Srv	100.34245	35,405.75
Unres/Desig-Lnd Rec Modern	100.34270	152,264.31
Unres/Desig-Sheriffs Dept	100.34275	29,259.00
Unres/Desig-Vehicle Pool PW	100.34277	49,127.00
Unres/Desig-EM Communication	100.34279	56,250.00



47	Unres/Desig-Emgt Hazmat	100.34280	177,093.06
48	Unres/Desig-UW Extension	100.34284	11,600.48
49	Unres/Desig-Elections CC	100.34289	59,208.36
50	Unres/Desig-Communications E-911 #21650	100.34293	49,381.00
51	Unres/Desig-Radio-Tower Proj	100.34297	840,000.00 ;

52  
53 and

54  
55 BE IT FURTHER RESOLVED that the following unreserved, designated funds are  
56 authorized to be carried over from the books of the County for the year ended December 31,  
57 2009 to the official books of the County for the year ending December 31, 2010; but that the  
58 funds may not be reappropriated or expended without further action by the County Board:

60	Department	Activity	Account	Amount
61				
62	Public Works	Future Capital Projects	100.34295	
63	76,468.80;			

64  
65 and

66  
67 BE IT FURTHER RESOLVED that remaining funds in the County's Special Revenue  
68 Funds, Debt Service Funds, and Capital Projects Funds be carried forward for their intended  
69 purpose as previously approved by the County Board; and

70  
71 BE IT FURTHER RESOLVED that the following grant and project funds are authorized to  
72 be carried over from the official books of the County for the year ended December 31, 2009 to  
73 the official books of the County for the year ending December 31, 2010; that they may be  
74 expended; and that the 2010 Annual Budget is amended and the following line items are  
75 increased by the amounts shown:

77	Description/Purpose	Account	Category	Amount
78				
79	Emergency Mgmt HL-round 5 Grant	25450.43520.28	Revenue	(306,841)
80	Emergency Mgmt Interop Communica.	25450.58123	Expense	306,841
81	Public Health – PHER Grant	41170.43350.33	Revenue	(128,016)
82	Public Health – PHER Grant	41170.51000	Expense	128,016
83	Public Health – TCB Grant	41115.43550.21	Revenue	(19,246)
84	Public Health – TCB Grant	41115.52309	Expense	19,246
85				;

86  
87 and

88  
89 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such  
90 information in the official books of the County for the year ended December 31, 2009 and for the

91 year ending December 31, 2010 as may be required.

Dated this 18th day of May 2010.

Respectfully submitted by Finance Committee.

FISCAL IMPACT: Carries over the amounts specified from the 2009 budget to the 2010 budget and amends the 2010 Annual Budget as stated.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Hoffman to adopt Resolution 1a (2010/2011-12) Authorizing the Issuance and Sale of \$10,085,000 Note Anticipation Notes. Upon vote, the motion carried with 22 ayes and 1 no. Supervisor Burke voted no; all other supervisors vote aye.

No. 2010/2011 - 12

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE  
OF \$10,085,000 NOTE ANTICIPATION NOTES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board of Supervisors of Manitowoc County, Wisconsin (the  
2 "County") adopted Resolution No. 2009/2010-56 (the "Initial Resolution") on September 22,  
3 2009, an initial resolution authorizing the issuance of general obligation bonds or promissory  
4 notes (the "Securities") in an amount not to exceed \$15,335,000 for the public purpose of  
5 financing 2009 capital projects, including a communications project and a building to house the  
6 Joint Dispatch Center, Information Systems Department, Office of Emergency Management, and  
7 Emergency Operations Center (the "Projects"); and  
8

9 WHEREAS, the Initial Resolution also provided for the County to issue bond or note  
10 anticipation notes in anticipation of the issuance of the Securities to provide interim financing for  
11 the Projects; and  
12

13 WHEREAS, the County issued Note Anticipation Notes on November 5, 2009 in the  
14 principal amount of \$5,000,000 (the "2009 Notes") to provide interim financing for a portion of  
15 the costs of the Projects in anticipation of the issuance of the Securities; and  
16

17 WHEREAS, the County is presently in need of the sum of \$10,085,000 to finance  
18 additional costs of the Projects; and  
19

20 WHEREAS, the Securities have not yet been issued or sold; and

21 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary,

desirable, and in the best interest of the County to authorize the issuance and sale of note anticipation notes pursuant to Wis. Stat. § 67.12(1)(b) (the “Notes”) in anticipation of receiving the proceeds from the issuance and sale of the Securities to provide interim financing to pay a portion of the cost of the Projects on a temporary, short-term basis; and

WHEREAS, none of the proceeds of the Notes shall be used to fund operating expenses of the general fund of the County or to fund operating expenses of any special revenue fund of the County that is supported by property taxes; and

WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable, and in the best interest of the County to sell the Notes to Robert W. Baird & Co. Incorporated (the “Purchaser”) pursuant to the terms and conditions of its note purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the “Proposal”).

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

Section 1. The Securities. The County hereby declares its intention and covenants to issue the Securities pursuant to the Initial Resolution and the provisions of Wis. Stat. ch. 67 in an amount sufficient to retire any outstanding note anticipation notes issued for the purpose of paying costs of the Projects.

Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities, for the purpose of paying a portion of the cost of the Projects, there shall be borrowed pursuant to Wis. Stat. § 67.12(1)(b) the principal sum of TEN MILLION EIGHTY-FIVE THOUSAND DOLLARS (\$10,085,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered, and directed to make, execute, issue, and sell to the Purchaser for, on behalf of, and in the name of the County, the Notes aggregating the principal amount of TEN MILLION EIGHTY-FIVE THOUSAND DOLLARS (\$10,085,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 3. Terms of the Notes. The Notes shall be designated “Note Anticipation Notes”; shall be issued in the aggregate principal amount of \$10,085,000; shall be dated June 1, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rate and mature on October 1, 2010 as set forth on the schedule attached hereto as Exhibit B and incorporated herein by this reference (the “Schedule”). Interest is payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.

66 Section 4. Redemption Provisions. The Notes shall not be subject to optional  
67 redemption.

68  
69 Section 5. Form of the Notes. The Notes shall be issued in registered form and shall be  
70 executed and delivered in substantially the form attached hereto as Exhibit C and incorporated  
71 herein by this reference.

72  
73 Section 6. Security. The Notes shall in no event be a general obligation of the County  
74 and do not constitute an indebtedness of the County nor a charge against its general credit or  
75 taxing power. No lien is created upon the Projects or any other property of the County as a  
76 result of the issuance of the Notes. The Notes shall be payable only from (a) any proceeds of  
77 the Notes set aside for payment of interest on the Notes as it becomes due and (b) proceeds to be  
78 derived from the issuance and sale of the Securities, which proceeds are hereby declared to  
79 constitute a special trust fund, hereby created and established, to be held by the County Clerk  
80 and expended solely for the payment of the principal of and interest on the Notes until paid.  
81 The County hereby agrees that, in the event such monies are not sufficient to pay the principal of  
82 and interest on the Notes when due, if necessary, the County will pay such deficiency out of its  
83 annual general tax levy or other available funds of the County; provided, however, that such  
84 payment shall be subject to annual budgetary appropriations therefor and any applicable levy  
85 limits; and provided further, that neither this Resolution nor any such payment shall be construed  
86 as constituting an obligation of the County to make any such appropriation or any further  
87 payments.

88  
89 Section 7. Segregated Debt Service Fund Account.

90  
91 (a) Creation and Deposits. There be and there hereby is established in the treasury of the  
92 County a separate and distinct fund account designated as the "Debt Service Fund Account for  
93 \$10,085,000 Note Anticipation Notes, dated June 1, 2010" (the "Debt Service Fund Account"),  
94 and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid  
95 or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund  
96 Account (i) all accrued interest received by the County at the time of delivery of and payment for  
97 the Notes; (ii) any proceeds of the Notes representing capitalized interest on the Notes or other  
98 funds appropriated by the County for payment of interest on the Notes, as needed to pay the  
99 interest on the Notes when due; (iii) proceeds of the Securities (or other obligations of the  
100 County issued to pay principal of or interest on the Notes); (iv) such other sums, including tax  
101 monies, as may be necessary at any time to pay principal of and interest on the Notes when due  
102 and which are appropriated by the County Board of Supervisors for that purpose; and (v) surplus  
103 monies in the Borrowed Money Fund as specified in Section 9 hereof.

104  
105 (b) Use and Investment. No money shall be withdrawn from the Debt Service Fund  
106 Account and appropriated for any purpose other than the payment of principal of and interest on  
107 the Notes until all such principal and interest has been paid in full and the Notes canceled;  
108 provided that such monies may be invested in permitted municipal investments under the  
109 pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments

shall continue to be a part of the Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal of and interest on the Notes and shall be maintained for such purpose until the Notes are fully paid or otherwise extinguished, and shall at all times be invested in a manner that conforms 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 Notes 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 8. Covenants of the County. The County hereby covenants with the owners of the Notes as follows:

(a) It shall issue and sell the Securities as soon as practicable, as necessary to provide for payment of the Notes;

(b) It shall segregate the proceeds derived from the sale of the Securities into the special trust fund herein created and established and shall permit such special trust fund to be used for no purpose other than the payment of principal of and interest on the Notes until paid. After the payment of principal of and interest on the Notes in full, said special trust fund may be used for such other purposes as the County Board of Supervisors may direct in accordance with law; and,

(c) It shall maintain a debt limit capacity such that its combined outstanding principal amount of general obligation bonds or notes or certificates of indebtedness and the \$15,085,000 authorized for the issuance of the Securities to provide for payment of the 2009 Notes and the Notes shall at no time exceed its constitutional debt limit.

Section 9. Proceeds of the Notes; Segregated Borrowed Money Fund. All monies received by the County upon the delivery of the Notes to the Purchaser thereof, except for accrued interest and premium, if any, shall be deposited by the County Clerk into a special fund (the "Borrowed Money Fund") which shall be maintained separate and distinct from all other funds of the County and shall be used for no purpose other than the purposes for which the Notes are issued. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes, shall be deposited in the Debt Service Fund Account created herein.

Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Notes,

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

Section 11. Compliance with Federal Tax Laws.

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

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

Section 12. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby designated as “qualified tax-exempt obligations” for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct interest expense that is allocable to carrying and acquiring tax-exempt obligations from income for federal income tax purposes.

Section 13. Execution of the Notes; Closing; Professional Services. The Notes 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 Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes 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 Notes and all such documents, certificates, and acknowledgments 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 Notes, 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 Notes is hereby ratified and approved in all respects.

Section 14. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes 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 15. Persons Treated as Owners; Transfer of Notes.

(a) The County shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note 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 Note 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 Note to the extent of the sum or sums so paid.

(b) Any Note may be transferred by the registered owner thereof by surrender of the Note 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 Note or Notes 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 Note surrendered for transfer.

(c) The County shall cooperate in any such transfer, and the Chairperson and County Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 16. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the County at the close of business on the Record Date.

Section 17. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company,

New York, New York (“DTC”), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk’s office.

Section 18. Official Statement. The County Board of Supervisors hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the “Rule”). All actions taken by officers of the County in connection with the preparation of such Preliminary Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate County official shall certify the Preliminary Official Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the Purchaser.

Section 19. Undertaking to Provide Continuing Disclosure.

(a) The County hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the “Undertaking”) required by the Rule to provide timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

(b) The County Clerk, or other officer of the County charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the County’s Undertaking.

Section 20. Record Book. The County Clerk shall provide and keep the transcript of proceedings as a separate record book (the “Record Book”) and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 21. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal bond insurance with respect to the Notes, the officers of the County are authorized to take all actions necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Chairperson and County Clerk, including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default, payment of the Notes by the bond insurer, and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall



286 be made in the form of Note provided herein.

287  
288 Section 22. Conflicting Resolutions; Severability; Effective Date. All prior resolutions,  
289 rules, or other actions of the County Board of Supervisors, or any parts thereof in conflict with  
290 the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so  
291 conflict. In the event that any one or more provisions hereof shall for any reason be held to be  
292 illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The  
293 foregoing shall take effect immediately upon adoption and approval in the manner provided by  
294 law.

Dated this 18th day of May 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: [To be provided when bids are received]

APPROVED: Bob Ziegelbauer, County Executive.

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

Chairperson Tittl declared public input open at 7:15.

Curt Drum, President of Lakeshore Aviation, gave a brief update on the operations of the Manitowoc County Airport and spoke on the 2010 “Thunder on the Lakeshore” Airshow scheduled for June 5 and 6. He gave an overview of the performers and events offered this year.

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

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENTS DIRECTORS

Chairperson Tittl read a Proclamation Proclaiming June Dairy Month.

Chairperson Tittl presented Supervisor Brey with a Proclamation Honoring him for his service as County Board Chair. Supervisor Brey thanked everyone for their support and noted that he will continue to serve the citizens.

Chairperson Tittl and Supervisor Behnke presented a Proclamation Commending Whitney Barnes as Manitowoc County Outgoing “Fairest of the Fair” to Whitney. Whitney thanked everyone for supporting the Fairest of the Fair program.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer’s appointments of Eric Storm and alternate Brian Helminger to the Local Emergency Planning Committee for a two year term expiring June 2012. Supervisor Muench moved, seconded by Supervisor Behnke to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments to the Lakeland Long Term Care District of Judy Ruggirello for a three year term expiring June 2013 and Bob Ziegelbauer to complete a vacancy expiring 2011. Supervisor Brey moved, seconded by Supervisor Maresh to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Molly Burke and Shirley Fessler to the Transportation Coordinating Committee for a three year term expiring April 2013. Supervisor Gerroll moved, seconded by Supervisor Korinek to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

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

**Board of Health:** Supervisor Panosh gave a brief report.

**Executive Board:** Chairperson Tittl reported that they will meet in June.

**Expo Board:** Supervisor Behnke gave a brief report.

**Highway Committee:** Supervisor Markwardt gave a brief report.

Supervisor Markwardt moved, seconded by Supervisor Schmidt to adopt Resolution 2 (2010/2011-13) Establishing Speed Zone on County Trunk P in the Town of Manitowoc Rapids. Upon vote, the motion carried unanimously.

No. 2010/2011 - 13

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 349.11 authorizes Manitowoc County, on the basis of an  
2 engineering and traffic investigation and subject to certain limitations, to determine and declare a  
3 reasonable and safe speed limit on all or part of a highway that is under its jurisdiction; and  
4

5 WHEREAS, Manitowoc County Code § 15.03 authorizes the Highway Committee to  
6 recommend speed limits to the County Board and authorizes the County Board to adopt speed  
7 limits and speed zones by resolution; and  
8

9 WHEREAS, a traffic investigation had been made by the Manitowoc's County Traffic &  
10 Safety Commission with respect to a portion of County Trunk Highway P in the Town of

11 Manitowoc Rapids at the intersection of County Trunk Highway P and US Highway 10 and, as a  
12 result of that investigation, the Highway Committee recommends reducing the speed limit on  
13 County Trunk Highway P to 45 mph from US Highway 10 extending east 1,848 feet;

14  
15 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
16 that a speed zone with a speed limit of 45 miles per hour be created on County Trunk Highway  
17 P, beginning at US Highway 10 and extending east for 1,848 feet; and

18  
19 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this  
20 resolution to the Sheriff's Department and that the Highway Department is directed to erect such  
21 signs as may be required and necessary to implement this resolution.

Dated this 18th day of May 2010

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: \$675 for erecting signs.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Markwardt moved, seconded by Supervisor Rappe to adopt Resolution 2a (2010/2011-14) Approving Emergency Services Training Agreement. Upon vote, the motion carried unanimously.

No. 2010/2011 - 14

**RESOLUTION APPROVING  
EMERGENCY SERVICES TRAINING AGREEMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the City of Manitowoc wishes to conduct various emergency services training  
2 activities, such as fire suppression, motorcycle operations, and trench rescue, at the Manitowoc  
3 County Airport for the benefit of its police, fire, rescue, and emergency medical services  
4 personnel; and

5  
6 WHEREAS, Manitowoc County recognizes the benefit that the City will derive from this  
7 training, recognizes the value of the training to the entire community, and wishes to make a  
8 portion of the airport available to the City for such training; and

9  
10 WHEREAS, the Highway Commissioner and Corporation Counsel have reviewed the  
11 proposed agreement, the Highway Committee recommends that the county enter into the  
12 proposed Emergency Services Training Agreement, and a copy of the proposed agreement has  
13 been provided to the County Board;

14  
15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
16 Supervisors authorizes the County Executive, the County Clerk, and Corporation Counsel to sign  
17 the proposed Emergency Services Training Agreement on behalf of the county.

Dated this 18th day of May 2010.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report. Their next meeting will be May 27.

Lakeland Care District: Supervisor Behnke gave a brief report.

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

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

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Konen to enact Ordinance 3 (2010/2011-15) Amending Zoning Map (Richard Meyer). Upon vote, the motion carried with 22 ayes and 1 no. Supervisor Wagner voted no; all others supervisors voted aye.

No. 2010/2011 - 15

**ORDINANCE AMENDING ZONING MAP  
(Richard Meyer)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on a petition for a zoning ordinance amendment on April 26, 2010; and  
3

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

8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does

9 ordain as follows:

10 A parcel of land located in the SE¼, NE¼, Section 32, T17N-R21E, Town of  
11 Schleswig, commencing at the E½, Corner of said Section 32; thence northerly along  
12 the centerline of Cemetery Road approximately 480 feet; thence westerly  
13 approximately 33 feet to the west r/w of Cemetery Road which is the point of real  
14 beginning; thence continue westerly approximately 307 feet; thence northerly  
15 approximately 790 feet; thence easterly approximately 307 feet to the west r/w of  
16 Cemetery Road; thence southerly along the west r/w of Cemetery Road  
17 approximately 790 feet to the point of real beginning, parcel containing  
18 approximately 6.16 acres of land, shall be and is hereby rezoned from PA, Principal  
19 Agriculture District to SE, Small Estate District.

Dated this 18th day of May 2010.

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 4  
(2010/2011-16) Amending Zoning Map (Jill Peters). Upon vote, the motion carried  
unanimously.

No. 2010/2011 - 16

**ORDINANCE AMENDING ZONING MAP  
(Jill Peters)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on a petition for a zoning ordinance amendment on April 26, 2010; and  
3

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

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

11 A parcel of land located in the NW¼, NE¼, & NE¼, NW¼, Section 32,  
12 T20N-R21E, Town of Maple Grove, commencing at the N¼, corner of said Section  
13 32; thence southerly approximately 635 feet which is the point of real beginning;

14       thence westerly approximately 50 feet; thence southerly approximately 209 feet;  
15       thence easterly approximately 209 feet; thence northerly approximately 209 feet;  
16       thence westerly approximately 209 feet to the point of real beginning, said parcel  
17       containing approximately 1.0 acre of land, shall be and is hereby rezoned from A3,  
18       Agriculture to A1, Agriculture District.

Dated this 18th day of May 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT:     None.

APPROVED:           Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Bauknecht to enact Ordinance 5  
(2010/2011-17) Amending Zoning Map (Raymond Peterson). Upon vote, the motion carried  
with 22 ayes and 1 no. Supervisor Rappe voted no; all other supervisors voted aye.

No. 2010/2011 - 17

**ORDINANCE AMENDING ZONING MAP  
(Raymond Peterson)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1       WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2       public hearing on a petition for a zoning ordinance amendment on April 26, 2010; and  
3

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

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

11       A parcel of land located in the NE¼, SW¼, Section 22, T20N-R21E, Town of Maple  
12       Grove, commencing at the center of said Section 22; thence westerly along the  
13       centerline of Taus Road approximately 880 feet; thence southerly approximately 33  
14       feet to the south r/w of Taus Road which is the point of real beginning; thence  
15       continue southerly approximately 209 feet; thence westerly approximately 209 feet;  
16       thence northerly approximately 209 feet to the south r/w of Taus Road; thence  
17       easterly along the south r/w of Taus Road approximately 209 feet to the point of real  
18       beginning, said parcel containing approximately 1.0 acre of land, shall be and is  
19       hereby rezoned from A3, Agriculture to A1, Agriculture District.

Dated this 18th day of May 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works: Supervisor Behnke gave a brief report and answered supervisors questions..

Miscellaneous: Supervisor Korinek moved, seconded by Supervisor Burke to adopt Resolution 6 (2010/2011-18) Urging the Wind Siting Council to Recommend Rules that Adequately Protect Emergency Communication Services from Disruption. Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 18

**RESOLUTION URGING THE WIND SITING COUNCIL TO  
RECOMMEND RULES THAT ADEQUATELY PROTECT EMERGENCY  
COMMUNICATIONS SERVICES FROM DISRUPTION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the protection of public health and safety is a fundamental responsibility of  
2 government and, to that end, the federal, state, and local governments provide a variety of  
3 emergency services, including police, fire, rescue, emergency medical, emergency  
4 management, and other services that require the ability to provide an immediate response; and  
5

6 WHEREAS, a government's ability to provide appropriate emergency services in a timely  
7 manner depends upon its ability to receive requests for service from the public and to  
8 communicate those requests to the appropriate police, fire, rescue, emergency medical,  
9 emergency management, and other government agencies for immediate response; and  
10

11 WHEREAS, the federal, state, and local governments have invested millions, if not  
12 billions, of dollars in creating the infrastructure necessary to provide the effective emergency  
13 communications services necessary to adequately protect the public health and safety; and  
14

15 WHEREAS, microwave relays are an integral part of the emergency communications  
16 infrastructure, but this method of line-of-sight communication can and has been disrupted by the  
17 installation of large wind turbines; and  
18

19 WHEREAS, the Wisconsin Wind Siting Council is presently working on recommendations  
20 to the Public Service Commission for rules governing the siting of wind turbines; and

21  
22 WHEREAS, draft rule PSC 128.13(3) recognizes the need to protect line-of-sight  
23 communications technologies by providing that a developer, owner, or operator may not  
24 construct wind energy system facilities within the line of path of line-of sight communication  
25 technologies, but does specify what duty the developer, owner, or operator of wind energy  
26 system facilities have has if its facilities disrupt emergency communications that use  
27 line-of-sight technologies; and  
28

29 WHEREAS, the Federal Communications Commission recognizes that safety services,  
30 such as police and fire, are primary users of the electromagnetic communications spectrum and  
31 must be protected against harmful interference;  
32

33 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
34 Supervisors urges the Wind Siting Council to recommend rules to the Public Service  
35 Commission that:  
36

- 37 • Recognize that emergency service providers are primary users of the  
38 electromagnetic communications spectrum and that their electromagnetic  
39 communications must be protected from harmful interference;  
40
- 41 • Establish a uniform standard that prohibits the placement of a wind energy  
42 system within the effective path between microwave towers that are owned,  
43 operated by, or otherwise carry communications for emergency service  
44 providers;  
45
- 46 • Establish a uniform standard that prohibits the placement of a wind energy  
47 system within a fixed distance from the center point of any microwave tower  
48 that is owned, operated by, or otherwise carries communications for any  
49 emergency service provider;  
50
- 51 • Provide that the developer, owner, or operator of a wind energy system has a  
52 continuing duty to and must, at its own expense, eliminate any harmful  
53 interference that it causes to an emergency service provider's electromagnetic  
54 communications;  
55
- 56 • Provide that the developer, owner, or operator of a wind energy system that  
57 causes harmful interference to an emergency service provider's  
58 electromagnetic communications is liable for any cost that the emergency  
59 service provider incurs as a result of the harmful interference;  
60
- 61 • Provide that the developer, owner, or operator of a wind energy system that  
62 causes harmful interference to an emergency service provider's  
63 electromagnetic communications is liable for any damages sustained by the  
64 public as a result of the harmful interference; and



65

66 BE IT FURTHER RESOLVED that the County Clerk is directed to file a copy of this  
67 resolution with the Wind Siting Council, with the Governor of the State of Wisconsin, and with  
68 each legislator in the Wisconsin Senate and Assembly who represents constituents from  
69 Manitowoc County.

Dated this 18th day of May 2010.

Respectfully submitted by Dave Korinek, Supervisor.

Announcements: Chairperson Tittl announced that the June 15 meeting will begin at 6:00 p.m.

Supervisor Vogel moved to adjourn, seconded by Supervisor Maresh and the motion was adopted by acclamation. The meeting adjourned at 8:27 p.m.

Respectfully submitted,  
Lois Kiel, Deputy County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 15, 2010, 6:00 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 15<sup>th</sup> day of June, 2010, for the purpose of transacting business as a Board of Supervisors.

Acting Chairperson Kevin Behnke called the meeting to order at 6:00 P.M.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Tittl was excused.

Supervisors visited various UW Extension displays that exhibited Family Living, Wisconsin Nutrition Education, 4-H and Youth, and agriculture programs.

Supervisor Burke moved to adjourn, seconded by Supervisor Bauknecht and the motion was adopted by acclamation. The meeting adjourned at 7:02 p.m.

Respectfully submitted,  
Jamie Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 15, 2010, 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 15<sup>th</sup> day of June, 2010, for the purpose of transacting business as a Board of Supervisors.

Acting Chairperson Kevin Behnke called the meeting to order at 7:02 P.M.

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

Roll call: 24 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Tittl was excused.

Acting Chairperson Behnke acknowledged Supervisor Hansen's 25<sup>th</sup> wedding anniversary and Supervisor Vogt's 50<sup>th</sup> wedding anniversary.

On motion by Supervisor Schmidt, seconded by Supervisor Vogt, the May 18, 2010 meeting minutes were approved on a unanimous vote.

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

Acting Chairperson Behnke declared public input open. No one present wished to speak, subsequently Acting Chairperson Behnke declared public input closed at 7:07 P.M.

APPOINTMENTS BY COUNTY EXECUTIVE

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointments of Kevin Siehr and alternate David Murack to the Joint Dispatch Board to complete a vacancy expiring August 2010. Supervisor Vogt moved, seconded by Supervisor Korinek to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointments of Kevin Siehr and alternate David Murack to the Joint Dispatch Board for a two year term expiring August 2012. Supervisor Henrickson moved, seconded by Supervisor Schneider to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointment of Bob Ziegelbauer to the Local Emergency Planning Committee for a two year term expiring July 2012 .

Supervisor Muench moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointment of Melvin Bourgeois to the Aging and Disability Resource Center Board for a three year term expiring July 2013. Supervisor Hoffman moved, seconded by Supervisor Maresh to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointment of Laurel Vondrachek to the Board of Adjustment for a three year term expiring July 2013. Supervisor Vogel moved, seconded by Supervisor Markwardt to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointments of Randy Neils, Valerie Mellon, and Scott Ahl to the Solid Waste Management System Advisory Committee for a three year term expiring July 2013. Supervisor Gerroll moved, seconded by Supervisor Burke to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Acting Chairperson Behnke presented County Executive Bob Ziegelbauer's appointment of Supervisor Kevin Schmidt to the Manitowoc Public Library Board of Trustees to complete a vacancy expiring April 30, 2013.

Supervisor Maresh moved, seconded by Supervisor Konen to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

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

Board of Health: Supervisor Schneider gave a brief report.

Executive Board: Acting Chairperson Behnke gave a brief report.

Expo Board: Supervisor Hansen gave a brief report.

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 1 (2010/2011-19) Denying claim (Michael T. Moore). Upon vote, the motion carried unanimously.

No. 2010/2011 - 19

#### **RESOLUTION DENYING CLAIM (Michael T. Moore)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Michael T. Moore filed an Accident and Incident Report Form that was received  
2 by the County Clerk on April 28, 2010 for injuries he sustained on April 11, 2010 when he hit his  
3 head while going down a slide at Cato Falls County Park; and  
4

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

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

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

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

Dated this 15th day of June 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Maresh to adopt Resolution 2 (2010/2011-20)  
Authorizing Participation in United Way campaign. Upon vote, the motion carried unanimously.

No. 2010/2011 - 20

**RESOLUTION AUTHORIZING PARTICIPATION IN UNITED WAY CAMPAIGN**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

5 WHEREAS, United Way Manitowoc County, Inc. conducts an annual campaign that gives  
6 employees an opportunity to support charitable causes through a payroll giver's plan and to support

7 more than two dozen different organizations in Manitowoc County that insure basic needs are met,  
8 increase self-sufficiency, nurture children and youth, promote health and healing, and strengthen  
9 families; and

10  
11 WHEREAS, Manitowoc County has determined that a single, combined campaign such as  
12 the United Way is the most efficient and effective way to provide its employees with an opportunity  
13 to contribute to charitable organizations;

14  
15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
16 designates United Way Manitowoc County, Inc. as the organization authorized to offer an  
17 opportunity to enroll in a payroll giver's plan to Manitowoc County employees, officers, and officials  
18 from now through December 31, 2010, with payroll deductions to be made during the 2011 calendar  
19 year; and

20  
21 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes  
22 and encourages the voluntary participation of its employees, officers, and officials in the United Way  
23 campaign.

Dated this 15th day of June 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt gave a brief report.

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

Lakeland Care District: Supervisor Behnke gave a brief report.

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

Personnel Committee: Supervisor Vogt gave a brief report.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Bauknecht to enact Ordinance 2b (2010/2011-21) Amending Zoning Map (Roger Dworak). Upon vote, the motion carried with 22 ayes and 2 noes. Supervisors Rappe and Schneider voted no; all others supervisors voted aye.

**ORDINANCE AMENDING ZONING MAP  
(Roger Dworak)**

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 24, 2010; and  
3

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

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

11 A parcel of land located in the SE $\frac{1}{4}$ , SW $\frac{1}{4}$  Section 30, T19N-R23E, Town of  
12 Manitowoc Rapids, commencing at the S $\frac{1}{4}$ , corner of said Section 30; thence northerly  
13 along the centerline of Brunner Road approximately 464 feet; thence westerly  
14 approximately 33 feet to the west r/w of Brunner Road which is the point of real  
15 beginning; thence continue westerly approximately 715 feet; thence northerly  
16 approximately 150 feet; thence easterly approximately 715 feet to the west r/w of  
17 Brunner Road; thence southerly along the west r/w of Brunner Road approximately 150  
18 feet to the point of real beginning, said parcel containing approximately 2.46 acre of  
19 land, is hereby rezoned from A3, Agriculture to SE, Small Estate District..

Dated this 15th day of June 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Schmidt to enact Ordinance 2c (2010/2011-22)  
Amending Zoning Map (Thomas Rockwell). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING ZONING MAP  
(Thomas Rockwell)**

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 24, 2010; and  
3

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

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

11 A parcel of land located in the NW¼, NE¼ Section 16, T18N-R21E, Town of Eaton,  
12 commencing at the NE corner of said Section 16; thence westerly along the centerline  
13 of STH 151 approximately 1320 feet; thence southerly approximately 57 feet to the  
14 south r/w of STH 151 which is the point of real beginning; thence continue southerly  
15 approximately 313 feet; thence westerly approximately 150 feet; thence northerly  
16 approximately 313 feet to the south r/w of STH 151; thence easterly along the south r/w  
17 of STH 151 approximately 150 feet to the point of real beginning, said parcel containing  
18 approximately 1.0 acre of land, is hereby rezoned from A3, Agriculture to A1  
19 Agriculture District.

Dated this 15th day of June 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 2d (2010/2011-23)  
Amending Manitowoc County Code § 9.05. Upon vote, the motion carried unanimously.

No. 2010/2011 - 23

### **ORDINANCE AMENDING MANITOWOC COUNTY CODE § 9.05**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Natural Resources advised the Planning and Park  
2 Department, now the Planning and Zoning Department, that the exemption granted to patios in  
3 Manitowoc County Code Chapter 9, Shoreland/Floodplain Zoning, violates Wis. Admin. Code § NR  
4 115.05(b)(1); and  
5

6 WHEREAS, the Planning and Park Commission has petitioned the County Board for a text



7 amendment to Shoreland/Floodplain Zoning Ordinance to remove the improper exemption; and

8  
9 WHEREAS, the Planning and Park Commission, after providing the required notice,  
10 considered the petition for a zoning ordinance text amendment on May 24, 2010 and recommends  
11 that the petition be approved;

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

15  
16 Manitowoc County Code sec. 9.05(5) is amended by striking the word "patio."

17  
18 Manitowoc County Code sec. 9.05(5)(e)(1) pertaining to patios is stricken in its entirety.

Dated this 15th day of June 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Panosh to adopt Resolution 3 (2010/2011-24) Authorizing Out-of-State Travel (Joseph Keil). Upon vote, the motion carried unanimously.

No. 2010/2011 - 24

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3  
4 WHEREAS, the Drug Recognition Expert (DRE) Program has proven to be effective in  
5 training officers to detect and remove impaired drivers from our roadways; and

6  
7 WHEREAS, the 16th International Association of Chiefs of Police (IACP) DRE Training  
8 Conference on Drugs, Alcohol and Impaired Driving will present updates on drug trends, legal  
9 issues, innovative technology, medical research, conditions that mimic drug use, and initiatives to  
10 train officers, trainers, prosecutors and other professionals; and

11  
12 WHEREAS, Deputy Joseph Keil holds National Instructor Drug Recognition Expert Status,  
13 and DRE training will allow him to continue to provide other Sheriff's Department officers with  
14 information on the medical and scientific foundations of the various components of the DRE  
15 protocol; and  
16

17 WHEREAS, the Wisconsin Department of Transportation, Bureau of Transportation Safety  
18 will fund 100% of the cost of the training, airfare, lodging, and meals;  
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
21 authorizes Joseph Keil to attend the 16th IACP DRE Training Conference on Drugs, Alcohol, and  
22 Impaired Driving in Pittsburgh, Pennsylvania on July 22-24, 2010.

Dated this 15th day of June 2010.

Respectfully submitted by the Public Safety Committee.

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

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Schneider to adopt Resolution 4 (2010/2011-  
25) Authorizing Funding Acknowledgment (Department of Agriculture, Trade, and Consumer  
Protection). Upon vote, the motion carried unanimously.

No. 2010/2011 - 25

**RESOLUTION AUTHORIZING FUNDING ACKNOWLEDGMENT  
(Department of Agriculture, Trade and Consumer Protection)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Agriculture, Trade and Consumer Protection  
2 received a grant number 2009-BF-T9-0033 from the U.S. Department of Homeland Security; and  
3

4 WHEREAS, the grant requires that the State allocate funding to local units of government  
5 to develop and test response procedures relating to food and agriculture emergencies; and  
6

7 WHEREAS, the Department of Homeland Security requires that the local unit of government  
8 acknowledge that grant funds are being used for its benefit; and  
9

10 WHEREAS, the Corporation Counsel has reviewed the Funding Acknowledgment and  
11 provided a copy to the Public Safety Committee and the County Board; and  
12

13 WHEREAS, signing the Funding Acknowledgment will not result in any cost or liability for

14 Manitowoc County because all of the expenditures are made by the State;

15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
17 authorizes the Emergency Management Director to execute Funding Acknowledgment on behalf of  
18 Manitowoc County.

Dated this 15th day of June 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works: Supervisor Korinek gave a brief report.

Supervisor Korinek moved, seconded by Supervisor Vogt to adopt Resolution 5 (2010/2011-26) Commending Clean Sweep Program Volunteers and Staff. Upon vote, the motion carried unanimously.

No. 2010/2011 - 26

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County held a Household, VSQG, and Ag hazardous waste  
2 collection at the Manitowoc County Highway Department Building on May 14 and 15, 2010 and at  
3 the Kiel Shops on May 14, 2010; and  
4

5 WHEREAS, this year's Clean Sweep program serviced a total of 713 households from  
6 Manitowoc County; and  
7

8 WHEREAS, the success of the Manitowoc County Clean Sweep program is due in large part  
9 to the efforts of the volunteers and county staff who work on the collection days; and  
10

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

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

Dated this 15th day of June 2010.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Korinek moved, seconded by Supervisor Hansen to adopt Resolution 5a (2010/2011-27) Authorizing Land Sale to Duane Stoehr. Upon vote, the motion carried unanimously.

No. 2010/2011 - 27

**RESOLUTION AUTHORIZING LAND SALE  
TO DUANE STOEHR**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Public Works Committee received an offer from Duane Stoehr to purchase  
2 1.0 acres of county-owned land located at 3030 Sturm Road in the Town of Mishicot for \$4,000; and  
3

4 WHEREAS, the Public Works Committee has reviewed Duane Stoehr's offer to purchase  
5 and recommends that the offer be accepted;  
6

7 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
8 authorizes the sale of approximately 1.0 acres of county-owned land located at 3030 Sturm Road in  
9 the Town of Mishicot to Duane Stoehr for \$4,000 and authorizes the County Clerk, the Public Works  
10 Director, and such other county officials as may be necessary to execute such papers as may be  
11 required to effect this land sale; and  
12

13 BE IT FURTHER RESOLVED that the proceeds from the sale be placed in a separate  
14 account in which the proceeds from the sale of county-owned land are set aside for future capital  
15 development.

Dated this 15th day of June 2010.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Proceeds of \$4,000 to be placed in Fund 405 for future capital development and maintenance of other county property.

APPROVED: Bob Ziegelbauer, County Executive.

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

Miscellaneous: Supervisor Vogel moved, seconded by Supervisor Brey to adopt Resolution 6 (2010/2011-28) Approving Town of Newton Zoning Ordinance (Richard and Cynthia Breunig). Upon vote, the motion carried unanimously.

**RESOLUTION APPROVING TOWN OF NEWTON ZONING MAP  
(Richard and Cynthia Bruenig)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

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

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

12  
13 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
14 approves the zoning ordinance that was adopted by the Town Board of the Town of Newton for  
15 Richard and Cynthia Bruenig on June 9, 2010.

Dated this 15th day of June 2010.

Respectfully submitted by Randy Vogel, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Markwardt and the motion was adopted by acclamation. The meeting adjourned at 7:33 p.m.

Respectfully submitted,  
Jamie Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, July 20, 2010, 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 20<sup>th</sup> day of July, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:04 P.M.

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

Roll call: 25 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

Supervisor Brey announced an amendment to the June 15, 2010 minutes. On page 2 under the Lakeland Care District, "Supervisor Brey gave a brief report." On motion by Supervisor Behnke, seconded by Supervisor Bauknecht, the June 15, 2010 meeting minutes, as amended, were approved on a unanimous vote.

The Deputy 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 DEPARTMENTS DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Tittl presented a certificate of appreciation to Ruth Wichlacz. Bob Ziegelbauer noted that Ruth has been essential to the success of the Job Center.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:09 p.m. No one present wished to speak and public input was closed.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENTS DIRECTORS

Comptroller Todd Reckelberg introduced Michael Konecny, External Auditor from Schenk Business Solutions, who summarized results of the 2009 Comprehensive Annual Financial Report and indicated that there are no significant deficiencies. He answered supervisors' questions.

County Executive Bob Ziegelbauer gave a presentation titled "Local Government Feels the Economy." He explained that local governments will face economic stress in future budget cycles. He discussed the goal of job stability for 2011 by focusing on reducing employee cost by two percent. Personnel Director Sharon Cornils gave an overview of the consumer based high deductible

health insurance plan that was implemented in 2007 and the Wisconsin Retirement System employee and employer contributions for each employment category. They answered supervisors' questions.

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

Aging & Disability Resource Center Board: Supervisor Maresh gave a brief report.

Executive Board: Chairperson Tittl reported that they will be forming a committee for the study of a possible reduction in the number of County Board Supervisors and redistricting.

Expo Board: Supervisor Behnke have a brief report and noted that they are looking for volunteers for the Fair.

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Hoffman to enact Ordinance 1 (2010/2011-29) Amending MCC § 4.13(5)(a) (Register of Deeds Fees). Upon vote, the motion carried unanimously.

No. 2010/2011 - 29

**ORDINANCE AMENDING MCC § 4.13(5)(a)  
(Register of Deeds Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Statutes prescribe certain fees that the Register of Deeds is  
2 required to collect; and  
3

4 WHEREAS, 2009 Wis Act 314 recently was enacted into law and changed the amount of  
5 certain fees that the Register of Deeds is required to collect; and  
6

7 WHEREAS, the Manitowoc County Code needs to be amended to conform to the changes  
8 in fees prescribed by state law;  
9

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

13 Manitowoc County Code sec. 4.13(5)(a) is amended to read as follows:  
14

15 (5) Register of Deeds Fees. (a) The Register of Deeds shall collect the fees prescribed by  
16 Wis. Stat. § 59.43 and any other applicable state law or administrative code.

Dated this 20th day of July 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Brey to enact Ordinance 2 (2010/2011-30) Amending Manitowoc County Code Ch. 2. Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Schneider voted no; all other supervisors voted aye.

No. 2010/2011 - 30

## **ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 2**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 59.72(3) authorizes the county board to create a Land Information  
2 Office to coordinate land information projects within the county and between the county and other  
3 local units of government; to develop and secure approval for a countywide plan for land records  
4 modernization; and to review and recommend grant projects from local governmental units to the  
5 state department of administration; and

6  
7 WHEREAS, 2009 Wis. Act 314, which was recently enacted, requires that the county  
8 establish a Land Information Council with certain required members, including a member of the land  
9 information office; and

10  
11 WHEREAS, the Finance Committee recommends the following changes to the Manitowoc  
12 County Code to conform to recent changes in state law and to better organize the county's land  
13 records activities:

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

17  
18 Manitowoc County Code sec. 2.02(16u) is created to read as follows:

19  
20 (16u) Land Information Office. The Land Information Office is created pursuant to Wis.  
21 Stat. 59.72(3) and is responsible for coordinating land information projects within the county and  
22 between the county and other local units of government; developing and securing approval for a  
23 countywide plan for land records modernization; and reviewing and recommending grant projects  
24 from local governmental units to the state department of administration. The office will be  
25 comprised of the Register of Deeds and the GIS coordinator.

26  
27 Manitowoc County Code § 2.02(20) is amended to read as follows:



28 (20) Register of Deeds. The Register of Deeds shall maintain accurate and reliable records  
29 of all documents lawfully submitted for recording, accept applications for state identification cards,  
30 furnish copies of vital records, and perform all other duties and responsibilities as set forth in the  
31 Wisconsin Statutes. The Register of Deeds shall also coordinate and direct the operation of the Land  
32 Information Office.

33  
34 Manitowoc County Code § 2.04(7m) is created to read as follows:

35  
36 (7m) Land Information Council. (a) A Land Information Council is hereby created pursuant  
37 to Wis. Stat. § 59.72(3m).

38  
39 (b) The Register of Deeds, the Treasurer, and the real property lister, or a designee, will be  
40 ex officio members of the council. The remaining members of the council will be appointed by the  
41 county executive, subject to confirmation by the county board, and will include a member of the  
42 county board, a representative of the land information office, a realtor or a member of the Realtors  
43 Association employed within the county, a public safety or emergency communications  
44 representative employed within the county, and the county surveyor or a registered professional land  
45 surveyor employed within the county, and one public representative.

46  
47 (c) Council members who hold county elective office or who are employed by the county will  
48 serve on the council for so as long as they hold office or are employed by the county. Appointed  
49 council members will serve two-year terms.

50  
51 (d) The council may bring matters forward to the county board through the Finance  
52 Committee.

53  
54 This ordinance is effective August 1, 2010.

Dated this 20th day of July 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: The statute creating the Land Information Council also increases the funds  
available for land record modernization by \$3 per recorded document. The  
increased revenue will cover any increased expenses.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt gave a brief report.

Supervisor Markwardt moved, seconded by Supervisor Bauknecht to adopt Resolution 3  
(2010/2011-31) Authorizing Advisory Referendum on Constitutional Amendment to Prohibit  
Transfers from Segregated Transportation Fund. Discussion followed.

Amendment: Supervisor Hansen moved, seconded by Supervisor Henrickson to amend lines 41 and 42 to prohibit transfers from “any segregated fund.” Upon discussion and vote, the motion failed with 11 ayes and 14 noes. Supervisors Brey, Burke, Hansen, Henrickson, Maresh, Metzger, Schmidt, Tittl, Vogel, Waack, and Wagner voted aye; all other supervisors voted no.

Upon discussion and vote on the main motion, the motion carried with 17 ayes and 8 noes. Supervisors Brey, Burke, Hansen, Henrickson, Maresh, Metzger, Rappe, and Schneider voted no; all other supervisors voted aye.

No. 2010/2011 - 31

**RESOLUTION AUTHORIZING ADVISORY REFERENDUM  
ON CONSTITUTIONAL AMENDMENT TO PROHIBIT  
TRANSFERS FROM SEGREGATED TRANSPORTATION FUND**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin’s transportation infrastructure is a fundamental component in its  
2 ability to attract and retain business and produce jobs; and  
3

4 WHEREAS, revenues from Wisconsin’s gasoline sales tax and vehicle registration fees are  
5 deposited into the state’s segregated transportation fund, comprise more than 90% of the state’s  
6 segregated transportation fund, and are intended to be used to fund transportation projects, but have  
7 been declining and are inadequate to meet the state’s existing transportation needs; and  
8

9 WHEREAS, the Legislative Fiscal Bureau reports that Wisconsin transferred approximately  
10 \$1.2 billion from the segregated transportation fund to the general fund during the last decade,  
11 replaced the transferred funds with approximately \$800 million in general obligation bonds, and thus  
12 reduced the funds available for transportation purposes by approximately \$400 million; and  
13

14 WHEREAS, transferring money from the segregated transportation fund erodes the public’s  
15 confidence that the user taxes and fees that it pays will be used for their intended purpose; and  
16

17 WHEREAS, The Pew Center on the States recently identified Wisconsin as one of ten “States  
18 in Fiscal Peril,” noted that Wisconsin’s “history of budget shortfalls and pattern of borrowing  
19 frequently to cover operating expenses, among other measures, made it poorly positioned to weather  
20 the most recent severe economic downturn,” and specifically cited the practice of taking money from  
21 the transportation fund to pay for day-to-day operations and then borrowing to cover the  
22 transportation budget; and  
23

24 WHEREAS, borrowing to fund ongoing operating costs has damaged the state’s bond rating  
25 to the point that CNN listed Wisconsin as having the second worst general obligation bond rating  
26 in the country in 2009 and has created repayment obligations that will hinder the state’s ability to

27 fund other vital programs in the future, such as Shared Revenue, Youth Aids, Community Aids, and  
28 Court Services; and  
29

30 WHEREAS, creating constitutional protection for segregated transportation funds similar to  
31 that provided in Indiana, Iowa, Michigan, Minnesota, and Ohio will ensure that the practice of using  
32 segregated transportation fund for other purposes and borrowing to cover ongoing transportation  
33 operating costs will not continue;  
34

35 WHEREAS, the citizens of Manitowoc County should be heard on this important issue;  
36

37 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
38 that the following question will be put to the voters of Manitowoc County in an advisory referendum  
39 during the November 2010 election:  
40

41 Should the Wisconsin Constitution be amended to prohibit transfers from the segregated  
42 transportation fund?  
43

44 and;  
45

46 BE IT FURTHER RESOLVED that the County Clerk is directed to cause a Notice of  
47 Referendum to be published in the county's official newspaper as required by law; and  
48

49 BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this  
50 resolution and a copy of the results of the advisory referendum to the Governor of the State of  
51 Wisconsin, each legislator in the Wisconsin Senate and Assembly who represents constituents from  
52 Manitowoc County, and the Wisconsin Counties Association.

Dated this 20th day of July 2010.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: Cost to provide required notices, prepare ballots and voting machines, and  
distribute results is estimated at \$2,500.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report.

Lakeland Care District: Supervisor Brey gave a brief report. Their next meeting will be July 21.

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Maresh gave  
a brief report and answered supervisors' questions.

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 5 (2010/2011-32) Recognizing the 20<sup>th</sup> Anniversary of the American with Disabilities Act. Upon vote, the motion carried unanimously.

No. 2010/2011 - 32

**RESOLUTION RECOGNIZING THE 20TH ANNIVERSARY  
OF THE AMERICANS WITH DISABILITIES ACT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Americans With Disabilities Act was signed into law on July 26, 1990 by  
2 President George H. Bush; and  
3

4 WHEREAS, the Americans With Disabilities Act established a clear and comprehensive  
5 national mandate to ensure the civil rights of people with disabilities; and  
6

7 WHEREAS, the Americans With Disabilities Act has expanded opportunities for the  
8 disabled by reducing barriers, changing perceptions, and increasing full participation in community  
9 life;  
10

11 NOW THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
12 celebrates the progress that has been made by reaffirming the principles of equality and inclusion and  
13 rededicates itself to the principles and objectives of the Americans With Disabilities Act.

Dated this 20th day of July 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Weiss to adopt Resolution 6 (2010/2011-33) Authorizing Highway Department to Perform Work Exceeding \$25,000 (Devils River State Recreation Trail). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING HIGHWAY DEPARTMENT  
TO PERFORM WORK EXCEEDING \$25,000  
(Devils River State Recreation Trail)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the State of Wisconsin has enacted legislation providing matching grants for  
2 development projects in governmental parks and recreation facilities; and  
3

4 WHEREAS, the Department of Natural Resources, the Department of Transportation, and  
5 the Manitowoc County Planning and Park Commission have determined that development of the  
6 Devils River State Recreation Trail, a public recreational trail on an abandoned railroad right-of-way  
7 in Manitowoc County, has a high priority; and  
8

9 WHEREAS, the Department of Natural Resources has provided Manitowoc County with a  
10 grant for 100% of the funding necessary to develop roughly 2 miles of the Devils River State  
11 Recreation Trail; and  
12

13 WHEREAS, Wis. Stat. § 59.52(29) provides that the county board may, by a three-fourths  
14 vote of all of its members entitled to a seat, provide that a public work or any part of a public work  
15 may be done directly by the county without submitting the work for bids; and  
16

17 WHEREAS, the Highway Department has the ability to perform the work required on the  
18 Devils River State Recreation Trail; and  
19

20 WHEREAS, the Planning and Park Commission recommends that the Highway Department  
21 be authorized to perform the work;  
22

23 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors,  
24 in accordance with Wis. Stats. 59.52(29), authorizes the Highway Department to perform the work  
25 on the Devils River State Trail under the grant provided by the Department of Natural Resources  
26 without submitting the work for bids; and  
27

28 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign all necessary  
29 documents on behalf of the County of Manitowoc and to take the necessary steps to receive and  
30 disburse funds under the grant and complete the work authorized; and  
31

32 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and federal  
33 rules for the grant; will be responsible for updating plans and monitoring ongoing operations; will  
34 obtain written approval from the Wisconsin Department of Natural Resources before making  
35 changes in the project; and will maintain a record of expenditures; and

36 BE IT FURTHER RESOLVED that revenues in the 2010 budget are amended by the amount  
37 of the grant, that expenditures in the 2010 budget are amended by an amount equal to the grant, and  
38 that the Comptroller/Auditor is directed to record such information in the official books of the  
39 County as may be required.

Dated this 20th day of July 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Vogel to enact Ordinance 7 (2010/2011-34) Amending Zoning Map (Paul Shimek). Upon vote, the motion carried unanimously.

No. 2010/2011 - 34

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held  
2 a public hearing on a petition for a zoning ordinance amendment on June 28, 2010; and  
3

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

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

11 A parcel of land located in the SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , & SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 7, T20N-R23E,  
12 Town of Kossuth, commencing at the S $\frac{1}{4}$  corner of said Section 7; thence westerly along  
13 the centerline of Polifka Road approximately 1173 feet; thence northerly approximately  
14 33 feet to the north r/w of Polifka Road which is the point of real beginning; thence  
15 continue northerly approximately 200 feet; thence westerly approximately 369 feet;  
16 thence southeasterly approximately 115 feet; thence southerly approximately 145 feet;  
17 thence easterly along the north r/w of Polifka Road approximately 264 feet to the point  
18 of real beginning, said parcel containing approximately 1.6 acres of land, shall be and  
19 is hereby rezoned from A3 Agriculture to A1 Agriculture.

Dated this 20th day of July 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report and answered supervisors' questions.

Supervisor Henrickson moved, seconded by Supervisor Konen to adopt Resolution 8 (2010/2011-35) Authorizing Out-of-State Travel (Nancy H. Crowley). Upon vote, the motion carried unanimously.

No. 2010/2011 - 35

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Emergency Management Director Nancy H. Crowley is the chair of the  
2 mid-year planning meeting of the National Radiological Emergency Preparedness Conference  
3 Steering Committee in Orlando, Florida, September 29-October 1, 2010; and  
4

5 WHEREAS, all expenses (airfare, hotel, meals, and surface transportation) will be borne by  
6 NextEra Energy Point Beach;  
7

8 NOW, THEREFORE, BE IT RESOLVED the Manitowoc County Board of Supervisors  
9 authorizes Nancy H. Crowley to travel out of state to attend the mid-year planning meeting of the  
10 National Radiological Emergency Preparedness Conference Steering Committee in Orlando, Florida  
11 September 29-October 1, 2010.

Dated this 20th day of July 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Gerroll to adopt Resolution 9 (2010/2011-36) Accepting Justice Assistance Grant Funds. Upon vote, the motion carried unanimously.

**RESOLUTION ACCEPTING JUSTICE ASSISTANCE GRANT FUNDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the City of Manitowoc has been awarded a Justice Assistance Grant and is  
2 authorized to provide the County with \$4,817 from the grant to support a Multi-Launcher Program;  
3

4 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
5 authorizes the Manitowoc County Sheriff's Department to accept \$4,817 from the City of Manitowoc  
6 to be used for the Multi-Launcher Program through December 31, 2011; and  
7

8 BE IT FURTHER RESOLVED that the County Board authorizes and ratifies the execution  
9 by the County Executive and other county officials of an Interlocal Agreement and any other required  
10 agreement that is required between the City and County in connection with this grant; and  
11

12 BE IT FURTHER RESOLVED that the 2010 budget is amended by the amount of the funds  
13 awarded and received and that the Comptroller/Auditor is directed to record such information in the  
14 official books of the County for the year ending December 31, 2010 as may be required.

Dated this 20th day of July 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenses by \$4,817.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Miscellaneous: Supervisors discussed the Resolution Approving Amendment to Policy Manuals (Designation of Outdoor Smoking Areas) that was pulled after it had been approved by the Personnel Committee and the Public Works Committee.

Supervisor Brey moved to adjourn, seconded by Supervisor Markwardt and the motion was adopted by acclamation. The meeting adjourned at 9:01 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk



MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, August 17, 2010, 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 17<sup>th</sup> day of August, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

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

Roll call: 25 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On motion by Supervisor Henrickson, seconded by Supervisor Markwardt, the July 20, 2010 meeting minutes, were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

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

Tiffany Nohl, 2010 Fairest of the Fair, gave an overview of the 2010 County Fair events and invited everyone to come to the local celebrity cream puff eating contest.

Paul Honnef, City of Green Bay, asked the Board to approve his rezone request that was before them this evening.

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

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

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 3 (2010/2011-37) Authorizing Issuance and Sale of \$15,740,000 Taxable General Obligation Refunding Bonds (Build America Bonds - Direct Payment).

Comptroller Todd Reckelberg introduced Phil Hohlweck, Robert W. Baird & Company Vice President of Public Finance, who explained that the low interest rate of 2.978 percent was because of both current market conditions and participation in the federal government's Build America Bonds Program.

Upon discussion and vote, the motion carried unanimously.

RESOLUTION AUTHORIZING ISSUANCE AND SALE  
OF \$15,740,000 TAXABLE GENERAL OBLIGATION  
REFUNDING BONDS  
(Build America Bonds - Direct Payment)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Board of Supervisors of Manitowoc County, Wisconsin the  
2 "County") hereby finds and determines that it is necessary, desirable, and in the best interest of the  
3 County to raise funds for the purpose of refunding obligations of the County, including interest on  
4 them, specifically, the Note Anticipation Notes, dated November 5, 2009, and the Note Anticipation  
5 Notes, dated June 1, 2010 (collectively, the "Refunded Obligations") (hereinafter the refinancing of  
6 the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds  
7 on hand to pay said cost; and  
8

9 WHEREAS, the Refunded Obligations provided temporary, short-term financing for the  
10 County's 2009 capital projects, including a communications project and a building to house the Joint  
11 Dispatch Center, Information Systems Department, Office of Emergency Management, and  
12 Emergency Operations Center (the "Projects"), and the County Board of Supervisors has deemed  
13 it to be necessary, desirable, and in the best interest of the County to refund the Refunded  
14 Obligations for the purpose of refinancing the capital expenditures originally financed with the  
15 Refunded Obligations and providing permanent financing for the Projects; and  
16

17 WHEREAS, counties are authorized by the provisions of Section 67.04, Wisconsin Statutes,  
18 to borrow money and issue general obligation refunding bonds to refinance their outstanding  
19 obligations; and  
20

21 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable,  
22 and in the best interest of the County to authorize the issuance of and to sell general obligation  
23 refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant  
24 to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and  
25 incorporated herein by this reference (the "Proposal"); and  
26

27 WHEREAS, it is the finding of the County Board of Supervisors that it is desirable and in the  
28 best interest of the County to take the steps necessary to irrevocably designate the Bonds to be  
29 qualified "Build America Bonds" "within the meaning of Subsection 54AA(g) of the Internal Revenue  
30 Code of 1986, as amended (the "Code") and the regulations promulgated thereunder by the U.S.  
31 Department of Treasury (the "Regulations") so that the County may claim refundable credits with  
32 respect to each interest payment on the Bonds, payable to the County by the Secretary of the United  
33 States Department of the Treasury ("Treasury"); and  
34

35 WHEREAS, because the County Board of Supervisors will designate the Bonds to be qualified  
36 Build America Bonds, the interest on the Bonds will be includible in gross income for federal  
37 income tax purposes under Subsection 54AA(f)(1) of the Code; and  
38

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

Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the Refunding, there shall be borrowed pursuant to Section 67.04, Wisconsin Statutes, the principal sum of FIFTEEN MILLION SEVEN HUNDRED FORTY THOUSAND DOLLARS (\$15,740,000) from the Purchaser in accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and the Chairperson and County Clerk or other appropriate officers of the County are authorized and directed to execute an acceptance of the Proposal on behalf of the County. To evidence the obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered, and directed to make, execute, issue, and sell to the Purchaser for, on behalf of and in the name of the County, the Bonds aggregating the principal amount of FIFTEEN MILLION SEVEN HUNDRED FORTY THOUSAND DOLLARS (\$15,740,000) for the sum set forth on the Proposal, plus accrued interest to the date of delivery.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Refunding Bonds (Build America Bonds - Direct Payment)"; shall be issued in the aggregate principal amount of \$15,740,000; shall be dated September 7, 2010; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum; and mature on April 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit B-1 and incorporated herein by this reference. Interest is payable semi-annually on April 1 and October 1 of each year commencing on April 1, 2011. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit B-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on April 1, 2021 and thereafter shall be subject to redemption prior to maturity, at the option of the County, on April 1, 2020 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 are set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference.

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 2010 through 2029 for the payments due in the years 2011 through 2030 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 \$15,740,000 Taxable General Obligation Refunding Bonds (Build America Bonds- Direct Payment), dated September 7, 2010" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) all Direct Payments (defined below) received by the County; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

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

Section 8. Qualified Build America Bond Designation; Irrevocable Election; Compliance with Federal Tax Laws. (a) The Bonds are hereby irrevocably designated qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code, and the County hereby irrevocably elects to apply Subsection 54AA(g) of the Code to the Bonds. The County represents that all Bond Proceeds, less costs of issuance financed with such Bond Proceeds (which costs shall be in an amount not to exceed 2% of such Bond Proceeds) plus all income from temporary Permitted Investments with respect to such Bond Proceeds ("Available Project Proceeds") shall be used only for capital expenditures. The County acknowledges that among the requirements for the Bonds to qualify and continue to qualify as qualified Build America Bonds is that the Bonds, but for their qualified Build America Bond designation, would be tax-exempt for federal income tax purposes, and hence that the requirements of the Code and Regulations regarding tax-exempt obligations apply to the Bonds. The County hereby covenants to comply with such requirements.

(b) The County thus further represents and covenants that the projects financed by the Bonds and their ownership, management and use will not cause the Bonds 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 qualified Build America Bond status of 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) 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 the Bonds to lose their status as qualified Build America Bonds within the meaning of Subsection 54AA(g) of the Code and the Regulations. 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.

(c) 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.

(d) 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. Qualified Build America Bonds. Application for Direct Payments to the County. The County shall claim available refundable credits from the Treasury with respect to each interest payment on the Bonds as provided under Subsection 54AA(g)(1) of the Code ("Direct Payments"). The Fiscal Agent (defined below) is hereby authorized and directed to take all necessary actions on behalf of the County to apply for the receipt by the County of such Direct Payments, including the timely filing of necessary Internal Revenue Service forms and information returns for that purpose and/or submitting requests electronically if and as the Treasury establishes an electronic platform in connection with its direct payment procedures. All Direct Payments received by the County shall be promptly deposited in the Debt Service Fund Account and used for no other purpose than as provided in Section 6 of this Resolution.

Section 10. 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 11. 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 Section 67.10(2), Wisconsin Statutes (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 12. 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 thereby 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 13. Record Date. The fifteenth day of each calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the County at the close of business on the Record Date.

Section 14. Utilization of the Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

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

Section 16. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the

269 Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on  
270 behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the  
271 Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder  
272 and any failure by the County to comply with the provisions of the Undertaking shall not be an event  
273 of default with respect to the Bonds).

274  
275 The County Clerk, or other officer of the County charged with the responsibility for issuing  
276 the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of  
277 proceedings, setting forth the details and terms of the County's Undertaking.

278  
279 Section 17. Payment of the Refunded Obligations. The Bonds are being issued to refund the  
280 Refunded Obligations on their October 1, 2010 maturity date. Proceeds of the Bonds shall be  
281 applied to payment of the Refunded Obligations on that date.

282  
283 Section 18. Record Book. The County Clerk shall provide and keep the transcript of  
284 proceedings as a separate record book (the "Record Book") and shall record a full and correct  
285 statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds  
286 in the Record Book.

287  
288 Section 19. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal  
289 bond insurance with respect to the Bonds, the officers of the County are authorized to take all actions  
290 necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are  
291 authorized to agree to such additional provisions as the bond insurer may reasonably request and  
292 which are acceptable to the Chairperson and County Clerk including provisions regarding restrictions  
293 on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy,  
294 the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer  
295 and notices to be given to the bond insurer. In addition, any reference required by the bond insurer  
296 to the municipal bond insurance policy shall be made in the form of Bond provided herein.

297  
298 Section 20. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules  
299 or other actions of the County Board of Supervisors or any parts thereof in conflict with the  
300 provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict.  
301 In the event that any one or more provisions hereof shall for any reason be held to be illegal or  
302 invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall  
303 take effect immediately upon adoption and approval in the manner provided by law.

Dated this 17th day of August 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: [To be provided when bids are received].

APPROVED: Bob Ziegelbauer, County Executive.



Supervisor Muench moved, seconded by Hoffman to adopt Resolution 4 (2010/2011-38) Authorizing Out-of-State Travel (Dave Bailey). Upon vote, the motion carried unanimously.

No. 2010/2011 - 38

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL  
(Dave Bailey)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, the Information Systems Department maintains and supports critical  
2 hardware and software systems that enable the Human Services Department to manage client and  
3 financial data; and  
4

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

9           WHEREAS, the only location that provides the necessary training facilities, instructors,  
10 and courseware materials is located at the NetSmart headquarters facility;  
11

12           NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
13 Supervisors authorizes Dave Bailey to attend a five-day NetSmart Systems Programming class in  
14 Dublin, Ohio from September 13 through September 17, 2010.

Dated this 17th day of August 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT:   Travel and conference costs (not to exceed \$950) are included in the approved Information Systems budget.

APPROVED:        Bob Ziegelbauer, County Executive.

**REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENTS DIRECTORS**

Chairperson Tittl read Certificates of Appreciation for retiring employees Marjorie Hartfield, Katherine Olker, and John Lambert.

County Clerk Jamie Aulik gave a presentation on the 2011 redistricting which occurs once every ten years following the census and must be completed by October 2011. The realignment will draw lines determining districts and wards based on population. An ad hoc committee will likely be formed and the County Board will have final approval of the redistricting plan. Discussion followed.

**APPOINTMENTS BY COUNTY EXECUTIVE**

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Supervisor Don

Markwardt, Tami Thompson, Jeffrey DeZeeuw, and Steven Kipping to the Manitowoc County Land Information Council for a two year term expiring September 1, 2012. Supervisor Muench moved, seconded by Supervisor Schneider to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

The permanent members of the Land Information Council by virtue of their elected office or Manitowoc County Employment are: Register of Deeds Preston F. Jones, Land Information Office Representative Cathy Delain, County Treasurer Cheryl Duchow, Real Property Lister Marlene Revolinsky, and Emergency Management Coordinator Nancy Crowley.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Donna Kieckbusch and Harvey Jannette to the Solid Waste Advisory Board for a three year term expiring July 2013. Supervisor Behnke moved, seconded by Supervisor Vogt to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

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

Aging & Disability Resource Center Board: Supervisor Maresh gave a brief report.

Supervisor Maresh moved, seconded by Supervisor Burke to adopt Resolution 3 (2010/2011-39) Recognizing Fall Prevention Awareness Month. Upon vote, the motion carried unanimously.

No. 2010/2011 - 39

**RESOLUTION RECOGNIZING FALL PREVENTION AWARENESS MONTH**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the death rate due to unintentional falls in Wisconsin is twice the national  
2 average; and

3  
4 WHEREAS, one-third of people over the age of 65 fall every year, resulting in doctor visits,  
5 emergency room visits, hospital admissions, loss of functional independence, and even death; and

6  
7 WHEREAS, fall-related emergency department visits and hospitalizations result in nearly  
8 \$2.25 million in charges in Manitowoc County every year, 90% of which is paid by Medicare; and

9  
10 WHEREAS, the risk of falls is increased by a number of contributing factors, including  
11 chronic health problems, lack of strength in the lower extremities, reduced vision, unsafe home  
12 conditions; and use of four or more medications, and

13  
14 WHEREAS, injuries from falls are a preventable community public health problem and  
15 Wisconsin is a leader in falls prevention research; and

16  
17 WHEREAS, a variety of preventive practices have been proven effective in reducing injuries

18 from falls, and the Aging and Disability Resource Center and the Public Health Networks are leaders  
19 in providing evidence-based community fall prevention programs to older citizens across the state;  
20 and  
21

22 WHEREAS, community-based programs, in combination with public health and health care  
23 preventive practices, reduce the likelihood of falls and support older persons in maintaining health  
24 and staying safe in their communities; and  
25

26 WHEREAS, a reduction in the incidence of death and disability due to falls is a priority of  
27 the Healthiest Manitowoc County 2010 Agenda; and  
28

29 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
30 recognizes the month of September as Fall Prevention Awareness Month and recognizes  
31 September 23, 2010 as Fall Focus Day in Manitowoc County.

Dated this 17th day of August, 2010.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Waack to adopt Resolution 4 (2010/2011-40)  
Amending 2010 Budget (Aging & Disability Resource Center). Upon vote, the motion carried  
unanimously.

No. 2010/2011 - 40

**RESOLUTION AMENDING 2010 BUDGET  
(Aging & Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. (Agency) has allocated  
2 \$15,221 to the Aging & Disability Resource Center (ADRC) to be applied to grants for the Older  
3 Americans Act programs in 2010; and  
4

5 WHEREAS, the ADRC Board believes that acceptance of these grant funds would  
6 significantly improve the ability of Manitowoc County to assist its residents in meeting their needs  
7 and staying in their homes longer; and  
8

9 WHEREAS, the ADRC Board recommends that the county amend the 2010 budget to reflect  
10 the increased revenue and corresponding increase in expenditures as shown below:  
11

12	Revenue or	Account		
13	Expense	Number	Description	Amount
14				
15	Revenue	46325.43566.05	Contracted Services	\$ 1,788
16	Expenses	46325.52396	Contracted Services	1,788
17				
18	Revenue	46100.43566.01	Congregate Meals	2,204
19	Expenses	46100.52940	Contracted Food	2,204
20				
21	Revenue	46250.34566.03	Home-delivered meals	539
22	Expenses	46250.52940	Contracted Food	539
23				
24	Revenue	46325.43566.12	Public Health	70
25	Expenses	46325.52108	Public Health	70
26				
27	Revenue	46430.43566.14	Family Caregiver Support Grant	(380)
28	Expenses	46430.52999	Contracted Services	(380)
29				
30	Revenue	46480.43566.24	SHIP Funding	5,000
31	Expenses	46480.52999	SHIP Expenses	5,000
32				
33	Revenue	46480.43566.24	MAPPa Funding	6,000
34	Expenses	46480.52999	MAPPa Expenses	6,000
35				

36 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
37 that the 2010 Budget is amended by the amount of grant funds received; that any funds remaining  
38 at the end of 2010 be carried over to the 2011 budget; and that the Comptroller/Auditor is directed  
39 to record such information in the official books of the County for the year ended December 31, 2010  
40 as may be required.

Dated this 17th day of August 2010.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses for 2010 by \$15,221, with any remaining grant funds carried over to the 2011 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Schneider gave a brief report and answered supervisors' questions. Their next meeting will be September 9.

Executive Board: Chairperson Tittl gave a brief report.

Expo Board: Supervisor Behnke gave a brief report and noted that they are looking for volunteers for the Fair.

Highway Committee: Supervisor Markwardt gave a brief report.

Human Services Board: Supervisor Rappe gave a brief report.

Supervisor Rappe moved, seconded by Supervisor Henrickson to adopt Resolution 5 (2010/2011-41) Authorizing Lakeland Care District Memorandum of Understanding. Upon vote, the motion carried unanimously.

No. 2010/2011 - 41

**RESOLUTION AUTHORIZING LAKELAND CARE DISTRICT  
MEMORANDUM OF UNDERSTANDING**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board enacted Resolution No. 2009/2010-5 creating a  
2 Long-term Care District to provide the Family Care program and agreeing to participate in the  
3 Family Care program; and  
4

5 WHEREAS, the Lakeland Care District has been formed and has begun operations to provide  
6 the Family Care program for the residents of Manitowoc County; and  
7

8 WHEREAS, the Lakeland Care District has prepared a Memorandum of Understanding to  
9 provide guidance and delineate the relationship between Manitowoc County and the Lakeland Care  
10 District; and  
11

12 WHEREAS, the Memorandum of Understanding has been reviewed by the Human Services  
13 Board and the Corporation Counsel, the Human Services Board has provided a copy of the proposed  
14 Memorandum of Understanding to the County Board, and the Human Services Board recommends  
15 entering into the Memorandum of Understanding;  
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
18 authorizes the County Executive to execute the Memorandum of Understanding between Manitowoc  
19 County and the Lakeland Care District.

Dated this 17th day of August 2010.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Their next meeting will be August 26.

Lakeland Care District: Supervisor Brey gave a brief report.

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

Personnel Committee: Supervisor Vogt gave a brief report. Their next meeting will be September 13.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Konen to enact Ordinance 6 (2010/2011-42) Amending Zoning Map (Paul and Lori Honnef). Upon vote, the motion carried with 24 ayes and 1 no. Supervisor Rappe voted no; all other supervisors voted aye.

No. 2010/2011 - 42

**ORDINANCE AMENDING ZONING MAP  
(Paul and Lori Honnef)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on a petition for a zoning ordinance amendment on July 26, 2010; and  
3

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

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

11 A parcel of land located in the NW¼, NW¼, Section 4, T21N-R22E, Town of  
12 Cooperstown, commencing at the N¼ corner of said Section 4; thence westerly 1320  
13 feet; thence southerly approximately 33 feet to the south r/w of Cooperstown Road  
14 which is the point of real beginning; thence continue southerly approximately 200 feet;  
15 thence westerly approximately 232 feet; thence northwesterly approximately 235 feet;  
16 thence northerly approximately 90 feet to the south r/w of Cooperstown Road; thence  
17 easterly along the south r/w of Cooperstown Road approximately 465 feet to the point  
18 of real beginning, said parcel containing approximately 1.9 acres of land, is hereby  
19 rezoned from A3, Agriculture to A1 Agriculture District.

Dated this 17th day of August 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 7 (2010/2011-43) Amending Zoning Map (Manitowoc County). Upon vote, the motion carried unanimously.

No. 2010/2011 - 43

**ORDINANCE AMENDING ZONING MAP  
(Manitowoc County)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on a petition for a zoning ordinance amendment on July 26, 2010; and  
3

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

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

11 The North 208.71 feet of the South 678.71 feet of the East 208.71 feet of the West  
12 438.71 feet of the SW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of said Section 20, T18N-R22E, Town of Liberty,  
13 Manitowoc County Wisconsin, containing approximately 1.0 acre of land, is rezoned  
14 from C1 Conservancy District to A1 Agriculture District.

Dated this 17th day of August 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Bauknecht to adopt Resolution 8 (2010/2011-44) Authorizing Tissue Recovery Program. Upon discussion and vote, the motion carried with 23 ayes, 1 no, and 1 abstention. Supervisor Dufek voted no; Supervisor Rappe abstained; and all other supervisors voted aye.

No. 2010/2011 - 44

**RESOLUTION AUTHORIZING TISSUE RECOVERY AGREEMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, RTI Donor Services, Inc. (RTI-DS) is a non-profit corporation that recovers  
2 tissue from deceased human donors to further efforts to promote natural healing and to enhance the  
3 lives of the recipients of the donated tissue; and  
4

5 WHEREAS, the Coroner's Office is in a position to assist RTI-DS by facilitating the recovery  
6 of donated human tissue; and  
7

8 WHEREAS, the Coroner and RTI-DS wish to enter into an agreement to facilitate the recovery  
9 of donated human tissue; and  
10

11 WHEREAS, the Coroner and Corporation Counsel have reviewed the proposed Tissue  
12 Recovery Agreement; and  
13

14 WHEREAS, the Public Safety Committee has reviewed the proposed Tissue Recovery  
15 Agreement and recommends that the Coroner be authorized to enter into the agreement;  
16

17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
18 authorizes the Coroner to execute the Tissue Recovery Agreement with RTI Donor Services to be  
19 effective September 1, 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Generates approximately \$3,000 in revenue to cover operating expenses.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Schmidt to adopt Resolution 8a (2010/2011-45)  
Authorizing Application for Household and Agricultural Clean Sweep and Collection Program  
Grants. Upon vote, the motion carried unanimously.

No. 2010/2011 - 45

**RESOLUTION AUTHORIZING APPLICATION  
FOR HOUSEHOLD AND AGRICULTURAL CLEAN SWEEP AND DRUG  
COLLECTION PROGRAM GRANTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board recognizes the benefits of programs to provide for  
2 the proper storage and disposal of household and agricultural hazardous waste and drugs; and  
3



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

10 WHEREAS, Manitowoc County has successfully organized and conducted Clean Sweep and  
11 Drug Collection Programs in the past, has declared its intent to conduct annual Clean Sweep and  
12 Drug Collection Programs subject to public response and the sufficient funding, is planning  
13 collections for 2011, and can apply for state grants for the Household and Agricultural Clean Sweep  
14 and Drug Collection programs; and  
15

16 WHEREAS, Calumet, Fond du Lac, and Sheboygan Counties have also successfully organized  
17 and conducted Clean Sweep and Drug Collection Programs in the past, have declared their intent to  
18 conduct annual Clean Sweep and Drug Collection Programs subject to public response and sufficient  
19 funding, are planning collections for 2011, and can apply for state grants for the Household and  
20 Agricultural Clean Sweep and Drug Collection Programs; and  
21

22 WHEREAS, Manitowoc, Calumet, Fond du Lac, and Sheboygan Counties have successfully  
23 organized and conducted joint Clean Sweep and Drug Collection programs in the past, realize the  
24 economic benefits and efficiencies that result from conducting joint programs, and want to conduct  
25 joint programs again in 2011; and  
26

27 WHEREAS, the Manitowoc County Public Works Director will serve as the Grant and  
28 Program Coordinator, and staff from the other counties will provide assistance and support in their  
29 areas of expertise; and  
30

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

39 WHEREAS, Manitowoc, Calumet, Fond du Lac, and Sheboygan Counties will submit a final  
40 report to the Wisconsin Department of Agriculture, Trade and Consumer Protection describing all  
41 Clean Sweep and Drug Collection Program activities, achievements, and problems; comparing the  
42 actual programs with the activities and objectives proposed in the application; providing samples of  
43 information and education brochures, data on participation rates and waste quantities collected, and  
44 documentation of project costs; and making appropriate recommendations;  
45

46 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
47 authorizes the Public Works Director to apply for and accept a state grant for the purpose of  
48 conducting joint Manitowoc, Calumet, Fond du Lac, and Sheboygan County Household and

49 Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs during 2011; and  
50

51 BE FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes the  
52 Public Works Director to enter into any agreements necessary to conduct the joint Household and  
53 Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs during 2011.

Dated this 17th day of August 2010.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact in 2010 or 2011. Equal revenue and expenses  
amounts will be included in the 2011 budget proposal.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Hansen to enact Ordinance 8b (2010/2011-46)  
Amending Manitowoc County Code §§ 2.04(11) and (12) (Merging Expo Board and Ice Center  
Board). Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Wagner  
voted no; all other supervisors voted aye.

No. 2010/2011 - 46

**ORDINANCE AMENDING MANITOWOC COUNTY CODE §§ 2.04(11) AND (12)  
(Merging Expo Board and Ice Center Board)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the general operations of the Expo grounds and Ice Center have been merged for  
2 several years, and accounting for all financial activity associated with the Expo grounds is done  
3 through the Expo Special Revenue Fund; and  
4

5 WHEREAS, the Public Works Committee has reviewed the operation of the Expo grounds,  
6 county fair, and ice center and has suggested merging the Expo Board and the Ice Center Board in  
7 order to best provide for the continued development of the Expo grounds, county Fair, and ice center;  
8 and  
9

10 WHEREAS, a merged Expo-Ice Center Board would report to and advise the Public Works  
11 Committee on budget and policy matters related to the Expo grounds, county fair, and ice center;  
12 oversee the planning and operation of the county fair, and oversee the operation of the ice center; and  
13

14 WHEREAS, responsibility for day-to-day operation of the Expo grounds, county fair, and ice  
15 center would remain with the Public Works Department; and  
16

17 WHEREAS, the Expo Board and the Ice Center Board have reviewed and support the proposal  
18 to merge the two boards;  
19

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

22  
23 MCC § 2.04(11) is amended to read as follows:

24  
25 (11) Expo-Ice Center Board.

26  
27 (a) Creation. There is hereby created an Expo-Ice Center Board

28  
29 (b) Membership. The board will consist of 21 members, including 2 county board supervisors  
30 from the Public Works Committee and 19 citizen members. County board members will serve terms  
31 concurrent with their term of office. Citizen members will serve staggered 3-year terms. Members  
32 will be appointed by the county executive, subject to confirmation by the county board.

33  
34 (c) Advisory Responsibility. The board is responsible for providing budgetary and policy  
35 advice to the Public Works Committee on matters related to the operation of the Expo grounds,  
36 county fair, and ice center.

37  
38 (d) Operational Responsibility. The board is responsible for organizing and operating the  
39 county fair. The board may negotiate contracts related to the operation of the county fair and the ice  
40 center, subject to the limit of funds appropriated by the county board. Each contract must be  
41 approved by the Public Works Committee and signed on behalf of the county by the Public Works  
42 Director or his or her designee.

43  
44 (e) Reporting Responsibility. The board is responsible for reporting operational concerns  
45 relating to the Expo grounds, the county fair, and the ice center to the Public Works Director, as the  
46 Public Works Department is responsible for the day-to-day operation of the Expo grounds, county  
47 fair, and ice center.

48  
49 (f) Finances. All expenses associated with the operation of board will be paid from the Expo  
50 Special Revenue Fund.

51  
52 Manitowoc County Code sec. § 2.04(12) pertaining to the Ice Center Board is repealed.

53  
54 Manitowoc County Code § 2.045(4), General Procedure., is amended to read as follows:

55  
56 (4) Each citizen member of the Board of Adjustment, the Expo-Ice Center Board, and the  
57 Planning and Park Commission is entitled to a per diem for each day or portion of a day on which  
58 the member is in attendance at an official meeting of his or her respective board or committee. A  
59 \$25 per diem will be paid if the meeting is less than 4 hours long and a \$37.50 per diem will be paid  
60 if the meeting is 4 or more hours long.

This ordinance is effective September 1, 2010.

Dated this 17th day of August 2010.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Transportation Coordinating Committee: Supervisor Konen gave a brief report. Their next meeting will be September 2.

Miscellaneous: Supervisor Vogt moved, seconded by Supervisor Behnke to adopt Resolution 9 (2010/2011-47) Approving Amendment to Policy Manuals (Designation of Outdoor Smoking Areas). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 47

**RESOLUTION APPROVING AMENDMENT TO POLICY MANUALS  
(Designation of Outdoor Smoking Areas)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County has adopted policy manuals for its represented and  
2 nonrepresented employees to ensure fair and equal treatment of county employees and compliance  
3 with Federal and State employment laws; and  
4

5 WHEREAS, the designation of outdoor smoking areas will allow employees to smoke  
6 outdoors while minimizing the exposure of non-smoking employees and visitors to smoke when  
7 entering and leaving county buildings; and  
8

9 WHEREAS, the Personnel Committee and Public Works Committee have reviewed proposed  
10 changes to the represented and nonrepresented employee policy manuals and have provided a copy  
11 of the proposed changes to the county board;  
12

13 NOW, THEREFORE, BE IT RESOLVED that the Represented Policy Manual and  
14 Non-Represented Policy Manuals be amended to include the proposed policy regarding the  
15 designation of outdoor smoking areas.

Dated this 17th day of August 2010.

Respectfully submitted by the Personnel Committee and Public Works Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schmidt moved to adjourn, seconded by Supervisor Behnke and the motion was adopted by acclamation. The meeting adjourned at 8:34 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, September 21, 2010, 7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 21st day of September, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl 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: 25 members present; Bauknecht, Behnke, Brey, Burke (arrived at 7:04 p.m.), Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On motion by Supervisor Markwardt, seconded by Supervisor Konen, the August 17, 2010 meeting minutes, were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:03 p.m. No one present wished to speak, subsequently public input was closed.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl presented a Proclamation Recognizing Wisconsin Disability Employment Awareness Month to Aging and Disability Resource Center Director Judy Rank. Judy thanked those employers who employ persons with disabilities.

Chairperson Tittl read a Proclamation Honoring 4-H Week.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Char Kautzer to the Transportation Coordinating Committee to complete a vacancy expiring April 2013. Supervisor Brey moved, seconded by Supervisor Vogt to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Transportation Coordinating Committee: Supervisor Konen gave a brief report.

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

Aging & Disability Resource Center Board: Supervisor Maresh moved, seconded by Supervisor Muench to adopt Resolution 1 (2010/2011-48) Amending 2010 Budget (Aging & Disability Resource Center). Upon vote, the motion carried unanimously.

No. 2010/2011 - 48

**RESOLUTION AMENDING 2010 BUDGET  
(Aging & Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. has allocated \$9,892  
2 to the Aging & Disability Resource Center to be applied to grants for the Older Americans Act  
3 programs in 2010; and  
4

5 WHEREAS, the ADRC Board believes that acceptance of these grant funds would  
6 significantly improve the ability of Manitowoc County to assist its residents in meeting their needs  
7 and staying in their homes longer; and  
8

9 WHEREAS, the ADRC Board recommends that the county amend the 2010 budget to reflect  
10 the increased revenue and corresponding increase in expenditures as shown below:  
11

12 Account	Description	Amount
14 46480.43566.28	State Pharmaceutical Assistance Program Funding	\$9,892
15 46480.52999	State Pharmaceutical Assistance Program Expenses	\$9,892

16

17 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
18 that the 2010 Budget is amended by the amount of grant funds received; that any funds remaining  
19 at the end of 2010 be carried over to the 2011 budget; and that the Comptroller/Auditor is directed  
20 to record such information in the official books of the County for the year ending December 31, 2010  
21 as may be required.

Dated this 21st day of September 2010.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: None. Increases revenues and expenditures by equal amounts.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Schneider gave a brief report. Supervisor Schneider moved, seconded by Supervisor Korinek to adopt Resolution 1A (2010/2011-49) Pertaining to Proposed Wind Siting Rule (Wis. Admin. Code § PSC 128.14(3) Noise Limits). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 49

**RESOLUTION PERTAINING TO PROPOSED WIND SITING RULE  
(Wis. Admin. Code § PSC 128.14(3) Noise Limits)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Public Service Commission has proposed to create Wis. Admin. Code § PSC  
2 128 relating to the siting of wind energy and has submitted the proposed wind siting rule to the  
3 legislature for review pursuant to Wis. Stat. § 227.19; and  
4

5 WHEREAS, the Public Service Commission has included Wis. Admin. Code § 128.14  
6 pertaining to noise criteria and sub. (3) of that rule that sets an absolute limit for the noise  
7 attributable to a wind energy system to no more than 50 dBA during daytime hours and 45 dBA  
8 during nighttime hours, even though it acknowledges that “[t]here is information that tends to  
9 support a nighttime noise limit lower than a 45 dBA seasonal limit, perhaps as low as 35 dBA year  
10 round” and that “there is no definitive evidence to support a specific noise threshold”; and  
11

12 WHEREAS, the Board of Health is responsible for the health of all citizens in Manitowoc  
13 County, has studied the proposed wind siting rule containing the noise criteria, and has concluded  
14 that the rule does not set noise limits that adequately protect the public health; and  
15

16 WHEREAS, Manitowoc County established a Wind Energy Systems Advisory Committee to  
17 study all aspects of siting wind energy systems prior to adopting a wind energy systems ordinance;  
18 and  
19

20 WHEREAS, the Wind Energy Systems Advisory Committee studied the issue of noise,  
21 examined the regulations adopted in other jurisdictions in the United States and abroad, found that  
22 a 5dBA increase in the sound level was clearly apparent, and recommended the adoption of a  
23 relative, rather than absolute, noise standard in order to best protect the public health; and  
24

25 WHEREAS, the Manitowoc County Board of Supervisors concluded that an absolute noise  
26 limit did not adequately protect public health and established a relative standard that limited the  
27 noise generated by the operation of a wind energy system to no more than 5 dBA above the ambient  
28 noise level as measured at any point on property adjacent to the parcel on which the wind energy  
29 system is located; and  
30

31 WHEREAS, Manitowoc County concurs with the U.S. Environmental Protection Agency’s

32 finding that “noise is a significant hazard to public health” and finds that an absolute noise limit fails  
33 to adequately protect the public health;

34  
35 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
36 finds that Wis. Admin. Code § PSC 128.14(3) pertaining to noise limits fails to adequately protect  
37 the public health; and

38  
39 BE IT FURTHER RESOLVED that Manitowoc County Board of Supervisors directs the  
40 county clerk to send certified copies of this resolution to the President of the Wisconsin State Senate,  
41 Senator Fred Risser, and to the Speaker of the Wisconsin State Assembly, Representative Michael  
42 Sheridan, for referral to the standing committees that are reviewing the proposed rule; and

43  
44 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors strongly  
45 recommends that the Legislature’s standing committees object to the rule as proposed and take such  
46 action as is necessary to require that the Public Service Commission promulgate a rule that  
47 adequately protects the public health by establishing a relative standard that limits the noise caused  
48 by the operation of a wind energy system to no more than 5 dBA above the ambient noise level as  
49 measured at any point on property adjacent to the parcel on which the wind energy system is located.

Dated this 21st day of September 2010.

Respectfully submitted by the Board of Health.

Executive Board: Chairperson Tittl gave a brief report.

Finance Committee: Supervisor Muench gave a brief report.

Highway Committee: Supervisor Markwardt gave a brief report.

Supervisor Markwardt moved, seconded by Supervisor Bauknecht to adopt Resolution 1a (2010/2011-50) Accepting DNR Grant (Engine Replacement Project). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 50

**RESOLUTION ACCEPTING DNR GRANT  
(Engine Replacement Project)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Natural Resources has selected the Manitowoc  
2 County Highway Department to receive a grant that will reimburse part of the expense of replacing  
3 the diesel engines in certain Highway Department equipment in order to reduce diesel emissions; and



4 WHEREAS, the total project cost is \$60,477 and the grant will reimburse costs of up to  
5 \$43,335.25; and

6  
7 WHEREAS, the Highway Department has the funds necessary to provide the local match;

8  
9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
10 authorizes the Highway Commissioner and such other county officials as may be necessary to sign  
11 and submit a grant application, to sign a grant agreement between Manitowoc County and the  
12 Wisconsin Department of Natural Resources, to submit baseline and annual reports as required, and  
13 to request grant reimbursement; and

14  
15 BE IT FURTHER RESOLVED that the 2010 budget is amended by the amount of the grant  
16 funds received and the required local match and that the Comptroller/Auditor is directed to record  
17 such information in the official books of the County for the years ending December 31, 2010 and  
18 2011 as may be required.

Dated this 21st day of September 2010.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by an amount not  
to exceed \$43,335.25, with currently appropriated funds or reserves applied  
to the local match.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report. Their next meeting will be  
September 23.

Lakeland Care District: Supervisor Brey gave a brief report.

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Hansen to adopt Resolution 2 (2010/2011-51)  
Authorizing Out-of-State Travel (Nancy Randolph). Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL  
(Nancy Randolph)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1        WHEREAS, Nancy Randolph is the Manager of the Child and Family Services Division within  
2 the Human Services Department; and

3  
4        WHEREAS, the Wisconsin Office of Justice Administration has invited Nancy Randolph to  
5 attend the Casey Foundation's Conference on Juvenile Detention Alternatives that will be held in  
6 Kansas City, Kansas for October 4 - 6, 2010 as part of a 4-person delegation from Wisconsin; and

7  
8        WHEREAS, the Casey Foundation will pay for hotel and meals and the Governor's Juvenile  
9 Justice Commission will pay the remaining expenses for airfare and incidentals; and

10  
11        WHEREAS, the information available through the conference will be of substantial benefit  
12 to Manitowoc County and its Human Services Department; and

13  
14        WHEREAS, Office of Justice Administration's invitation came after the last meeting of the  
15 Human Services Board, but the request has been reviewed by the County Executive and the  
16 Personnel Committee and they recommend that the travel be authorized;

17  
18        NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
19 authorizes Nancy Randolph to travel out-of-state to attend the Casey Foundation Conference on  
20 Juvenile Detention Alternatives that will be held in Kansas City, Kansas for October 4 - 6, 2010; and

21  
22        BE IT FURTHER RESOLVED the 2010 budget is amended by the amount of travel expenses  
23 paid and reimbursed and that the Comptroller/Auditor is directed to record such information in the  
24 official books of the County for the year ending December 31, 2010 as may be required.

Dated this 21st day of September 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:        None. Expenses will be paid directly or reimbursed by the Casey  
Foundation and the Governor's Juvenile Justice Commission.

APPROVED:              Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Maresh to adopt  
Resolution 3 (2010/2011-52) Accepting Wisconsin Coastal Management Program Grant. Upon vote,  
the motion carried unanimously.

**RESOLUTION ACCEPTING WISCONSIN  
COASTAL MANAGEMENT PROGRAM GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1        WHEREAS, the State of Wisconsin Legislature provides matching grants for projects that  
2 demonstrate a positive impact on Great Lakes coastal resources; and  
3

4        WHEREAS, the Planning and Park Commission has concluded that a comprehensive revision  
5 of the county's General Zoning Ordinance will assist in implementing the county's comprehensive  
6 plan; will have a positive impact on coastal resources by reducing land use impacts on farm lands,  
7 water resources, and other natural features; will enable the county to address issues that are not  
8 covered by the existing zoning ordinance; and will result in better and more effective zoning control  
9 through implementation of a modernized zoning ordinance; and  
10

11        WHEREAS, the cost to revise the county's General Zoning Ordinance and associated maps  
12 will not exceed \$60,000, with \$30,000 coming from a Wisconsin Coastal Management Program  
13 grant, \$20,000 from the Planning & Zoning Department's Area-Wide Planning reserve, and \$10,000  
14 from Planning & Zoning as an in-kind contribution from currently budgeted funds; and  
15

16        WHEREAS, the Planning and Park Commission approved a proposal to revise the county's  
17 General Zoning Ordinance at its regular meeting on January 25, 2010, and recommended that the  
18 county apply to the Wisconsin Coastal Management Program for a grant to help fund the project;  
19

20        NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
21 authorizes the Planning and Zoning Director and such other county officials as may be appropriate  
22 to execute such papers and to take such other action as may be necessary to apply for, accept, and  
23 administer a grant from the Wisconsin Coastal Management Program for the purpose of revising the  
24 county's General Zoning Ordinance in compliance with applicable state and federal grant program  
25 rules for the program and subject to written approval of the Wisconsin Department of Administration  
26 before any project changes are made; and  
27

28        BE IT FURTHER RESOLVED that the 2010 Budget is amended by the amount of any grant  
29 funds received and expended and any Planning and Zoning reserves used, and that the  
30 Comptroller/Auditor is directed to record such information in the official books of the County for  
31 the year ending December 31, 2010 as may be required.

Dated this 21st day of September 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT:    No tax levy impact.    Increase revenues by \$30,000 (account no. 63000.43585), decreases reserves by \$20,000 (account no. 100.34233),

allocates \$10,000 from presently budgeted funds, and increases expenditures by \$50,000 (account no. 63000.52675.01).

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 4 (2010/2011-53) Amending Zoning Map (Florian Dworak/Amanda Pribek). Upon vote, the motion carried 23 ayes and 2 noes. Supervisors Schneider and Rappe voted no; all other supervisors vote aye.

No. 2010/2011 - 53

**ORDINANCE AMENDING ZONING MAP  
(Florian Dworak/Amanda Pribek)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on a petition for a zoning ordinance amendment on August 23, 2010; and  
3

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

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

11 A parcel of land located in the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , Section 34, T20N-R23E, Town of Kossuth,  
12 commencing at the W $\frac{1}{4}$  corner of said section 34; thence easterly approximately 33 feet  
13 to the east r/w of Stone Road, which is the point of real beginning; thence continue  
14 easterly approximately 371 feet; thence northerly approximately 292.55 feet; thence  
15 westerly approximately 371 feet; thence southerly along the east r/w of Stone Road  
16 approximately 292.55 feet to the point of real beginning, said parcel containing  
17 approximately 2.50 acres of land, is hereby rezoned from A3 Agriculture to SE  
18 Agriculture.

Dated this 21st day of September 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Bauknecht to

enact Ordinance 5 (2010/2011-54) Amending Manitowoc County Code sec. 4.13(9) (Coroner's Fees). Upon vote, the motion carried with 24 ayes and 1 no. Chairperson Tittl voted no; all other supervisors voted aye.

No. 2010/2011 - 54

**ORDINANCE AMENDING MANITOWOC COUNTY CODE SEC. 4.13(9)  
(Coroner's Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Coroner's Office must provide authorization to a funeral home before a body  
2 is cremated and must provide authorization before a body is disinterred; and  
3

4 WHEREAS, the cremation authorization fee is \$75 and the disinterment fee authorization is  
5 \$25; and  
6

7 WHEREAS, the cremation authorization fee and the disinterment authorization fees charged  
8 by Manitowoc County are lower than most counties; and  
9

10 WHEREAS, the Coroner and the Public Safety Committee recommend that the cremation  
11 authorization fee and the disinterment authorization fees be increased;  
12

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

16 Manitowoc County Code sec. 4.13(9)(a) is amended to read as follows:  
17

18 (a) Cremation authorization: \$100 per body cremated.  
19

20 Manitowoc County Code sec. 4.13(9)(b) is amended to read as follows:  
21

22 (b) Disinterment authorization: \$50 per grave opened.  
23

24 This ordinance is effective January 1, 2011.

Dated this 21st day of September 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Based on 2009 experience, the cremation fee increase will provide approximately \$6,250 in additional revenue and the disinterment fee increase will provide approximately \$100 in additional revenue.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

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

Miscellaneous: Supervisor Markwardt moved, seconded by Supervisor Waack to enact Ordinance 6 (2010/2011-55) Amending Manitowoc County Code Chs. 6 and 11 (Airport Operations, Minimum Standards, and Approach Protection). Upon vote, the motion carried unanimously.

No. 2010/2011 - 55

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHS. 6 AND 11  
(Airport Operations, Minimum Standards, and Approach Protection)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County owns and operates the Manitowoc County Airport, which  
2 provides a transportation link that is essential to the county's economic development; and  
3

4 WHEREAS, Manitowoc County Code ch. 6 contains ordinances pertaining to airport safety  
5 and security, Manitowoc County Code ch. 11 contains ordinances providing height and use  
6 limitations that protect airport operations; and Manitowoc County has adopted separate minimum  
7 standards for airport operations; and  
8

9 WHEREAS, the Highway Committee believes that it is desirable to collect all of the  
10 regulations affecting the airport in a single location; and  
11

12 WHEREAS, the Highway Committee and the Airport Advisory Committee have reviewed  
13 proposed changes and recommend the adoption of a single, unified Airport Ordinance; and  
14

15 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
16 public hearing on a petition for a zoning ordinance amendment to Manitowoc County Code ch. 11,  
17 Airport Height Limitations, and, after a careful consideration of testimony and an examination of the  
18 facts, recommends that the petition be approved;  
19

20 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain  
21 as follows:  
22

23 Manitowoc County Code sec. 6.15, Airport Safety and Security, is repealed.  
24

25 Manitowoc County Code ch. 11, Airport Height Limitations, is amended to read as follows:  
26

27 Part I. General Provisions.  
28

29 11.01 Title.

30 11.02 Authority.  
31 11.03 Purpose.  
32 11.04 Applicability.  
33 11.05 Definitions.  
34  
35 Part II. Operations.  
36  
37 11.06 Subtitle.  
38 11.07 Animals.  
39 11.08 Fuel and Fueling.  
40 11.09 Fuel Flowage Fee.  
41 11.10 Gate Access.  
42 11.11 Hangars.  
43 11.12 Outside Storage Prohibited.  
44 11.13 Parking.  
45 11.14 Pedestrian Traffic.  
46 11.15 Smoking.  
47 11.16 Speed.  
48 11.17 Vehicular Traffic.  
49  
50 Part III. Minimum Standards.  
51  
52 11.18 Subtitle.  
53 11.19 Purpose.  
54 11.20 Application Requirements.  
55 11.21 All Operators.  
56 11.22 Aircraft Charter and Air Taxi.  
57 11.23 Aircraft Lease and Rental.  
58 11.24 Aircraft Sales.  
59 11.25 Aircraft Storage.  
60 11.26 Airframe, Powerplant, and Accessory Maintenance and Repair.  
61 11.27 Fixed Base Operator (FBO).  
62 11.28 Flight Training.  
63 11.29 Flying Clubs.  
64 11.30 Fuel Service - Commercial.  
65 11.31 Fuel Service - Self-Fueling.  
66 11.32 Multiple Services.  
67 11.33 Operator Subcontracts.  
68 11.34 Radio, Instrument, or Propeller Repair Station.  
69 11.35 Special Activities.  
70 11.36 Specialized Commercial Flying Services.  
71  
72 Part IV. Approach Protection.  
73

74 11.37 Subtitle.  
75 11.38 Warning and Liability Disclaimer.  
76 11.39 Zoning Map.  
77 11.40 Zones and Boundaries.  
78 11.41 Height and Use Limitations.  
79 11.42 Nonconforming Buildings, Structures, Trees, and Uses.  
80 11.43 Permits.

81  
82 Part V. Administration and Enforcement.

83  
84 11.44 Administration.  
85 11.45 Enforcement.  
86 11.46 Violations.  
87 11.47 Penalties.

88  
89 PART I. GENERAL PROVISIONS.

90  
91 11.01 Title.

92  
93 This ordinance may be referred to as the Airport Ordinance.

94  
95 11.02 Authority.

96  
97 This ordinance is adopted pursuant to authority granted by Wis. Stat. §§ 59.03, 59.04, 59.14,  
98 59.54, 59.58, and 114.136.

99  
100 11.03 Purpose.

101  
102 The purpose of this ordinance is to promote public convenience, safety, and welfare  
103 convenience by providing guidance, minimum standards, and regulations for airport  
104 operations; to insure adequate aeronautical facilities and services at the airport; to encourage  
105 the orderly development of the airport; and to protect aerial approaches to the airport by  
106 regulating and restricting the height, location, size, and use of buildings, structures, and trees  
107 in the vicinity of the airport.

108  
109 11.04 Applicability.

110  
111 (1) This ordinance applies to all persons and things within the airport boundary and to all  
112 buildings, structures, trees, and uses within 3 miles of the airport boundary as shown on  
113 the Approach Protection Zoning Map adopted pursuant to this ordinance.

114  
115 (2) This ordinance supersedes any other ordinance that relates exclusively to height  
116 limitations at or adjacent to the airport, except that in the event of a conflict between a



regulation prescribed by this ordinance and by any other ordinance, the more stringent limitation or requirement will govern.

11.05 Definitions. In this ordinance:

“Aeronautical service” means a service that relates to or is required for the operation of aircraft or that contributes to or is required for the safety of aircraft operations.

“Airport” means the Manitowoc County Airport located in Sections 12 and 13, Town 19 North, Range 23 East, and Sections 7 and 18, Town 19 North, Range 24 East, Manitowoc County, Wisconsin.

“Airport hazard” means any building, structure, tree, or use that obstructs the air space required for the flight of aircraft landing at or taking off from the airport or that is in any way hazardous to aircraft landing at or taking off from the airport.

“Airport manager” means the county’s airport manager or a person designated by the airport manager to act on his or her behalf.

“Approach Protection Zoning Map” means the Height Limitation Zoning Map, Manitowoc County Airport, Manitowoc, Wisconsin that was adopted by the Planning and Park Commission on February 24, 2009; approved by the County Executive on February 25, 2009; and that is adopted, incorporated by reference, and placed on file with Planning and Zoning Department pursuant to this ordinance, as may be amended from time to time, which shows the boundaries and the maximum permitted height above ground level for buildings, structures, and trees within each airport protection zone depicted on the map.

“Board of Adjustment” means the board created by sec. 2.04(1).

“Central Parking Area” means the public parking lot immediately to the south of the Fixed Based Operator’s office and hangar.

“Code Administrator” means the person appointed pursuant to sec. 8.18(1) or his or her designee.

“Construction equipment,” “maintenance equipment,” and “service equipment” mean any equipment owned or operated by the county, the fixed base operator, the Federal Aviation Administration, or a contractor that is used to construct, maintain, or service airport facilities or to maintain or service aircraft.

“County” means Manitowoc County and any of its authorized agents, employees, officers, officials, or representatives.

“Electric personal assistive mobility device” means a self-balancing, 2-wheeled device that is designed to transport only one person and that has an electric propulsion system.

“Emergency equipment” means any crash, fire, medical, rescue, police, or other equipment or vehicle designated by the airport manager as necessary to safeguard buildings, ramps, runways, structures, taxiways, and other property within the airport boundary.

“FAA” means the United States Department of Transportation, Federal Aviation Administration.

“FAR” means the Federal Aviation Regulations adopted by the Federal Aviation Administration.

“Fuel cart” means a vehicle that is used to deliver fuel into an aircraft and that is not self-propelled.

“Fuel farm” means the area designated by the Highway Committee for the installation of bulk fuel storage tanks and related equipment necessary to store and dispense aviation fuel, lubricants, and related petroleum products.

“Fuel tank” or “tank” means an underground storage tank.

“Fuel truck” means a self-propelled vehicle that is used to transport fuel and to deliver fuel into an aircraft.

“Fueling area” means the area designated by the Highway Committee where aircraft and other vehicles may be fueled.

“Movement area” means the runways, taxiways, and other areas of the airport that are used for taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and aircraft parking areas.

“Non-conforming use” means any building, structure, tree, or use that does not conform to a regulation prescribed by this ordinance or an amendment to this ordinance at the time that the regulation took or takes effect.

“North Parking Area” means the area immediately surrounding the green T hangars and all of the hangars located north of the green T hangars.

“Operator” means a person that provides one or more aeronautical services at the airport.

“Park” means to stop and keep a vehicle standing, but does not include a vehicle that is stopped temporarily and is actually engaged in receiving or discharging passengers or loading or unloading property, provided it is attended by a licensed operator.

“Pedestrian” means any person afoot or any person in a wheelchair, whether manually or mechanically propelled, or in any other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person, but does not include any person using an electric personal assistive mobility device.

“Safety area” means a runway or taxiway and the surrounding surfaces that are prepared or identified as suitable for reducing the risk of damage to aircraft in the event of an undershoot, overshoot, or excursion from a runway or the unintentional departure from a taxiway.

“South Parking Area” means the area immediately surrounding the hangars located south of the green T hangars, but does not include the public parking lot immediately to the south of the Fixed Base Operator’s office and hangar.

“Special activity” means an activity that is infrequently conducted at the airport or that is not presently conducted at the airport.

“Structure” means any object, including a mobile object, that is assembled, constructed, installed, located, moved, or placed in an airport protection zone by any person.

“Tree” means a woody, perennial plant having a single main stem and any other object of natural growth except farm crops that are cut at least once a year and bushes, plants, and shrubs that do not grow to a height of more than 5 feet.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn, but does not include aircraft operated in accordance with applicable Federal Aviation Regulations.

## PART II. OPERATIONS.

### 11.06 Subtitle.

This part may be referred to as the Airport Operations Ordinance.

### 11.07 Animals.

No person, other than a person with a disability accompanied by a service animal, may bring any animal onto the airport unless the animal is on a leash, in a cage, or otherwise confined.

### 11.08 Fuel and Fueling.

- (1) Aircraft fuel must be stored and dispensed from a fuel cart, tank, or truck that has been authorized by the airport manager.

- (2) It is unlawful for any person to install or maintain a fuel tank outside of the designated fuel farm area.
- (3) It is unlawful for any person to install or maintain a fuel tank within the designated fuel farm area without the express written authorization of the airport manager.
- (4) It is unlawful for any person to bring fuel onto, store fuel in, or dispense fuel from a jerry can, cart, drum, tank, truck, or other container without the express written authorization of the airport manager, except for the purpose of filling an authorized fuel cart, tank, or truck.
- (5) It is unlawful for any person to operate a fuel cart or truck within the boundary of the airport without the express written authorization of the airport manager.
- (6) It is unlawful for any person other than a fixed base operator, commercial fuel service operator, or self-fueling fuel service operator to sell, share, or otherwise provide fuel to or for any aircraft without the express written consent of the airport manager.
- (7) It is unlawful for any person to permit a self-fueling facility to be used to provide fuel to any aircraft other than an aircraft that is owned or leased for the exclusive use of the self-fueling fuel operator.
- (8) Each owner and operator shall comply with all Federal, State, and local laws, orders, ordinances, regulations, and rules governing the installation, maintenance, and operation of its fuel cart, tank, truck, and related equipment.

#### 11.09 Fuel Flowage Fee.

- (1) The Highway Committee shall recommend and the county board may establish a per gallon fuel flowage fee for any fuel that is transferred to an aircraft or vehicle within the boundary of the airport.
- (2) The operator of a fuel cart, tank, or truck and any other person who dispenses fuel within the boundary of the airport must provide the airport manager with a statement and documentation showing the number of gallons of fuel transferred and pay the fuel flowage fee on or before the 10th day following the last day of any month in which fuel is transferred to an aircraft or vehicle.
- (3) Late payments are subject to interest at 1% for each month or portion of a month that the payment is late.

#### 11.10 Gate Access.

(1) Entrance into the fenced boundary of the airport is authorized through six numbered gates, each of which is secured by a coded keypad, as follows:

(a) Gate 1, located on the south fence at the north end of Freedom Way off of Menasha Avenue, provides access to the area north of the FBO building and to the FBO building for county employees, emergency service providers, FAA personnel, and other persons engaged in work related to airport construction, maintenance, operations, or service and for aircraft owners, aircraft operators, hangar tenants, and their bona fide guests.

(b) Gate 2, located on the west fence at the south end of the Central Parking Area by the EAA hangar, provides access to the area south of the FBO building for county employees, emergency service providers, FAA personnel, and other persons engaged in work related to airport construction, maintenance, operations, or service and for aircraft owners, aircraft operators, hangar tenants, and their bona fide guests.

(c) Gate 3, located on the west fence by hangar number 12, provides access to the area south of the FBO building for county employees, emergency service providers, FAA personnel, and other persons engaged in work related to airport construction, maintenance, operations, or service and for aircraft owners, aircraft operators, hangar tenants, and their bona fide guests.

(d) Gate 4, located on the south fence off of Menasha Avenue, provides access to the airport for county employees, emergency service providers, and FAA personnel and serves as the primary public entrance for air show activities.

(e) Gate 5, located on the east fence off of Nagle Avenue, provides access to the airport for agricultural tenants, county employees, emergency service providers, and FAA personnel.

(f) Gate 6, located on the north fence at the north end of Freedom Way off of Goodwin Road, provides access to the airport for airport agricultural tenants, county employees, emergency service providers, and FAA personnel.

(2) It is unlawful for any person other than a county employee, emergency services provider, or FAA employee acting in the course of his or her official duties to enter the fenced boundary of the airport through a padlocked gate without prior authorization from the airport manager.

#### 11.11 Hangars.

(1) No hangar may be constructed, erected, installed, placed, or otherwise located within the boundary of the airport without the express written consent of Manitowoc County.

(2) Hangars must be finished in a color that has been approved by the airport manager.

(3) Each hangar will be assigned a fire number, which must be prominently displayed on the hangar using a sign or signs provided by the Highway Department. A sign must be placed in the upper left corner of the front and back of the hangar.

#### 11.12 Outside Storage Prohibited.

(1) It is unlawful for any person to store equipment, materials, or supplies; damaged, partially assembled, or partially dismantled aircraft; any vehicle; or any other property outside a hangar without the advance written authorization of the airport manager.

(2) The airport manager may move, remove, or cause any improperly stored equipment, materials, or supplies; damaged, partially assembled, or partially dismantled aircraft; any vehicle; or any other property to be moved or removed. The property owner is responsible for the cost of moving or removing the property.

#### 11.13 Parking.

(1) It is unlawful to park any vehicle outside of a parking area designated by this ordinance; in violation of a sign, marking, other posted information, or restriction contained in this ordinance; or as authorized by the airport manager.

(2) It is unlawful to park any vehicle at any time in an area used for the movement of aircraft without advance authorization from the airport manager.

(3) North Parking Area.

(a) No one other than a hangar tenant may park in the North Parking Area without advance authorization from the airport manager.

(b) A hangar tenant in the North Parking Area may park his or her vehicle inside or behind his or her hangar.

(c) A hangar tenant in the North Parking Area may park in the space between his or her hangar and an adjacent hangar only with the adjacent hangar tenant's consent.

(d) No one may park on the black top or grass in front of any hangar in the North Parking Area.

(e) No vehicle may be parked outside of a hangar in the North Parking Area for more than 14 consecutive days unless the operator notifies the airport manager of the vehicle's location within 24 hours of initially parking the vehicle.

(4) Central Parking Area.

- (a) No vehicle other than a rental vehicle may be parked in a space that is marked as reserved for a rental vehicle.
- (b) No vehicle may be parked in the Central Parking Area for more than 14 consecutive days unless the operator notifies the airport manager within 24 hours of initially parking the vehicle.

(5) South Parking Area.

- (a) No one other than a hangar tenant may park in the South Parking Area without advance authorization from the airport manager.
- (b) A hangar tenant in the South Parking Area may park his or her vehicle in back of or inside his or her hangar.
- (c) A hangar tenant in the South Parking Area may park within 10 feet of the front of his or her hangar, except that no vehicle may be parked on the ramp in front of a hangar in the South Parking Area during any period when snow removal operations may be required or are taking place.
- (d) No vehicle may be parked outside of a hangar in the South Parking Area for more than 14 consecutive days unless the operator notifies the airport manager of the vehicle's location within 24 hours of initially parking the vehicle.

- (6) Removal of Parked Vehicles. The airport manager may move, remove, or cause any improperly parked vehicle to be moved or removed. The owner of the vehicle is responsible for the cost of moving or removing the vehicle.

11.14 Pedestrian Traffic.

- (1) Pedestrian traffic is prohibited on the apron, ramp, or tie-down area except for the purpose of embarking or disembarking from an aircraft, maintaining or servicing aircraft or airport facilities, or conducting airport operations, unless authorized by the airport manager. This prohibition does not apply to any person employed by a fixed base operator, the government, or a contractor if the person is engaged in work related to airport construction, maintenance, operations, or service.
- (2) Pedestrian traffic is prohibited in any movement area, safety area, or outlying area of the airport except for the purpose of embarking or disembarking from an aircraft, maintaining or servicing aircraft or airport facilities, or conducting airport operations, unless authorized by the airport manager. This prohibition does not apply to any person

employed by a fixed base operator, the government, or a contractor if the person is engaged in work related to airport construction, maintenance, operations, or service.

- (3) Any person on airport property must, when requested by the airport manager or a law enforcement officer, present identification and show cause for entering onto the airport property.

#### 11.15 Smoking.

- (1) Smoking is not permitted in any building at the airport that is owned by the county.
- (2) Smoking is not permitted anywhere within the fenced boundary of the airport, except that a hangar owner or tenant may permit smoking in his or her hangar.

#### 11.16 Speed.

- (1) It is unlawful for any vehicle to be driven within the airport boundary at a speed in excess of the limit posted on an official sign, except in an emergency or as authorized by the airport manager.
- (2) It is unlawful for any vehicle to be driven within the fenced boundary of the airport at a speed in excess of 10 miles per hour, except in an emergency or as authorized by the airport manager.
- (3) It is unlawful for any vehicle to be driven within the airport boundary at a speed greater than is prudent, reasonable, and safe under the conditions and with regard for the actual and potential hazards then existing.
- (4) A person operating a vehicle within the airport boundary shall control the speed of the vehicle so as to avoid colliding with any aircraft, object, person, or vehicle.

#### 11.17 Vehicular Traffic.

- (1) Vehicular traffic is prohibited in any movement area, safety area, or outlying area of the airport except for the purpose of embarking or disembarking from an aircraft, maintaining or servicing aircraft or airport facilities, or conducting airport operations, except in an emergency, unless operation of a vehicle is permitted by signs, markings, or other posted information; authorized by the airport manager; or directed by a law enforcement officer.
- (2) Vehicular traffic is prohibited on any aircraft parking area, apron, ramp, or tie-down area except for the purpose of embarking or disembarking from an aircraft, maintaining or servicing aircraft or airport facilities, or conducting airport operations, except in an



emergency, unless operation of a vehicle is permitted by signs, markings, or other posted information; authorized by the airport manager, or directed by a law enforcement officer.

- (3) It is unlawful for a person to operate a vehicle in violation of any sign, marking, or other posted information regulating vehicular traffic within the boundary of the airport, except in an emergency, unless authorized by the airport manager or directed by a law enforcement officer.
- (4) Aircraft owners, aircraft operators, hangar tenants, and their bona fide guests are authorized to operate vehicles within the fenced boundary of the airport to reach aircraft or hangars. Owners, operators, tenants, and their bona fide guests are required to enter the fenced boundary of the airport from Freedom Way and must proceed from Freedom Way to the aircraft or hangar following the route authorized by the airport manager.
- (5) The airport manager may authorize county, FAA, FBO, law enforcement, and fire department personnel to operate vehicles within the boundary of the airport and all such vehicles must be operated in accordance with the authorization provided by the airport manager.
- (6) The airport manager may authorize construction, maintenance, or service vehicles and equipment to operate anywhere within the airport boundary when necessary for airport operations.
- (7) The only vehicles permitted to operate within the fuel farm area are the airport manager's vehicle, bulk fuel trucks, emergency vehicles, fuel carts, and fuel trucks. The airport manager may authorize such other vehicles to operate within the fuel farm area as are deemed necessary for airport operations.
- (8) Any vehicle operating in a movement area must maintain two-way radio communications or use prearranged signs or signals to assure the safe and orderly operation of the vehicle within the movement area.

### PART III. MINIMUM STANDARDS.

#### 11.18 Subtitle.

This part may be referred to as the Airport Minimum Standards Ordinance.

#### 11.19 Purpose.

- (1) The purpose of this part is to specify the minimum requirements that an operator must meet as a condition of providing a particular aeronautical service at the airport. The minimum standard may include requirements for personnel; certificates, licenses, permits, and ratings; facilities; equipment, materials, and supplies; insurance; proof of

financial responsibility; operating hours; and signage. In order to assure that the minimum standards are met, the county does not permit “through the fence” commercial aeronautical activities at the airport by any person without a permit or other written agreement with the county.

- (2) The minimum standards are threshold requirements for persons wanting to provide aeronautical services to the public. They are based on the conditions at the airport, the existing facilities and services, and the plans for the future development of the airport. They serve the public interest by insuring that there are adequate aeronautical facilities and services at the airport; discouraging substandard operators, protecting against irresponsible or unfair competition, protecting airport patrons, and preserving the financial integrity of airport operations.

- (3) A person that wants to conduct an activity for which no minimum standard is specified must contact the airport manager before engaging in the activity. The request will be referred to the Highway Committee and will be reviewed on a case-by-case basis. The Highway Committee may impose or waive such requirements or standards as it deems necessary to fulfill the purposes of this ordinance and to assure the safe and orderly use of the airport.

#### 11.20 Application Requirements.

- (1) Any person that wishes to provide commercial aeronautical services at the airport must submit an application to the airport manager for a lease or permit to do so and must submit a letter of intent detailing the general scope of the proposed activity and its ability to comply with the relevant minimum standards. The application will be reviewed and acted upon by the Highway Committee.
- (2) An applicant must demonstrate that it has the experience necessary to conduct the proposed aeronautical activity or service and must submit a statement of qualifications to the county upon request.
- (3) An applicant must demonstrate that it has the financial ability or backing to conduct the proposed aeronautical activity or service. An applicant must provide the county with a letter from a financial institution or other verifiable documentation showing its financial capacity to construct any facilities that may be required for the proposed activity or service. The letter or other documentation must also show that the applicant has unencumbered current assets at least equal to its project maintenance and operating expenses for at least 3 months.

#### 11.21 All Operators.

- (1) The minimum standards in this section apply to all operators, but the county may specify more detailed or stringent standards for a particular aeronautical service.

- (2) An operator must comply with all applicable federal, state, and local codes, laws, orders, ordinances, regulations, requirements, rules, and statutes.
- (3) An operator must employ or have trained personnel available so that it can provide the aeronautical services that it offers in a timely and efficient manner.
- (4) An operator must have all required certificates, licenses, permits, and ratings for the aeronautical services that it offers.
- (5) An operator must have, or have access to, adequate and appropriate facilities and space so that it can provide the aeronautical services that it offers in a timely and efficient manner.
- (6) An operator must have appropriate and adequate equipment, materials, manuals, parts, and supplies on hand or available so that it can provide the aeronautical services that it offers in a timely and efficient manner.
- (7) An operator must maintain operating hours that are appropriate or required for the aeronautical services that it offers. The operator may be required to provide on-call services outside of its normal operating hours.
- (8) An operator must provide a point of contact by means of an office, telephone, or some other manner so that the public can communicate with the operator in a timely and efficient manner about the aeronautical services that the operator offers.
- (9) The operator may, subject to the Highway Committee's approval, erect suitable signs advertising the operator's business.
- (10) An operator must have or demonstrate the ability to obtain and maintain adequate and appropriate insurance for the aeronautical services that it offers. The insurance must be issued by a company licensed to do business in the state of Wisconsin and each policy must contain a provision that it will not be canceled before the expiration of its term unless the insurer provides at least a 30-day written notice to the county.
- (11) The minimum requirements for each type of insurance, if required for a particular aeronautical service, are specified below, but the county may specify additional, more detailed, or stringent requirements for a particular aeronautical service:

Aircraft Liability	\$1,000,000
	\$100,000 per passenger
Automobile Liability (if vehicles are used)	\$500,000
	\$250,000 per person

596	Completed Operations Liability	\$1,000,000
597		\$100,000 per person
598		
599	Comprehensive General Liability	\$1,000,000
600		
601	Fuel Tank Financial Responsibility	\$500,000
602		
603	Hangar Keepers Liability (each accident)	At least equal to the value of
604		each stored aircraft, excepting
605		any aircraft for which a waiver
606		releasing county from liability is
607		on file with airport manager.
608		
609	Product Liability (each accident)	\$1,000,000
610		
611	Student and Renters Liability (each accident)	\$100,000.
612		
613	(12) Any person presently lawfully conducting an activity under a lease with the county prior	
614	to the adoption or amendment of a minimum standard may continue to conduct the	
615	activity without complying with the new or amended minimum standard unless the	
616	county determines that the continued activity is not in the best interest of the airport or	
617	that the activity is in violation of any state or federal airport assurance requirement.	
618	However, the person will be required to comply with the new or amended minimum	
619	standard in order to amend, extend, or renew the current lease.	
620		
621	11.22 Aircraft Charter and Air Taxi.	
622		
623	(1)	An aircraft charter and an air taxi operator engages in the business of providing air
624		transportation of persons or property, or both, to the general public for hire, either on a
625		charter basis or as an air taxi operator.
626		
627	(2)	The operator must lease at least 4,900 square feet of ground space on which a building
628		with at least 2,500 square feet of floor space must be erected. The building must provide
629		adequate space for a customer lounge, an office, rest rooms, a shop, and storage space
630		for all equipment and at least one aircraft. The building must have proper heat and
631		lighting and must include telephone facilities for customer use.
632		
633	(3)	The operator must be certificated under the Federal Aviation Regulations and have
634		exclusive use of at least one aircraft for each type of operation authorized.
635		
636	(4)	The following insurance is required: Aircraft Liability, Automobile Liability, and
637		Comprehensive General Liability.
638		

- (5) The operator must provide on-call service during any time that its office is unattended and at all times outside of its normal operating hours.

#### 11.23 Aircraft Lease and Rental.

- (1) An aircraft lease or rental operator engages in the lease or rental of aircraft to the public.
- (2) The operator must lease at least 4,900 square feet of ground space on which a building with at least 2,500 square feet of floor space must be erected. The building must provide adequate space for a customer lounge, an office, rest rooms, a shop, and storage space for all equipment and at least one aircraft. The building must have proper heat and lighting and must include telephone facilities for customer use.
- (3) The operator must own or lease at least 2 aircraft and make them available for rental. Each aircraft must have a current airworthiness certificate. At least one aircraft must be a four-place aircraft and at least one aircraft must be equipped for and capable of flight in instrument meteorological conditions and under instrument flight rules.
- (4) The following insurance is required: Aircraft Liability, Automobile Liability, Comprehensive General Liability, and Student and Renter's Liability.

#### 11.24 Aircraft Sales.

- (1) An aircraft sales operator engages in the sale of new aircraft as a franchisee, licensed dealership, or retail or wholesale distributorship of an aircraft manufacturer; in the sale of used aircraft; and in the provision of repair, service, and parts as necessary to meet any guarantee or warranty on the aircraft it sells.
- (2) The operator must lease at least 15,000 square feet of ground space to provide for the outside display and storage of aircraft and on which a building 11,000 square feet of floor space must be erected. The building must provide at least 8,000 square feet of floor space for aircraft display and storage and at least 3,000 square feet for a customer lounge, an office, rest rooms, a shop, and storage space for all equipment and at least one aircraft. The building must have proper heat and lighting and must include telephone facilities for customer use.
- (3) The operator must make arrangements for the provision of repair, service, and parts in a timely and efficient manner during the guarantee or warranty period for the aircraft that it sells.
- (4) The following insurance is required: Aircraft Liability, Automobile Liability, Comprehensive General Liability, Hangar Keeper's Liability if non-owned aircraft are left in the operator's care, and Product Liability.

683 11.25 Aircraft Storage.

- 684
- 685 (1) An aircraft storage operator engages in the lease or rental of space in one or more
- 686 conventional hangars or T-hangars.
- 687
- 688 (2) The operator must lease sufficient ground space and erect a building that is adequate to
- 689 provide for the indoor storage for any aircraft for which the operator agrees to provide
- 690 storage.
- 691
- 692 (3) The following insurance is required: Automobile Liability, Comprehensive General
- 693 Liability, and Hangar Keeper's Liability.
- 694
- 695 (4) The operator must provide on-call service during any time that its office is unattended
- 696 and at all times outside of its normal operating hours.
- 697

698 11.26 Airframe, Powerplant, and Accessory Maintenance and Repair.

- 699
- 700 (1) An aircraft airframe, powerplant, and accessory maintenance and repair operator
- 701 provides one or a combination of airframe, powerplant, and accessory inspection, repair,
- 702 and overhaul services for aircraft. An aircraft airframe, powerplant, and accessory
- 703 maintenance and repair operator may also sell aircraft parts and accessories.
- 704
- 705 (2) The operator must lease at least 4,900 square feet of ground space on which a building
- 706 with at least 2,500 square feet of floor space must be erected. The building must provide
- 707 adequate space for a customer lounge, an office, rest rooms, a shop, and storage space
- 708 for all equipment and at least one aircraft. The building must have proper heat and
- 709 lighting and must include telephone facilities for customer use.
- 710
- 711 (3) The following insurance is required: Aircraft Liability, Automobile Liability,
- 712 Completed Operations Liability, Comprehensive General Liability, Hangar Keeper's
- 713 Liability, and Product Liability.
- 714
- 715 (4) The operator must have its premises open and available to provide service on at least 4
- 716 days, and for not less than a total of 32 hours, each month. The operator must be open
- 717 and available to provide service for such additional hours as the demand for service
- 718 justifies.
- 719
- 720 (5) The operator must have at least two persons in his employ and on duty during business
- 721 hours, at least one of whom has a mechanics certificate and ratings appropriate to the
- 722 work performed by the operator.
- 723
- 724 (6) The operator must provide on-call emergency service during any time that its office is
- 725 unattended and at all times outside of its normal operating hours.
- 726

- (7) The requirements contained in secs. 11.26(2), (4), and (5) do not apply to an operator if the operator maintains a fixed base of operation at another location; is providing services for an aircraft under a bona fide lease, purchase, or service contract; has applied for and been granted a permit by the Highway Committee, and pays a \$100 annual fee.

#### 11.27 Fixed Base Operator (FBO).

- (1) A fixed base operator (FBO) is an operator that owns or leases facilities at the airport for the purpose of providing aircraft maintenance, commercial fuel service, flight training, and at least 2 other aeronautical services or other commercial operations that have been authorized by the county because they benefit airport activities and operations.
- (2) The operator must lease at least 30,000 square feet of ground space on which a building must be erected that provides at least 8,000 square feet for a shop, equipment, and aircraft storage and at least 3,000 square feet for office, a customer lounge, and rest rooms. The building must have proper lighting and heat and must include telephone facilities for customer use.
- (3) An operator must comply with the minimum standards for each aeronautical service that it provides, except that an operator is not required to meet the minimum standards for Fuel Tank Financial Responsibility for fuel tanks owned by the county.
- (4) An operator may assign multiple responsibilities to its employees to meet the personnel requirements for the aeronautical services that it provides.
- (5) An operator may make multiple use of its equipment and facilities to meet requirements for the aeronautical services that it provides.
- (6) An operator may make multiple use of its aircraft in order to comply with the aircraft requirements for the aeronautical services that it provides, except for aircraft used for aerial application, crop dusting, or other commercial use of chemicals.

#### 11.28 Flight Training.

- (1) A flight training operator engages in providing flight instruction to the general public and pilots. A flight training operator may also provide ground school instruction, courses related to FAA pilot examinations, and check rides.
- (2) The operator must lease at least 4,900 square feet of ground space on which a building with at least 2,500 square feet of floor space must be erected. The building must provide adequate space for a customer lounge, an office, rest rooms, a shop, and storage space for all equipment and at least one aircraft. The building must have proper heat and lighting and must include telephone facilities for customer use.

- 771 (3) The operator must have at least 2 aircraft available for use in flight training. At least 1  
772 aircraft must be a 4-place aircraft and at least 1 aircraft must be equipped for instrument  
773 flight instruction.  
774
- 775 (4) The following insurance is required: Aircraft Liability, Automobile Liability,  
776 Comprehensive General Liability, and Student and Renter's Liability.  
777
- 778 (5) The operator must have its premises open and available to provide service on at least 8  
779 days, and for not less than a total of 64 hours, each month. The operator must be open  
780 and available to provide service for such additional hours as the demand for service  
781 justifies.  
782
- 783 (6) The operator must employ at least 1 person who holds an airman's certificate and ratings  
784 appropriate to the type of flight training provided.  
785

786 11.29 Flying Clubs.  
787

- 788 (1) A flying club is a non-profit Wisconsin corporation or partnership that is comprised of  
789 persons who are bona fide owners of the corporation or bona fide members of the  
790 partnership.  
791
- 792 (2) A flying club must keep a current and complete list of its members and a current and  
793 complete record of its finances, both of which must be made available to the county  
794 upon its request.  
795
- 796 (3) A flying club must own at least one aircraft. Its aircraft may not be used by anyone  
797 except its members and may not be used by anyone for air taxi, charter, or hire.  
798
- 799 (4) A flying club may not derive greater revenue from the use of its aircraft than the amount  
800 necessary for the actual cost of operation, maintenance and replacement of its aircraft.  
801
- 802 (5) A flying club's aircraft may be used for student instruction. Both the instructor and the  
803 student are members and no compensation may be paid, or the instruction may be given  
804 by a flight training operator who meets the minimum standards under sec. 11.28.  
805
- 806 (6) A flying club's members may perform maintenance on its aircraft if the maintenance is  
807 not required to be performed by a certificated mechanic. All other maintenance must  
808 be provided by an airframe, engine, and accessory maintenance and repair operator that  
809 meets the minimum standards under sec. 11.26 or by a properly certificated mechanic  
810 who does not receive any form of compensation for performing the maintenance.  
811
- 812 (7) The following insurance is required: Aircraft Liability, Automobile Liability, and  
813 Comprehensive General Liability.  
814



11.30 Fuel Service - Commercial.

- (1) A commercial fuel service operator maintains equipment for the bulk storage, delivery, dispensing, and sale of aviation fuel, lubricants, and related petroleum products to aircraft. The operator may also provide aircraft cabin services; minor repair services that do not require a certificated mechanic; parking, storage, and tie-down of aircraft; and ramp assistance within its leased space or on the apron or ramp area.
- (2) The operator must lease at least 4,900 square feet of ground space on which a building with at least 2,500 square feet of floor space must be erected. The building must provide adequate space for a customer lounge, an office, rest rooms, a shop, and storage space for all equipment and at least one aircraft. The building must have proper heat and lighting and must include telephone facilities for customer use.
- (3) The leasehold must include designated space within the fuel farm and fueling area where the operator's bulk fuel storage tank, delivery, and dispensing equipment is located. The fuel tank must have a capacity of at least 2,000 gallons and comply with all federal, state, and local requirements.
- (4) The operator's equipment must have a reliable metering device and the operator must maintain an accurate record of all deliveries of aviation fuel and oil. The operator's records are subject to examination and audit by the county during normal business hours.
- (5) The operator must comply with the National Fire Protection Association Standard for Aircraft Fuel Servicing (NFPA 407).
- (6) The following insurance is required: Automobile Liability, Comprehensive General Liability, Fuel Tank Financial Responsibility, Hangar Keeper's Liability, and Product Liability.
- (7) The operator must be open for business from 0700 to 1730 or official sundown, whichever is later, on weekdays and from 0800 to 1730 or official sundown, whichever is later, on Saturdays, Sundays, Memorial Day, Easter, July 4, Labor Day, Thanksgiving, and New Year's Day. The airport manager may authorize the operator to close during scheduled hours due to weather conditions. The operator must provide on-call service during any time that its office is closed or unattended and at all times outside of its normal operating hours.
- (7) The operator must pay the fuel flowage fee in a timely manner for each gallon of fuel sold or consumed by the operator.

857 11.31 Fuel Service - Self-Fueling.  
858

- 859 (1) A self-fueling fuel service operator is a non-commercial aviation fuel user that maintains  
860 equipment for the bulk storage, delivery, and dispensing of aviation fuel, lubricants, and  
861 related petroleum products to aircraft that are owned by the operator or leased for the  
862 exclusive use of the operator. A prospective operator must submit a written proposal  
863 to the county which sets forth the extent of its proposed operations, including fuel  
864 grades; estimated annual volume; experience and training of fuel handling personnel;  
865 type, size, and condition of all fueling facilities and equipment to be used; and assurance  
866 provisions for the security and safety of its equipment.  
867
- 868 (2) The operator must lease designated space within the fuel farm and fueling area where  
869 the operator's bulk fuel storage, delivery, and dispensing equipment is located. The  
870 fuel tank must have a capacity of at least 2,000 gallons and comply with all federal,  
871 state, and local requirements.  
872
- 873 (3) The operator's equipment must have a reliable metering device and the operator must  
874 maintain an accurate record of all deliveries of aviation fuel and oil. The operator's  
875 records are subject to examination and audit by the county during normal business  
876 hours.  
877
- 878 (4) The operator must comply with the National Fire Protection Association Standard for  
879 Aircraft Fuel Servicing (NFPA 407).  
880
- 881 (5) The following insurance is required: Automobile Liability, Comprehensive General  
882 Liability, and Fuel Tank Financial Responsibility.  
883
- 884 (6) The operator must provide documentation of financial responsibility compliance as  
885 required by the United States Environmental Protection Agency.  
886
- 887 (7) The operator must pay the fuel flowage fee in a timely manner for each gallon of fuel  
888 sold or consumed by the operator.  
889

890 11.32 Multiple Services.  
891

- 892 (1) A multiple services operator provides two or more aeronautical services that are covered  
893 by these minimum standards.  
894
- 895 (2) The operator must lease at least 15,000 square feet of ground space on which a building  
896 must be erected that provides at least 8,000 square feet for a shop, equipment, and  
897 aircraft storage and at least 3,000 square feet for office, a customer lounge, and rest  
898 rooms. The building must have proper lighting and heat and must include telephone  
899 facilities for customer use.  
900

- 901 (3) An operator must comply with the minimum standards for each aeronautical service that  
902 it provides.  
903
- 904 (4) An operator may assign multiple responsibilities to its employees to meet the personnel  
905 requirements for the aeronautical services that it provides.  
906
- 907 (5) An operator may make multiple use of its equipment and facilities to requirements for  
908 the aeronautical services that it provides.  
909
- 910 (6) An operator may make multiple use of its aircraft in order to comply with the aircraft  
911 requirements for the aeronautical services that it provides, except for aircraft used for  
912 aerial application, crop dusting, or other commercial use of chemicals.  
913

914 11.33 Operator Subcontracts.  
915

- 916 (1) An operator may subcontract with another person to provide all or part of the  
917 aeronautical services that the operator is authorized to provide, but the operator must  
918 obtain the county's written approval before entering into any subcontract.  
919
- 920 (2) A subcontract must accurately and completely describe the aeronautical services that the  
921 subcontractor will provide.  
922
- 923 (3) The operator and subcontractor must meet the minimum standards for all aeronautical  
924 services that they provide, but they may do so collectively. If the minimum standards  
925 are met collectively, the subcontract must specifically identify the contribution made by  
926 the operator and the contribution made by the subcontractor toward meeting each  
927 standard.  
928

929 11.34 Radio, Instrument, or Propeller Repair Station.  
930

- 931 (1) A radio, instrument, or propeller repair station operator engages in the business of and  
932 provides a shop for the repair of aircraft radios, instruments, and propellers for general  
933 aviation aircraft. This category shall include the sale of new or used aircraft radios,  
934 instruments, and propellers, but such is not an exclusive right.  
935
- 936 (2) The operator must lease at least 4,900 square feet of ground space on which a building  
937 with at least 2,500 square feet of floor space must be erected. The building must provide  
938 adequate space for a customer lounge, an office, rest rooms, a shop, and storage space  
939 for all equipment and at least one aircraft. The building must have proper heat and  
940 lighting and must include telephone facilities for customer use.  
941
- 942 (3) The following insurance is required: Automobile Liability, Completed Operations  
943 Liability, Comprehensive General Liability, Hangar Keeper's Liability, and Product  
944 Liability.

- 945 (4) The operator must have its premises open and available to provide service on at least 4  
946 days, and for not less than a total of 32 hours, each month. The operator must be open  
947 and available to provide service for such additional hours as the demand for service  
948 justifies.
- 949
- 950 (5) The operator must employ or have available, at least one person who holds a repairman  
951 certificate with a rating appropriate to the work being performed.
- 952
- 953 (6) The operator must provide on-call emergency service during any time that its office is  
954 unattended and at all times outside of its normal operating hours.
- 955

956 11.35 Special Activities

957

- 958 (1) A special activities operator provides for aeronautical activities or events on an  
959 infrequent basis or engages in aeronautical services that are not routinely conducted at  
960 the airport.
- 961
- 962 (2) A permit is required for any special activity. The operator must apply for a permit at  
963 least 60 days prior to the proposed activity and provide the county with an operational  
964 plan that addresses the following issues:
- 965
- 966 (a) Nature, location, date, time, and schedule for the proposed activity.
- 967
- 968 (b) FAA airspace approvals and aircraft accident plan.
- 969
- 970 (c) Public safety plan, including crowd control, fire, medical, and police protection.
- 971
- 972 (d) Facility use plan, including arrangements for electric, water, and other utilities;  
973 sanitation and portable rest rooms; recycling and trash receptacles, pickup,  
974 monitoring; and post-activity cleanup.
- 975
- 976 (e) Vendor compliance with permit and license requirements, including health  
977 department approvals if food or beverages will be available.
- 978
- 979 (f) Procedure for providing notice to aircraft owners, hangar owners, other operators,  
980 and any other persons who will be affected by the proposed activity.
- 981
- 982 (g) Insurance and indemnification, hold harmless, and defense arrangements.
- 983
- 984 (3) The Highway Committee may approve the request and issue a permit as requested,  
985 attach such conditions to the permit as it deems appropriate, request additional  
986 information, or deny the request.
- 987

- (4) Any special activity held is expected to be self-supporting and without cost to the county, but the county may provide such services at it deems appropriate.

#### 11.36 Specialized Commercial Flying Services.

- (1) A specialized commercial flying services operator engages in air transportation for hire by providing for the use of aircraft for the following activities: aerial photography or surveying; aerial advertising and banner towing; crop dusting, seeding, spraying, and bird chasing; nonstop sightseeing flights that begin and end at the same airport; pipe line or power line patrol; and similar operations that are not included in FAR, Part 135.
- (2) The operator must demonstrate that it has aircraft available to it that are suitably equipped for the particular specialized commercial flying service that it provides.
- (3) The operator must lease sufficient land from the county and provide a building and other facilities that are sufficient to accommodate the particular specialized commercial flying service that it provides. An operator that provides crop dusting and aerial application must make suitable arrangements and have space available for the safe storage, loading, unloading, containment, and disposal of chemical materials and must provide a centrally drained, paved area large enough to contain washing and loading spillage and to facilitate its removal from the airport.
- (4) The operator must maintain aircraft liability coverage as required for all operators and such other insurance coverage as the county may require for the particular specialized commercial flying service that the operator provides.

#### PART IV. APPROACH PROTECTION.

##### 11.37 Subtitle.

This part may be referred to as the Airport Approach Protection Ordinance.

##### 11.38 Warning and Liability Disclaimer.

The degree of aerial approach protection provided by this ordinance is based on engineering experience and scientific methods of study and is considered reasonable for regulatory purposes. However, this ordinance does not imply that a permitted building, structure, tree, or use will be totally free from hazard to or from aircraft. Nor may this ordinance be deemed to create any cause of action against or liability on the part of the county or its agents, boards, commissions, committees, departments, employees, officials, and officers for damage to property, personal injury, or death.

1030 11.39 Zoning Map.

- 1031
- 1032 (1) The Approach Protection Zoning Map is adopted, incorporated by reference, placed on
- 1033 file with, and available for inspection at the Planning and Zoning Department office.
- 1034
- 1035 (2) The county board may amend the Approach Protection Zoning Map upon the
- 1036 recommendation of the Planning and Park Commission.
- 1037

1038 11.40 Zones and Boundaries.

- 1039
- 1040 (1) The area within 3 miles of the airport is divided into approach protection zones as shown
- 1041 on the Approach Protection Zoning Map.
- 1042
- 1043 (2) Where a zone boundary is shown as approximately coterminous with a highway, road,
- 1044 or street centerline, right-of-way line, platted lot line, section line, quarter section line,
- 1045 or other survey line, the line will be deemed to be the boundary.
- 1046
- 1047 (3) Where a zone boundary is shown as following the shoreline of a lake, stream, or other
- 1048 body of water, the high water mark of the shoreline will be deemed to be the boundary
- 1049 and, in the event of a change in shoreline, the boundary will move with the change in the
- 1050 shoreline.
- 1051
- 1052 (4) Where a zone boundary is disputed, the person disputing the boundary may appeal to the
- 1053 Board of Adjustment, which shall hear the appeal. The person disputing the location of
- 1054 the boundary will be given a reasonable opportunity to present his or her case and may
- 1055 submit technical evidence. The Board may examine any available evidence that is
- 1056 relevant to determine a zone boundary. The Board shall decide the location of the
- 1057 boundary, but may not allow any deviation from the mapped boundary unless the
- 1058 evidence clearly and conclusively establishes that the mapped location is incorrect.
- 1059

1060 11.41 Height and Use Limitations.

- 1061
- 1062 (1) Buildings and Structures. No building or structure may be assembled, constructed,
- 1063 installed, located, moved, placed, or permitted to remain within an airport protection
- 1064 zone at a height in excess of the limit shown on the Approach Protection Zoning Map,
- 1065 except that this limit does not apply to any building or structure that is less than 35 feet
- 1066 in height above ground level.
- 1067
- 1068 (2) Trees. No tree within an airport protection zone may be permitted to grow to or remain
- 1069 at a height in excess of the limit shown on the Approach Protection Zoning Map, except
- 1070 that this limit does not apply to a tree that is less than 35 feet in height above ground
- 1071 level.
- 1072

- 1073 (3) Use. No use is permitted within an airport protection zone if it creates electrical  
1074 interference with radio communication between the airport and aircraft; causes glare or  
1075 impairs visibility for pilots using the airport; makes it difficult for pilots to distinguish  
1076 airport lights; or otherwise endangers the take off, landing, or maneuvering of aircraft.  
1077

1078 11.42 Nonconforming Buildings, Structures, Trees, and Uses.  
1079

- 1080 (1) A building or structure lawfully existing at the time of the adoption of this ordinance or  
1081 an amendment to this ordinance may continue although it does not conform to the  
1082 regulations specified in this ordinance for the airport protection zone in which it is  
1083 located, subject to the following conditions:  
1084

1085 (a) A nonconforming building or structure that is abandoned or unused for a period  
1086 of one year must thereafter be made to conform to the provisions of this  
1087 ordinance.  
1088

1089 (b) A nonconforming building or structure that has been damaged to the extent of 50  
1090 per cent or more of its assessed valuation must thereafter be made to conform to  
1091 the provisions of this ordinance. A nonconforming building or structure that has  
1092 been damaged to the extent of less than 50 per cent of its assessed valuation may  
1093 be restored to its condition prior to the damage.  
1094

1095 (c) A nonconforming building or structure may not be structurally altered except to  
1096 make it conform to the provisions of this ordinance.  
1097

1098 (d) A nonconforming building or structure may not be enlarged.  
1099

- 1100 (2) If the county has paid compensation to a property owner in the airport protection zone  
1101 for protection privileges, the duty to prevent encroachments by the growth of trees or  
1102 other vegetation or otherwise is on the property owner, and any such encroachment is  
1103 declared to be a public nuisance.  
1104

- 1105 (3) If the county has not paid compensation to a property owner in the airport protection  
1106 zone for protection privileges, the county may go upon the land and remove any  
1107 encroachments by the growth of trees or other vegetation or otherwise without being  
1108 liable for damages in doing so.  
1109

- 1110 (4) A use lawfully existing at the time of the adoption of this ordinance or an amendment  
1111 to this ordinance may continue although it does not conform to the regulations specified  
1112 in this ordinance for the airport protection zone in which it is located, subject to the  
1113 following conditions:  
1114

1115 (a) A nonconforming use may not be changed except to make it a conforming use.  
1116

(b) A nonconforming use may not be moved to any other part of the property on which it is located.

(c) A nonconforming use may not be enlarged.

(5) A person who, in good faith and in reliance upon a lawfully issued permit, makes substantial expenditures or incurs significant contractual obligations with respect to the acquisition of property, the construction of a building or structure, or the establishment of a use within the airport protection zone may continue with the acquisition, construction, or use authorized by the permit; provided that the person does so in a diligent manner.

(6) Nothing in this ordinance prevents the county from eliminating nonconforming buildings, structures, or uses by purchase or the use of eminent domain.

#### 11.43 Permits.

(1) Requirement.

(a) A permit is required to assemble, construct, install, move, place, or locate any building or structure in an airport protection zone if the building or structure is 35 feet or more in height above ground level.

(b) A permit is required to structurally alter any building or structure that is located in an airport protection zone if the building or structure, as altered, is 35 feet or more in height above ground level.

(c) A permit is required to structurally alter, repair, or rebuild a nonconforming building or structure that is located in an airport protection zone.

(2) Procedure.

(a) A person must submit an application for any permit that is required by this ordinance to the Code Administrator. The application must describe the proposed activity with sufficient particularity to permit the Code Administrator to determine whether the proposed activity conforms to the requirements of this ordinance.

(b) The Code Administrator will issue a permit if the proposed activity conforms to the requirements of this ordinance, may request additional information from the applicant prior to making a decision about whether to issue a permit, or will deny the permit if the proposed activity does not conform to the requirements of this ordinance.



- 1160 (c) If a permit is issued, the permit must be posted in a prominent place on the  
1161 property where the proposed activity takes place so as to be visible to the public  
1162 at all times until the proposed activity has been completed.  
1163  
1164 (d) If a permit is denied, the applicant may appeal or request a variance from the  
1165 Board of Adjustment.  
1166  
1167 (e) The Board of Adjustment shall hear any appeal or variance request in accordance  
1168 with its established procedures.  
1169  
1170 (f) The Board of Adjustment may, as a condition of any permit or variance, require  
1171 that the owner of the building, structure, or trees install, maintain, and operate  
1172 such lights and markers at the owner's expense as may reasonably be necessary  
1173 to warn aircraft of the existence of a hazard to aerial navigation.  
1174

1175 PART V. ADMINISTRATION AND ENFORCEMENT.  
1176

1177 11.44 Administration.  
1178

- 1179 (1) The Highway Department has primary responsibility for administration of Part II,  
1180 Operations, and Part III, Minimum Standards.  
1181  
1182 (2) The Planning and Zoning Department has primary responsibility for administration of  
1183 Part IV, Approach Protection.  
1184  
1185 (3) The Board of Adjustment has secondary responsibility for administration of Part IV,  
1186 Approach Protection, by hearing appeals and variance requests.  
1187  
1188 (4) The Corporation Counsel, Highway Department, Planning and Zoning Department, and  
1189 Sheriff's Department share responsibility for administration of Part V, Administration  
1190 and Enforcement.  
1191

1192 11.45 Enforcement.  
1193

- 1194 (1) Citation Authority.  
1195  
1196 (a) The Sheriff may issue a citation for any violation of this ordinance.  
1197  
1198 (b) The Highway Commissioner or airport manager may issue an order to abate or a  
1199 citation for any violation of Parts I, II, III, or V of this ordinance, or both.  
1200  
1201 (c) The Planning and Zoning Director or the Code Administrator may issue an order  
1202 to abate or a citation for any violation of Part IV or V of this ordinance, or both.  
1203

- 1204 (2) Inspection Authority.  
1205  
1206 (a) Any person authorized to issue a citation for a violation of this ordinance may  
1207 inspect premises, inspect and copy relevant records, and obtain photographic or  
1208 other evidence necessary to enforce this ordinance.  
1209  
1210 (b) If permission is not given for entry onto a premises, an inspection warrant may be  
1211 obtained pursuant to Wis. Stat. § 66.0119.  
1212  
1213 (3) Compliance Orders. Any person authorized to issue a citation for a violation of this  
1214 ordinance may issue a written notice of noncompliance stating the conditions of  
1215 noncompliance, directing the action required to come into compliance, the amount of  
1216 time within which compliance is required, and the consequences of noncompliance. The  
1217 notice of noncompliance may include an order to cease operations pending compliance.  
1218  
1219 (4) Legal Referral. Any person authorized to issue a citation may refer a violation of this  
1220 ordinance to the Corporation Counsel for legal action.  
1221  
1222 (5) Other Means. The enforcement provisions of this ordinance are not exclusive or  
1223 mutually exclusive. Nothing in this ordinance may be construed to prevent the county  
1224 from using any lawful means to enforce this ordinance. Nothing in this ordinance may  
1225 be construed to require that the county issue a citation before taking any other legal  
1226 action.  
1227  
1228 11.46 Violations.  
1229  
1230 (1) It is unlawful for a person to violate any provision of this ordinance.  
1231  
1232 (2) It is unlawful for any person to knowingly provide false information, make a false  
1233 statement, or fail to provide or misrepresent any material fact to a county agent, board,  
1234 commission, committee, department, employee, officer, or official acting in an official  
1235 capacity under this ordinance  
1236  
1237 (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or  
1238 otherwise resist an order issued pursuant to this ordinance.  
1239  
1240 (4) A separate offense is deemed committed on each day that a violation occurs or  
1241 continues.  
1242  
1243 (5) The failure of any agent, board, commission, committee, department, employee, officer,  
1244 or official to perform any official duty imposed by this code will not subject the agent,  
1245 board, commission, committee, department, employee, officer, or official to the penalty  
1246 imposed for a violation of this code unless a penalty is specifically provided.  
1247

11.47 Penalties.

- (1) A person shall, upon conviction for a violation of any provision of Part II, Operations, forfeit not less than \$25 nor more than \$100 for each offense, together with any applicable assessments, costs, surcharges, and costs of prosecution for each violation.
- (2) A person shall, upon conviction for a violation of any provision of Part III, Minimum Standards, forfeit not less than \$100 nor more than \$1,000 for each offense, together with any applicable assessments, costs, surcharges, and the costs of prosecution for each violation.
- (3) A person shall, upon conviction for a violation of any provision of Part IV, Approach Protection, forfeit not less than \$100 nor more than \$2,000 for each offense, together with any applicable assessments, costs, surcharges, and the costs of prosecution for each violation.
- (4) The minimum and maximum forfeitures specified in this section are doubled each time a person is convicted for the same violation of this ordinance within any 24-month period.
- (5) A person who is ordered to pay a forfeiture or costs and has the ability to pay, but who fails or refuses to do so, may be confined in the county jail until the forfeiture and costs are paid. The period of confinement may not exceed 30 days for each offense.

This ordinance is effective October 1, 2010.

Dated this 21st day of September 2010.

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

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider moved to adjourn, seconded by Supervisor Henrickson and the motion was adopted by acclamation. The meeting adjourned at 7:50 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, October 12, 2010, 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 12th day of October, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl 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: 25 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On motion by Supervisor Bauknecht, seconded by Supervisor Henrickson, the September 21, 2010 meeting minutes were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:04 p.m.

Randy Field, City of Manitowoc, talked about eight Manitowoc County nonrepresented employees who received a total of \$54,000 in wage increases last year which equates to a nine per cent increase when union employees have been asked to take a decrease in wages. He requested that supervisors ask themselves "where this is going" as they ponder the proposed budget.

Heath Miller, Village of Whitelaw, addressed the Board as a County employee regarding wage concessions and layoffs that were taken by the Highway Department and now they are being asked to take further wage cuts. He was disappointed to hear that the County Executive said that they don't want to talk when talks with the union have just begun. As a taxpayer, he would like to know where the money is going and what goals are set.

Nancy Slattery, Town of Cooperstown, representing the newly formed Interfaith Justice Organization talked about the SSTOP Program which provides treatment, not punishment, for those convicted of drunk driving. She asked Supervisors to allocate \$25,000 for this program and said that it would be a win-win for all.

Judge Darryl Deets, Town of Cato, and Circuit Court Branch II Judge spoke in favor of the Interfaith Justice Organization and expressed that a \$25,000 allocation for the Sstop Program was a modest figure. He said that we must determine how the cuts in the Human Services budget will affect the

assessments of alcoholics. He stated that three judges have gone on record opposing the closing of the Juvenile Detention Center. If there is something that can be done differently, he would be very willing to listen to alternatives.

Cheryl Nack, Town of Cato, addressed the Board regarding labor negotiations. She has been in meetings with the County Executive and figures have not been discussed. She feels bargaining has not been done in good faith.

Deputy Inspector Greg Schetter, Town of Kossuth, spoke in favor of keeping the Juvenile Detention Center open. He said that the Sheriff relies on the Juvenile Detention Center employees as backup for the needs of the jail.

Tammy Szczesny, City of Manitowoc, and President of the Lakeshore Humane Society, addressed the Board regarding additional funding for the care of the animals that are brought into the shelter. She noted that the dog license fee has not been increased in ten years and requested to have a \$1.00 increase in the fee. The Humane Society has also asked to take over the issuing of cat and dog licenses, and to keep the cat license fee that is collected in the City of Manitowoc.

Keith Bonde, City of Manitowoc, and a Manitowoc County Corrections Officer spoke in favor of keeping the Juvenile Detention Center open. He said that juveniles in detention attend school and many have turned their lives around.

Julie Reimer, Village of Whitelaw, and a Manitowoc County Public Health Nurse, said that it is critically necessary to keep the Juvenile Detention Center open. As a public health nurse, she also talked about the difficulty in helping the “poorest of the poor” who live in the country and have no transportation.

Patricia Field, City of Manitowoc, and a receptionist at Human Services, addressed the Board regarding positions that have been cut at Human Services. She asked how much can you cut and still be effective? Human Services cases are increasing and the employees are drowning in the work.

No one else present wished to speak, subsequently Chairperson Tittl declared public input closed at 7:52 p.m.

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer presented the proposed 2011 budget. He said that he appreciated the comments and takes his responsibility very seriously. He will do whatever it takes to deliver a budget that holds the line on the tax burden for people in this community. Referring to a handout, he explained that employee costs are growing faster than revenues. With a two percent reduction in those costs, we could avoid employee layoffs.

Due to technical difficulties, Chairperson Tittl called for a recess at 8:02 p.m. and the Board reconvened at 8:07 p.m. and County Executive Bob Ziegelbauer continued his presentation.

He stated that his priority is to save jobs and he does not want to cut the jobs of county employees. We have a responsibility to young people who are starting their career in the public sector and may be out. He is willing to work with everyone. He answered supervisors’ questions.

Corporation Counsel Steve Rollins gave an overview of the draft of the Ethics Code. He explained the general objective is to give the code more prominence and to make it easier to find topics that clearly define the standards. The code will be administered by a three member board who will make a recommendation to the District Attorney or the Corporation Counsel. The penalties have been increased significantly. He answered supervisors' questions.

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

Aging & Disability Resource Center Board: Supervisor Maresh gave a brief report.

Board of Health: Supervisor Schneider reported their next meeting will be October 20.

Executive Board: Chairperson Tittl gave a brief report.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to enact Ordinance .02 (2010/2011-56) Amending Manitowoc County Code §§ 7.30 and 7.31 (Pound Designated and Dog License Fund). Upon discussion and vote, the motion carried with 23 ayes and 2 noes. Supervisors Metzger and Vogel voted no; all other supervisors voted aye.

No. 2010/2011 - 56

**ORDINANCE AMENDING MANITOWOC COUNTY CODE §§ 7.30 and 7.31  
(Pound Designated and Dog License Fund)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code sec. 7.30 provides that the health officer may  
2 designate Lakeshore Humane Society, Inc. or other organizations to serve as a county pound for dogs  
3 and other distrained animals; and  
4

5 WHEREAS, Manitowoc County Code sec. 7.31 provides for a dog license tax and the  
6 disposition of the dog license fund; and  
7

8 WHEREAS, Lakeshore Humane Society has proposed that the county enter into a contract  
9 governing the services provided by Lakeshore Humane Society and the payments required of the  
10 county that would necessitate that the dog license tax be more than tripled; and  
11

12 WHEREAS, an analysis of data provided by Lakeshore Humane Society shows that the  
13 revenue generated by the dog license tax is more than adequate to pay for the care of stray animals  
14 in the towns and villages; and  
15

16 WHEREAS, an analysis of data provided by Lakeshore Humane Society shows that the  
17 revenue generated by the dog license tax is more than adequate to pay for the care of stray dogs in  
18 the cities, but is insufficient to pay the nearly \$90,000 required for the care of cats from the cities;  
19 and  
20

21 WHEREAS, state law provides that if the county does not designate a pound for stray  
22 animals, then any surplus in the dog license fund in excess of \$1,000 is to be returned to the  
23 municipalities in proportion to their contribution to the dog license fund; and  
24

25 WHEREAS, the Finance Committee believes that it is neither appropriate nor fair to burden  
26 dog owners throughout the county with the substantial cost of caring for stray cats from the cities;  
27

28 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does  
29 ordain as follows:  
30

31  
32 Manitowoc County Code sec. 7.30 is amended as follows:  
33

34 7.30 Pound Designated. ~~The health officer may designate Lakeshore Humane Society, Inc.,~~  
35 ~~a non-profit corporation located at 1551 North Eighth Street, Manitowoc, Wisconsin 54220, or any~~  
36 ~~other organization as the county pound for dogs and other distrained animals. The health officer may~~  
37 ~~designate other organizations to serve as a county pound in specific cases if the organization that has~~  
38 ~~been designated as the county pound is unable to provide services.~~ No humane society or other  
39 organization is designated as the county pound.  
40

41 Manitowoc County Code sec. 7.31(3) is amended as follows:  
42

43 (3) The county may pay the following expenses out of the dog license fund: expenses  
44 necessarily incurred by the county in purchasing and providing books, forms, and other supplies  
45 required in administering the dog license law; ~~and expenses incurred by the county under Wis. Stat.~~  
46 ~~§ 95.21(4)(b) and (8); and expenses incurred by the county pound or by a humane society or other~~  
47 ~~organization designated to provide a pound for collecting, caring for, and disposing of dogs.~~  
48

49 Manitowoc County Code sec. 7.31(5) is amended as follows:  
50

51 (5) The county treasurer shall, on March 1 of the succeeding year, pay any surplus in excess  
52 of \$1,000 that remains from the dog license taxes of any license year to the ~~pound or pounds~~  
53 ~~designated pursuant to sec. 7.30~~ the towns, villages, and cities of the county for their use in the  
54 proportion in which the towns, villages, and cities contributed to the fund out of which the surplus  
55 arises.  
56

57 This ordinance is effective December 31, 2010.

Dated this 12th day of October 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Hoffman to adopt Resolution .01 (2010/2011-57) Pertaining to Disbursement of Dog License Fund Surplus. Upon vote, the motion carried unanimously.

No. 2010/2011 - 57

**RESOLUTION PERTAINING TO  
DISBURSEMENT OF DOG LICENSE FUND SURPLUS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the county clerk is responsible for administering the dog license fund and the  
2 proceeds from the dog license tax are deposited with the county treasurer; and  
3

4 WHEREAS, if the county does not designate a pound for stray animals, it is required to  
5 return any surplus in the dog license fund that is in excess of \$1,000 to the municipalities in  
6 proportion to their contribution to the fund; and  
7

8 WHEREAS, Manitowoc County has amended its ordinances and will not have a designated  
9 pound for stray animals after December 31, 2010; and  
10

11 WHEREAS, Manitowoc County wishes to cooperate with any municipality that enters into  
12 an agreement with a humane society or other organization that the municipality designates to act as  
13 the municipal pound;  
14

15 NOW, THEREFORE, BE IT RESOLVED that after January 1, 2011, a municipality may,  
16 prior to the end of a license year, request that the county treasurer pay that portion of the dog license  
17 fund surplus that may become due to the municipality for that license year directly to the humane  
18 society or other organization designated to act as its municipal pound; and  
19

20 BE IT FURTHER RESOLVED that the county treasurer will honor a municipality's request  
21 if the request is made in writing and received prior to the end of the license year.

Dated this 12th day of October 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

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



Personnel Committee: Supervisor Vogt moved, seconded by Supervisor Bauknecht to adopt Resolution 1 (2010/2011-58) Approving Amendment to Employee Policy Manuals (Designation of Outdoor Smoking Areas). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 58

**RESOLUTION APPROVING AMENDMENT TO EMPLOYEE POLICY MANUALS  
(Designation of Outdoor Smoking Areas)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County has adopted Employee Policy Manuals to ensure fair and  
2 equal treatment of County employees and compliance with Federal and State employment laws; and  
3

4 WHEREAS, it is in the County's interest to clarify that the ban on indoor smoking includes  
5 tobacco and all tobacco substitutes, whether contained in pipes, cigars, electronic cigarettes, water  
6 pipes, or other instrumentalities;  
7

8 NOW, THEREFORE, BE IT RESOLVED that the Represented and Non-Represented  
9 Employee Policy Manuals are amended to include the following:  
10

11 "Smoking" means to burn tobacco, to burn a tobacco substitute, to use or inhale smoke  
12 produced by a tobacco product, or to use or inhale any substance produced by a tobacco  
13 substitute, whether by means of a cigar, cigarette, electronic cigarette, water pipe, or any  
14 other instrumentality.

Dated this 12th day of October 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 2 (2010/2011-59) Approving Out-of-State Travel (Paul Tittl). Upon vote, the motion carried unanimously.

No. 2010/2011 - 59

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL  
(Paul R. Tittl)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the City of Red Wing, Minnesota has proposed a Host Community Meeting on  
2 the Yucca Mountain Closure and Indefinite On-Site Storage of Nuclear Waste to be held in  
3 conjunction with the National League of Cities meeting that will be held in Denver, Colorado on

4 December 3, 2010; and

5  
6 WHEREAS, the City of Red Wing has invited County Board Chair Paul R. Tittl to participate  
7 in the Host Community Meeting to discuss the impact of the recent closure of Yucca Mountain, its  
8 impact on the indefinite on-site storage of spent nuclear fuel, the need for solution providing for the  
9 safe removal of nuclear waste from communities where spent nuclear fuel is presently stored; and  
10 related issues;

11  
12 WHEREAS, this request was submitted to the Personnel Committee for review because of  
13 the importance of having Manitowoc County represented at this meeting and to provide the county  
14 board with as much lead time as possible in considering whether to approve this out-of-state travel;

15  
16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
17 authorizes Paul R. Tittl to travel out-of-state to attend the Host Community Meeting on the Yucca  
18 Mountain Closure and Indefinite On-Site Storage of Nuclear Waste that will be held in conjunction  
19 with the National League of Cities annual meeting in Denver, Colorado on December 3, 2010.

Dated this 12th day of October 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None. Estimated travel expenses of approximately \$500 will be paid from  
funds in the Emergency Management budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt answered supervisors' questions.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Muench to  
enact Ordinance 3 (2010/2011-60) Amending Zoning Map (Steve Pisaro). Upon discussion and  
vote, the motion carried unanimously.

No. 2010/2011 - 60

**ORDINANCE AMENDING ZONING MAP  
(Steve Pisaro)**

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 27, 2010; and  
3

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

7  
8 NOW, THEREFORE, the county board of supervisors of the County of Manitowoc does

9 ordain as follows:

10  
11 A parcel of land located in the NW¼, NE¼, Section 33, T20N-R21E, Town of Maple  
12 Grove, commencing at the center of said Section 33; thence northerly approximately  
13 1320 feet which is the point of real beginning; thence easterly approximately 300 feet;  
14 thence northerly approximately 86 feet to the south r/w of USH 10; thence westerly  
15 along the south r/w USH 10 approximately 322 feet; thence southerly approximately 193  
16 feet to the point of real beginning, said parcel containing approximately 1.0 acre of land,  
17 is hereby rezoned from A3 Agriculture to A1 Agriculture.

Dated this 12th day of October 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Transportation Coordinating Committee: Supervisor Konen reported that their next meeting will be November 11.

Supervisor Vogel moved to adjourn, seconded by Supervisor Burke and the motion was adopted by acclamation. The meeting adjourned at 10:11 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Monday, October 25, 2010, 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 25th day of October, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

Chairperson Tittl gave the invocation, which was followed by a moment of silence for Corporal Justin Cain and former County Treasurer Delores Kubis. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 22 members present; Bauknecht, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Behnke, Panosh, and Rappe were excused.

On motion by Supervisor Brey, seconded by Supervisor Schmidt, the October 12, 2010 meeting minutes were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open on the 2011 County Executive's Proposed Annual Budget at 7:05 p.m.

County Executive Bob Ziegelbauer provided a brief overview of the County Executive's 2011 Proposed Annual Budget explaining that his priorities are to hold the line for taxpayers and preserve the jobs of county employees. He said that he offered the unions six options, of which five call for modest changes to wages or benefits. The sixth option would result in the loss of up to 30 employees.

Judge Darryl Deets, Town of Cato and Circuit Court Judge, addressed the Board regarding the possible closing of the Juvenile Detention Center. He said he was not here to say no to the closing, but he said that he was not presented any alternatives to secure detention. There are better ways to deal with juvenile offenders than locking them up. But they must have that option as a backstop.

Doug Jones, City of Manitowoc and Assistant District Attorney, spoke in opposition to the closing of the Juvenile Detention Center. If the Center is closed, we may be sending juveniles to Lincoln Hills at a higher cost than we presently spend on the Center. He thought that the plan was fiscally reckless.

Darlene Wellner, Town of Kossuth, representing the Interfaith Justice Organization, requested that \$25,000 be allocated in the 2011 budget to implement the Safe Streets Treatment Option Program (SSTOP). The program addresses alcohol addiction and treats it like a disease. It has proven to reduce the number of offenders in Winnebago County.

Rob Kappelman, City of Two Rivers Police Captain, spoke in support of the SSTOP Program. He said the only deterrent we have for drunken drivers is arrest. The SSTOP Program treats the disease. Drinking and driving has become a social disease and we do not have enough officers on the street to arrest the offenders. He urged the Board to consider a small allocation in the 2011 budget. Attorney Bob Dewane, City of Manitowoc, asked the Board to consider the domino effect that will take place if the Juvenile Detention Center is closed. He asked what will happen if facilities in other counties are filled and cannot take juveniles? He also noted that other counties may close their juvenile detention centers. We do not have to be concerned with those potential issues if we have our own facility.

Jason Jost, Town of Newton and Jail Administrator, read a letter from Sheriff Rob Hermann in support of the Juvenile Detention Center. He talked about the uncertainty of the fiscal impact when you consider the cost of transporting juveniles to other facilities, overtime, and other issues.

Julie Novak, City of Manitowoc and nurse clinician with Planned Parenthood, spoke in opposition to the reduction of staff in the Health Department. She said that the Public Health nurses do much more than give inoculations, such as testing for STD's and HIV, and support the other initiatives throughout the county.

Martin Schaller, City of Manitowoc and Chair of Manitowoc County 2010 Healthiest Initiative, spoke in support of retaining two FTE in the 2011 Health Department budget. He said that the Health Department already lost four FTE's in 2008.

Heath Miller, Village of Whitelaw, addressed the Board regarding the proposed 2011 budget. He said that when the County Executive downsized the Highway Department, he eliminated \$1.5 million in revenue from the plowing of snow for seven villages and one town. He has now proposed the further reduction of employees in 2011. He asked where the savings went from the previous layoffs, and said that the County Board has a say in the proposed budget.

Joe Keil, City of Manitowoc, spoke to the Board regarding increases in capital outlay while laying off employees. He said that we lose services when the number of employees are reduced. He urged the Board to stop spending money on things that we don't need.

Randy Field, City of Manitowoc, talked about the proposed 2011 budget. He was concerned that the proposal did not illustrate the actual employee cost with insurance. He referred to a 2006 Journal Sentinel article where the County Executive said that the health insurance program that he was offering to employees was a “Cadillac” plan. He wondered how the Board could make a decision when they don’t know the actual numbers.

Jim Theyerl, Town of Manitowoc, addressed the Board regarding nonrepresented wages that need to be controlled. He asked that union employees not be cut because we need the services.

Barb Hermann, Town of Manitowoc Rapids, spoke in support of retaining employees in the Health Department. She noted that teaching people to lead healthy lives will result in less cost to taxpayers. She asked the Board to think about the majority of people when they consider the budget.

Carrie Redo, City of Two Rivers and a Public Health Nurse, spoke in favor of retaining the Juvenile Detention Center. She also addressed the six options that have been offered to the unions. The problem is that those options do not guarantee jobs. She said it is insulting to read in the newspaper that county employees do not want to work together. Services are being eliminated and this is not going to help the residents of Manitowoc County.

Renee Derenne, Manitowoc and owner of a long term care group home, spoke about the cuts that directly affect those citizens with disabilities. When minimal services are cut, those with mental health issues end up on a hospital which is costly. She spoke in support of keeping the Juvenile Detention Center open. She urged the Board to come up with better solutions.

Tom Riley, Manitowoc, addressed the Board regarding his concern with cuts in services. We need to use alternatives in helping our youth so that they do not end up in secure detention. If we cut services, we will be losing out on the future of our community.

Don Goeke, Manitowoc, spoke in support of the County Executive’s proposals. He said that employees need to work more efficiently.

No one else present wished to speak, subsequently Chairperson Tittl declared public input on the budget closed at 8:20 p.m. and opened public input to non-budget issues.

No one present wished to speak and Chairperson Tittl declared public input closed.

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl read a Proclamation Proclaiming October 28, 2010 as Human Resources Professional Day.

District Attorney Mark Rohrer reported on the importance of keeping the Juvenile Detention Center open. He believes it is important to hold defendants and juveniles accountable for their actions. Reasons for keeping the Center open include: it acts as a deterrent to future crime; counselors and

family are nearby; some children in detention need assessments; and children can walk to school from the facility. He will be corroborating with the high school regarding juveniles who will be assessed under a new program. He is looking for new ways to get juvenile offenders on the right path. He answered supervisors' questions.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Angela Bartow as an alternate to the Board of Adjustment to complete a vacancy expiring July 2012. Supervisor Henrickson moved, seconded by Supervisor Bauknecht to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

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

Board of Health: Supervisor Schneider gave a brief report. Their next meeting will be November 11.

Finance Committee: Supervisor Muench reported their next meeting will be November 8, and that was the only scheduled meeting for a committee hearing on the budget. She answered supervisors' questions.

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

Land Conservation Committee/Natural Resources & Education Committee: Supervisor Maresh moved, seconded by Supervisor Schneider to adopt Resolution 1 (2010/2011-61 ) Accepting EPA Grant. Upon vote, the motion carried unanimously.

No. 2010/2011 - 61

#### **RESOLUTION ACCEPTING EPA GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County's Land and Water Resource Management Plan identifies  
2 runoff control systems on livestock barnyards as a Best Management Practice to protect public health  
3 and safety by reducing or eliminating nutrients, bacteria, and pathogens in Lake Michigan and its  
4 shoreline; and

5  
6           WHEREAS, the United States Environmental Protection Agency (EPA) is awarding  
7 Manitowoc County a \$525,000 grant to provide financial assistance to landowners who install runoff  
8 control systems on barnyards;  
9

10 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
11 authorizes the Soil and Water Department Director to accept a grant from EPA in an amount not to  
12 exceed \$525,000; and  
13

14 BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in the  
15 2010 budget are amended by the amount of the grant funds received and that the  
16 Comptroller/Auditor is directed to record such information in the official books of the County for  
17 the year ending December 31, 2010 as may be required.

Dated this 25th day of October 2010.

Respectfully submitted by the Land Conservation Committee.

FISCAL IMPACT: Increases budgeted revenue and expenses by the amount of the grant award in an amount not to exceed \$525,000 and requires the county to provide an in-kind contribution, which will be accomplished by allocating .3 of an FTE from an existing FTE project manager position and .6 of an existing FTE from an existing resource conservationist position during the three-year fiscal grant period.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Vogt reported their next meeting will be November 1. He answered supervisors' questions.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Transportation Coordinating Committee: Supervisor Konen reported their next meeting will be November 11.

Announcement: County Clerk Jamie Aulik announced that each supervisor received a letter from Supervisor Maresh regarding the United Way. He asked supervisors to consider contributing to the United Way.

Supervisor Vogel moved to adjourn, seconded by Supervisor Gerroll and the motion was adopted by acclamation. The meeting adjourned at 9:14 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk



MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, November 16, 2010, 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 16<sup>th</sup> day of November, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

Supervisor Burke gave the invocation, which was followed by a moment of silence for Veterans. The Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Schneider was excused.

On motion by Supervisor Schmidt, seconded by Supervisor Bauknecht, the October 25, 2010 meeting minutes, were approved on a unanimous vote.

The Clerk announced a minor change to the agenda. No motion was necessary to amend it.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:04 p.m.

Jim Sustman, Village of Mishicot, urged the Board to keep the funding in the 2011 budget for the drug and alcohol treatment program.

Judge Darryl Deets, Circuit Court Judge Branch II, thanked the Board and the County Executive for not cutting the Juvenile Detention Center. He said that judges want to be proactive and are willing to discuss alternative programs for juveniles. He also talked about the \$25,000 for the drug and alcohol program that was struck from the budget. He said that they are working with Sara Carpenter from the Wisconsin Communities Services (WCS) on a program that begins immediately upon arrest of the individual. The program also includes a monitoring bracelet that provides continuous remote alcohol monitoring for high risk individuals. He answered supervisors' questions.

Greg Buckley, Two Rivers City Manager, addressed the Board regarding the Town of Two Rivers rezone request for Thomas Clarksen. The Two Rivers Planning Commission opposed the request and expressed concern that this request may not be in compliance with the Smart Growth Plan. He recommended that the request be sent back to the Planning and Park Commission for more scrutiny.

Marty Marchek, Two Rivers City Planner, talked about the Smart Growth Plan that all municipalities

were required to adopt in 2009 and referred to The Comprehensive Plan in Chapter 29 of the Manitowoc County Code. He stressed that there must be consistency between the Smart Growth Plan and the County Code.

Keith Nelson, Town of Two Rivers, spoke in opposition to the Thomas Clarkson rezone request. He was concerned that the entrance to the storage units should be placed in another area on the property for safety reasons because it is located across from a school.

Jim Theyerl, Town of Manitowoc, talked about the proposed budget and urged the Board to cut wages of the non-represented employees.

Tom Clarkson, City of Two Rivers, addressed the Board regarding the request to rezone a parcel of land. The Town Land Use Committee recommended the rezone request to the Town Board and the Town Board gave their approval. He urged the Board to approve his request for rezoning.

Nancy Slattery, Town of Cooperstown, talked about the proposed Drug and Alcohol Treatment Program. She supported the program noting that treatment is needed for repeat drunk driving offenders.

Randy Field, City of Manitowoc, addressed the Board regarding the proposed 2011 budget. He suggested cutting recreation, such as at the Ice Center, the Expo, and parks from the budget instead of services. He was concerned that services had been cut for the elderly and nothing had been cut in recreation.

Marilyn Sontag, City of Manitowoc, represented the League of Women Voters. She requested that the Board add the \$25,000 to the budget for the Drug and Alcohol Treatment Program. It will have a positive effect on families and worker productivity.

Heath Miller, Village of Whitelaw, addressed the Board regarding fifty four employees who received automatic three percent increases this year which equals \$105,000 and fifty five employees scheduled to receive automatic three percent increases in 2011. He said that the Highway Union offered a four percent cut in wages for two years and they were told that it was not an option.

No one else present wished to speak, subsequently Chairperson Tittl declared public input closed at 8:04 p.m.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Lisa Taylor to the Expo and Ice Center Board to complete Doreen Bessert's term expiring December 31, 2010. Supervisor Behnke moved, seconded by Supervisor Vogt to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Tonya Dvorak,

Dave Gauger, Kris Hansen, Joe Janowski, Dick Pollen, Ken Swade, and Lisa Taylor to the Expo and Ice Center Board for a three year term expiring December 31, 2013. Supervisor Henrickson moved, seconded by Supervisor Hoffman to approve the appointment. Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Burke voted no; all other supervisors voted aye.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Mark Persaud to the Expo and Ice Center Board to complete Michelle Hoffman's term expiring December 31, 2011. Supervisor Brey moved, seconded by Supervisor Korinek to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Tim Barber and alternate Bill Riesterer to the Joint Dispatch Board for a two year term expiring December 2012. Supervisor Konen moved, seconded by Supervisor Weiss to approve the appointment. Upon vote, the appointments were confirmed by unanimous consent.

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

Aging & Disability Resource Center Board: Supervisor Maresh moved, seconded by Supervisor Muench to adopt Resolution 1 (2010/2011-62) Amending 2010 Budget (Aging & Disability Resource Center). Upon vote, the motion carried unanimously.

No. 2010/2011 - 62

**RESOLUTION AMENDING 2010 BUDGET  
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. has changed the  
2 formula it uses to allocate Older Americans Act grant funds to the Aging and Disability Resource  
3 Center (ADRC); and  
4

5 WHEREAS, the ADRC Board recommends that the county amend the 2010 budget to reflect  
6 the following changes in revenues and expenditures for the Nutrition Services Incentive Program  
7 and the Alzheimer's Family Caregiver Support Program that result from the changed formula:  
8

Revenue or Expense	Account Number	Description	Amount
Revenue	46250.43566.04	Home-Delivered NSIP	\$5,193
Expenses	46250.52940	Contracted Food Services	\$5,193
Revenue	46425.43566.08	AFCSP Funding	(\$14,644)

16 Expenses 46425.52999 Contracted Services (\$14,644);  
17

18 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
19 that the 2010 Budget is amended by the amounts stated above; that any funds remaining at the end  
20 of 2010 be carried over to 2011; and that the Comptroller/Auditor is directed to record such  
21 information in the official books of the County for the year ending December 31, 2010 as may be  
22 required.

Dated this 16th day of November 2010.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Decreases budgeted revenues and expenses by \$9,451.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Panosh gave a brief report.

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

Finance Committee: Supervisor Muench moved, seconded by Supervisor Markwardt to adopt Resolution 2 (2010/2011-63) Approving Land Information Plan. Upon vote, the motion carried unanimously.

No. 2010/2011 - 63

## **RESOLUTION APPROVING LAND INFORMATION PLAN**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Wisconsin established a Land Records Modernization Program in 1989; and  
2

3 WHEREAS, a county that established a Land Information Office and adopted a State-approved  
4 Land Records Modernization Plan was able to participate in the Land Records Modernization  
5 Program; and  
6

7 WHEREAS, Manitowoc County established a Land Information Office in 1989, adopted a  
8 State-approved Land Records Modernization Plan in 1991, updated the plan in 2000 and 2005, and  
9 has continuously participated in the Land Records Modernization Program; and  
10

11 WHEREAS, the Land Records Modernization Program is now called the Land Information  
12 Program and the Land Records Modernization Plan is now called the Land Information Plan;  
13

14 WHEREAS, a Land Information Plan is required for Manitowoc County to continue its  
15 participation in the Land Information Program, and participation in the Land Information Program  
16 will allow Manitowoc County to retain certain fees and qualify for certain grants; and  
17

18 WHEREAS, a proposed Manitowoc County Land Information Plan for 2011 - 2015 has been  
19 provided to the County Board;  
20

21 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
22 approves the Manitowoc County Land Information Plan for 2011 - 2015.

Dated this 16th day of November 2010.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 3 Adopting 2011 budget and Property Tax Levy. Discussion followed.

Amendment #1: Supervisor Muench moved, seconded by Supervisor Brey, to amend Resolution 3 Adopting 2011 Budget and Property Tax Levy by striking lines 4 through 8 and striking lines 49 through 51. Upon discussion and vote on the amendment, the motion carried unanimously. Discussion followed.

Supervisors then voted to adopt Resolution 3 (2010/2011-64) Adopting 2011 Budget and Property Tax Levy as amended. Upon vote, the motion carried with 17 ayes and 7 noes. Supervisors Burke, Dufek, Henrickson, Metzger, Rappe, Vogel, and Wagner voted no; all other supervisors voted aye.

No. 2010/2011 - 64

**ENGROSSED**

### **RESOLUTION ADOPTING 2011 BUDGET AND PROPERTY TAX LEVY**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a detailed copy of the County Executive's Proposed 2011 Annual Budget has  
2 been made available to each county supervisor and to the general public; and  
3

4 ~~WHEREAS, the Proposed 2011 Annual Budget was presented to the County Board at its~~  
5 ~~meeting on October 12, 2010 and the County Board was informed that the Proposed 2011 Annual~~  
6 ~~Budget includes funds in the Human Services Department for alternative programming for juveniles~~

7 ~~instead of incarceration in the Juvenile Detention Center, and that the County would maintain the~~  
8 ~~Juvenile Detention Center, but not operate it beginning January 1, 2011;~~  
9

10 WHEREAS, formal publication of a budget summary and announcement of a public hearing  
11 was made in accordance with Wis. Stat. § 65.90 and Wis. Stat. Ch. 985 in the Manitowoc Herald  
12 Times Reporter on October 10, 2010; and  
13

14 WHEREAS, a public hearing on the Proposed 2011 Annual Budget was held for the purpose  
15 of obtaining public input and the Proposed 2011 Annual Budget was reviewed at by the County  
16 Board at its Annual Meeting on October 25, 2010; and  
17

18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
19 hereby adopts a Governmental Funds Budget and a service delivery Proprietary Fund Budget for the  
20 calendar year beginning January 1, 2011 as indicated in the attached 2011 Annual Budget for  
21 Manitowoc County and any attachments or addenda thereto; and  
22

23 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby  
24 authorizes that the following sums of money be raised for the ensuing year:  
25

26	State Special Charges - Charitable & Penal	\$	0
27	County Aid Bridges (Wis. Stat. § 82.08)	\$	213,882.00
28	Illegal Real Estate Taxes Charged Back (Prior Year)	\$	3,606.70
29	All Other County Taxes	<del>\$28,234,064.00</del>	28,234,070.00
30	Gross County Tax Levy	<del>\$28,451,552.70</del>	28,451,558.70;

31  
32 and  
33

34 BE IT FURTHER RESOLVED that the County shall apportion the tax for Bridges under Wis.  
35 Stat. § 82.08 on the taxable property of the participating districts; and  
36

37 BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment State  
38 Taxes for Forestry Mill Tax, Wis. Stat. § 70.58(2), the amount of \$916,023.90; and  
39

40 BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment, State  
41 Special Charges for Charitable and Penal purposes, as follows: none; and  
42

43 BE IT FURTHER RESOLVED the County Officials are hereby directed to reapportion the  
44 illegal real estate taxes charged back in the amount of \$3,606.70; and  
45

46 BE IT FURTHER RESOLVED that the budget in detail hereto attached shall be made a part  
47 of the Tax Levy; and  
48

49 ~~BE IT FURTHER RESOLVED that should it become necessary to resume operation of the~~

50 ~~Juvenile Detention Center, the County Board shall take action and make such budget adjustments~~  
51 ~~as may be required; and~~  
52

53 BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make any  
54 technical corrections to the budget that are necessary.

Dated this 16th day of November 2010.

Respectfully submitted by the Finance Committee.

FISCAL NOTE: Requires a composite tax levy and rate, based upon the budget book as printed, as follows:

Tax Levy of ~~\$28,451,552.70~~ \$28,451,558.70  
Composite Tax Rate of ~~\$5.53267457~~ per \$1,000 of equalized value.  
\$5.532675

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt gave a brief report.

Lakeland Care District: Supervisor Brey reported they will meet on November 17. Katie Mnuk of the Lakeland Care District will be invited to speak at the December meeting

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor to adopt Resolution 4 (2010/2011-65) Establishing Nonrepresented Employee Compensation for 2011. Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Burke voted no; all other supervisors vote aye.

No. 2010/2011 - 65

**RESOLUTION ESTABLISHING NONREPRESENTED  
EMPLOYEE COMPENSATION FOR 2011**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County Code sec. 5.05 states that it is the policy of Manitowoc  
2 County to compensate employees who are not represented by labor unions in a fair, equitable,  
3 and consistent manner; and

4 WHEREAS, internal equity and the integrity of the nonrepresented compensation plan  
5 depend on maintaining existing differentials between the compensation of supervisory personnel  
6 and supervised employees; and  
7

8 WHEREAS, the difficult economic times that Manitowoc County is currently experiencing  
9 present significant budgetary challenges and require that difficult decisions and sacrifices be  
10 made; and  
11

12 WHEREAS, the 2011 budget does not include any across-the-board increase for  
13 nonrepresented employees; and  
14

15 WHEREAS, the 2011 budget eliminates the county's contribution to health savings  
16 accounts and health reimbursement accounts for nonrepresented employees;  
17

18 WHEREAS, the 2011 budget reduces the total cost of nonrepresented employee  
19 compensation by approximately \$268,500 (2%) in 2011;  
20

21 NOW, THEREFORE, BE IT RESOLVED that the nonrepresented wage schedule will not  
22 be amended effective January 1, 2011 and there will not be any across-the-board increase for  
23 nonrepresented employees in 2011; and  
24

25 BE IT FURTHER RESOLVED that the county's contributions to nonrepresented employee  
26 health savings accounts and health reimbursement accounts are eliminated effective January 1,  
27 2011.

Dated this 16th day of November 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Reduces total cost of nonrepresented compensation by approximately  
\$268,500 (2.0%).

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor to adopt Resolution 5 (2010/2011-66)  
Accepting Financial Contribution from M3 Insurance Solutions for Employee Flu Shot Clinics.  
Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 66

**RESOLUTION ACCEPTING FINANCIAL CONTRIBUTION FROM  
M3 INSURANCE SOLUTIONS FOR EMPLOYEE FLU SHOT CLINICS**



TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Center of Disease Control recommends routine influenza vaccination for  
2 all persons who are 6 months and older and this recommendation is supported by evidence that  
3 annual influenza vaccinations are a safe and effective preventive health action with potential  
4 benefit for all age groups; and

5  
6 WHEREAS, Manitowoc County offers its employees annual flu shots at no cost as part of  
7 the county's Wellness Program; and

8  
9 WHEREAS, Manitowoc County contracts with M3 Insurance Solutions for services in the  
10 area of employee benefits, workers compensation, and property insurance; and

11  
12 WHEREAS, M3 Insurance Solutions routinely provides contributions to its clients for  
13 health and wellness programs and has offered to make a \$1,000 contribution to Manitowoc  
14 County to help defray the cost of employee flu shot clinics;

15  
16 NOW THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
17 Supervisors accepts the \$1,000 donation from M3 Insurance Solutions for employee flu shot  
18 clinics; and

19  
20 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors  
21 expresses its appreciation to M3 Insurance Solutions for its support of employee health and  
22 wellness programs.

Dated this 16th day of November 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Increases revenues by \$1,000. Expenditures for the annual flu shot clinics,  
estimated at \$4000, are already included in Personnel Department budget  
in the Medical Supplies – Wellness line item.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack moved, seconded by Supervisor Muench to  
enact Ordinance 6 Amending Zoning Map (Thomas Clarksen). Discussion followed. Supervisor  
Panosh moved, seconded by Supervisor Rappe to table the Ordinance Amending Zoning Map  
(Thomas Clarksen) until the next meeting. Upon discussion and vote, the motion carried  
unanimously.

Supervisor Waack moved, seconded by Supervisor Bauknecht to enact Ordinance 7 (2010/2011-67) Amending Zoning Map (Robert Jacques). Upon vote, the motion carried unanimously.

No. 2010/2011 - 67

**ORDINANCE AMENDING ZONING MAP  
(Robert Jacques)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
2 public hearing on a petition for a zoning ordinance amendment on October 25, 2010; and  
3

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

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

11 A parcel of land located in the NE¼, NE¼, Section 34, T18N-R21E, Town of Eaton,  
12 commencing at the NE corner of said Section 34; thence westerly approximately 1070  
13 feet; thence southerly approximately 33 feet to the south r/w of Newton Road which is  
14 the point of real beginning; thence continue southerly approximately 350 feet; thence  
15 westerly approximately 250 feet; thence northerly approximately 350 feet; thence  
16 easterly along the south r/w of Newton Road approximately 250 feet to the point of real  
17 beginning, said parcel containing approximately 2.0 acres of land, is hereby rezoned  
18 from A3 Agriculture District to A1 Agriculture District.

Dated this 16th day of November 2010.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Transportation Coordinating Committee: Supervisor Waack gave a brief report.

Miscellaneous: Supervisor Vogt moved, seconded by Supervisor Muench to adopt Resolution 8 (2010/2011-68) Establishing Self-Insured Status for Worker's Compensation. Upon discussion and vote, the motion carried unanimously.

**RESOLUTION ESTABLISHING SELF-INSURED  
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 Worker's Compensation Act and Department of Workforce Development rules; and  
5

6 WHEREAS, Manitowoc County is a political subdivision of the State of Wisconsin; and  
7

8 WHEREAS, the Personnel Committee and the Finance Committee recommend that  
9 Manitowoc County establish a self-insured worker's compensation program;  
10

11 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
12 that Manitowoc County establish a self-insured worker's compensation program effective January 1,  
13 2011; and  
14

15 BE IT FURTHER RESOLVED that the County Clerk is directed to forward a certified copy  
16 of this resolution to the Wisconsin Department of Workforce Development, Worker's Compensation  
17 Division.

Dated this 16th day of November 2010.

Respectfully submitted by the Personnel Committee and Finance Committee.

FISCAL IMPACT: \$465,873 is included in the proposed 2011 budget for premiums and claim  
payment.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved to adjourn, seconded by Supervisor Schmidt and the motion was adopted  
by acclamation. The meeting adjourned at 9:45 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, December 21, 2010, 7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 21st day of December, 2010, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

Supervisor Hansen gave the invocation, which was followed by a moment of silence for former County Treasurers Dolores Kubis and Donald Damman. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 23 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Korinek, Maresh, Markwardt, Metzger, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Konen and Muench were excused.

On motion by Supervisor Behnke, seconded by Supervisor Markwardt, the November 16, 2010 meeting minutes, were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Paul Tittl presented a Proclamation Honoring former County Treasurer Delores Kubis to Tony Kubis and family.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:09 p.m.

Dale Schroeder, Town of Cato, addressed the Board regarding two temporary Highway Department positions that have been created on the night shift to monitor coverage for snow removal. He was concerned that these positions are not productive because the employees cannot plow snow, wash trucks, or prepare trucks for snow plowing due to the status of being a closed shop.

Janet Galien, Town of Manitowoc Rapids, addressed the Board regarding the reduction of union employees without decreasing administrative positions. She was concerned that money has been spent for a new Joint Dispatch Center, new courthouse steps, and other projects while cutting employees. She took offense to negative media reports regarding union employees and asked the Board to think about the lower quality of services that citizens will be receiving with less employees.

No one else present wished to speak, subsequently Chairperson Tittl declared public input closed at 7:40 p.m.

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Personnel Director Sharon Cornils gave a report on the history of Manitowoc County health insurance programs from 1996 to the present. She explained that the high deductible health plan was implemented for all county employees effective January 2008. The plan saved \$1.1 million dollars in health insurance premiums in 2008 and Manitowoc County received the Good Government Award for implementation of the high deductible plan. Manitowoc County is controlling the cost of claims through the use of Preferred Provider Networks, consumer driven plans, and wellness programs. She answered supervisors' questions.

Veterans Service Officer Jane Babcock gave a handout to supervisors and announced that she will give her report in January.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Supervisor Melvin Waack to the Silver Lake Inland lake Protection and Rehabilitation District Board. Supervisor Bauknecht moved, seconded by Supervisor Maresh to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Allan Karl to the Veterans Service Commission for a three year term expiring December 2013. Supervisor Brey moved, seconded by Supervisor Schneider to approve the appointment. Upon vote, the appointment was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Cheryl Kjelstrup and Faye Konen to the Manitowoc-Calumet Library System Board of Trustees for a three year term expiring January 2014. Supervisor Weiss moved, seconded by Supervisor Schmidt to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Attorney Katherine Reynolds to the Ethics Board. Supervisor Henrickson moved, seconded by Supervisor Gerroll to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Kate Baer, Laurie Crawford, Faye Malek, Nyialong Yang, and Peter Thillman to the W-2 steering Committee for a three year term expiring December 31, 2013. Supervisor Markwardt moved, seconded by Supervisor Hoffman to approve the appointments. Upon vote, the appointments were confirmed by unanimous consent.

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

Aging & Disability Resource Center Board: Supervisor Maresh moved, seconded by Supervisor Schneider to adopt Resolution 1 (2010/2011-69) Authorizing Specialized Transportation Assistance Program Grant Application. Upon vote, the motion carried unanimously.

No. 2010/2011 - 69

**RESOLUTION AUTHORIZING SPECIALIZED TRANSPORTATION  
ASSISTANCE PROGRAM GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wis. Stat. § 85.21 authorizes the Wisconsin Department of Transportation to  
2 grant financial aid to counties for the purpose of providing specialized transportation services to  
3 persons who are elderly or disabled; and  
4

5 WHEREAS, a specialized transportation assistance grant must be matched with a local share  
6 equal to at least 20% of the amount of state aid for which the county applies; and  
7

8 WHEREAS, the Aging and Disability Resource Center Board recommends that Manitowoc  
9 County apply for grant funding that will require a local share of \$45,232; and  
10

11 WHEREAS, the Manitowoc County Board of Supervisors finds that provision of specialized  
12 transportation services would improve and promote the maintenance of human dignity and the  
13 self-sufficiency of elderly and disabled persons;  
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
16 authorizes the Aging and Disability Resource Center Director to submit an application for financial  
17 assistance under Wis. Stat. § 85.21 for 2011 and to execute a contract with the Wisconsin  
18 Department of Transportation under Wis. Stat. § 85.21, provided that the required local share does  
19 not exceed \$45,232.

Dated this 21st day of December 2010.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Tax levy of \$45,232 is included in the 2011 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Schneider moved, seconded by Supervisor Burke to adopt Resolution 2 (2010/2011-70) Adopting Health Department Fee Schedule (07/01/2011-06/30/2012). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION ADOPTING HEALTH DEPARTMENT FEE SCHEDULE  
(07/01/2011 - 06/30/2012)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code requires that all fees for licenses (other than  
2 animal licenses) and permits issued by the Health Department must be set by County Board  
3 resolution; and  
4

5 WHEREAS, the Board of Health believes that the Health Department Fee Schedule should  
6 be revised and has provided a copy of the proposed Health Department Fee Schedule (07/01/2011 -  
7 06/30/2012) to the County Board;  
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
10 approves the proposed Health Department Fee Schedule (07/01/2011 - 06/30/2012), a copy of which  
11 is to be included an appendix to Manitowoc County Code Chapter 7, Public Health.

Dated this 21st day of December 2010.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider, moved, seconded by Supervisor Rappe to adopt Resolution 3 (2010/2011-71)  
Amending 2010 Budget (Health Department). Upon vote, the motion carried unanimously.

**RESOLUTION AMENDING 2010 BUDGET  
(Health Department)**

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 through federal and state grants; and  
3

4 WHEREAS, the Health Department only includes those grant funds that it has been  
5 scheduled or contracted to receive during the calendar year when it prepares its annual budget and  
6 learns of changes in grant funding after the budget has been approved because the grants are  
7 administered on a fiscal, rather than calendar, year basis; and

8 WHEREAS, the following changes in grant funding have taken place since the 2010 budget  
9 was approved:

11	Childhood Lead Poisoning Prevention	\$623
12	MCH Block Grant	(\$129)
13	WIC	\$74,583
14	POCAN Grant	(\$407);

15  
16 WHEREAS, the Board of Health recommends that the Manitowoc County Board of  
17 Supervisors amend the 2010 Annual Budget to incorporate these changes;

18  
19 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
20 that the appropriate revenue and expense line items in the 2010 Annual Budget are hereby amended  
21 to incorporate the changes shown above and that the Comptroller/Auditor is hereby directed to  
22 record such information in the official books of the County for the year ending December 31, 2010  
23 as may be required.

Dated this 21st day of December 2010.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No tax levy impact. Increases revenue and expenses by equal amounts for  
the listed program areas.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider gave a brief report.

Executive Committee: Chairperson Tittl gave a brief report. Chairperson Tittl moved, seconded by  
Supervisor Hansen to adopt Resolution 10 (2010/2011-72) Creating Special Committee on Number  
and Apportionment of Supervisory Districts. Upon vote, the motion carried with 22 ayes and 1 no.  
Supervisor Burke voted no; all other supervisors voted aye.

No. 2010/2011 - 72

**RESOLUTION CREATING SPECIAL COMMITTEE ON  
NUMBER AND APPORTIONMENT OF SUPERVISORY DISTRICTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin law specifies the maximum number of supervisors that a county may  
2 have and requires that each county prepare a tentative county supervisory district plan setting forth  
3 the number of supervisory districts and tentative boundaries or a description of boundary  
4 requirements, hold a public hearing on the proposed plan, and adopt a tentative plan within 60 days  
5 after the population count by block, established in the decennial federal census of population, and



6 maps showing the location and numbering of census blocks become available in printed form from  
7 the federal government or are published for distribution by a state agency, but not later than July 1  
8 following the year of the decennial census; and  
9

10 WHEREAS, a county is required to solicit suggestions from the municipalities concerning the  
11 development of an appropriate plan and to submit the tentative supervisory district plan that it adopts  
12 to each municipal governing body in the county so that each municipality in the county can adjust  
13 its wards as required by Wis. Stat. § 5.15; and  
14

15 WHEREAS, the county board is required to hold a public hearing and adopted a final  
16 supervisory district plan within 60 days after every municipality in the county has adjusted its wards;  
17 and  
18

19 WHEREAS, County Board Rule 8 authorizes the county board to create special committees  
20 as the need arises, with the chair and members of the special committee to be appointed by the  
21 county board chair, subject to the approval of the county board;  
22

23 NOW, THEREFORE, BE IT RESOLVED that a Special Committee on the size and  
24 apportionment of the county board is created for the purpose of preparing a tentative supervisory  
25 district plan, holding a public hearing on the tentative supervisory district plan, and performing such  
26 other work as may be necessary to submit the tentative supervisory district plan to the county board  
27 for consideration; and  
28

29 BE IT FURTHER RESOLVED that the Special Committee will consist of the members of the  
30 Executive Committee and 5 other supervisors to be appointed by the county board chair, subject to  
31 the approval of the county board;  
32

33 BE IT FURTHER RESOLVED that the Special Committee may be assisted by the County  
34 Clerk, the Corporation Counsel, and such other county officers, officials, and employees as the  
35 Special Committee may request; and  
36

37 BE IT FURTHER RESOLVED that the Special Committee will be dissolved when the county  
38 board adopts a final supervisory district plan.

Dated this 21st day of December 2010.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Chairperson Tittl moved, seconded by Supervisor Henrickson to appoint Supervisors Brey, Henrickson, Korinek, Maresh, Waack, Tittl, Behnke, and Hansen to the Special Committee on

Number and Apportionment of Supervisory Districts. Upon vote, the motion was confirmed by unanimous consent.

Expo & Ice Center Board: Supervisor Hansen gave a brief report.

Highway Committee: Supervisor Markwardt moved, seconded by Supervisor Bauknecht to adopt Resolution 4 (2010/2011-73) Authorizing Supplemental Lease Agreement (Federal Aviation Administration). Upon vote, the motion carried unanimously.

No. 2010/2011 - 73

**RESOLUTION AUTHORIZING SUPPLEMENTAL LEASE AGREEMENT  
(Federal Aviation Administration)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County owns and operates the Manitowoc County Airport and  
2 previously entered into a lease with the U.S. Department of Transportation, Federal Aviation  
3 Administration in connection with the operation of the airport and facilities associated with the  
4 airport; and  
5

6 WHEREAS, the Federal Aviation Administration has asked to amend the lease as a result of  
7 the decommissioning the middle marker facility for runway 17; and  
8

9 WHEREAS, the Highway Committee has reviewed the proposed amendment and recommends  
10 that it be approved;  
11

12 NOW, THEREFORE. BE IT RESOLVED that the Manitowoc County Board of Supervisors  
13 approves the Supplemental Lease Agreement that has been proposed by the U.S. Department of  
14 Transportation, Federal Aviation Administration, and authorizes the County Clerk to sign  
15 Supplemental Agreement No. 3 to Lease No. DTFA14-87-LR3272.

Dated this 21st day of December 2010.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Markwardt gave a brief report.

Human Services Board: Supervisor Rappe gave a brief report.

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 5 (2010/2011-74) Approving 2011-2013 Collective Bargaining Agreement with Health Department Employees Represented by Local 5068, Federation of Nurses and Other Health Professionals. Upon vote, the motion carried unanimously.

No. 2010/2011 - 74

**RESOLUTION APPROVING 2011 – 2013 COLLECTIVE BARGAINING  
AGREEMENT WITH HEALTH DEPARTMENT EMPLOYEES  
REPRESENTED BY LOCAL 5068, FEDERATION OF NURSES AND  
OTHER HEALTH PROFESSIONALS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Personnel Committee has reached a tentative settlement with Health  
2 Department employees represented by Local 5068, Federation of Nurses and Other Health  
3 Professionals, for a 2011-2013 collective bargaining agreement; and  
4

5 WHEREAS, in recognition of the challenging economic situation facing our community, the  
6 members of Local 5068 have voluntarily agreed to changes that will reduce total employee costs by  
7 2.0%; and  
8

9 WHEREAS, a summary of the changes in hours, wages, and working conditions for the Health  
10 Department employees represented by Local 5068, Federation of Nurses and Other Health  
11 Professionals, has been provided to the County Board of Supervisors;  
12

13 NOW, THEREFORE, BE IT RESOLVED that settlement of the 2011-2013 collective  
14 bargaining agreement negotiated between the Personnel Committee and the employees represented  
15 by Local 5068, Federation of Nurses and Other Health Professionals, is ratified, confirmed, and  
16 approved with the pay schedules, benefits, and terms set forth, and  
17

18 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors expresses  
19 its appreciation to the employees of Local 5068 for their willingness to assist Manitowoc County  
20 during these difficult economic times; and  
21

22 BE IT FURTHER RESOLVED that the County Executive, Personnel Committee Chair, and  
23 Personnel Director are authorized to execute this settlement.

Dated this 21st Day of December 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Elimination of county funding of employee health savings accounts and health reimbursement accounts reduces expenses by approximately \$30,000 (2.0%).

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 6 (2010/2011-75) Designating ING as Deferred Compensation Plan Administrator. Upon discussion and vote, the motion carried with 22 ayes and 1 no. Supervisor Burke voted no; all other supervisors voted aye.

No. 2010/2011 - 75

**RESOLUTION DESIGNATING ING AS  
DEFERRED COMPENSATION PLAN ADMINISTRATOR**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County established a Section 457 Deferred Compensation Plan (Plan)  
2 for the benefit of its employees on March 16, 1982, and the County is a fiduciary that is responsible  
3 for ensuring that the Plan is administered effectively; and  
4

5 WHEREAS, Manitowoc County engaged M3 Financial Services to conduct an independent  
6 audit of the current Plan and to assist the County in performing its fiduciary responsibilities under  
7 the Plan; and  
8

9 WHEREAS, M3's audit determined that fees charged by the current Plan administrator to the  
10 Plan participants are excessive and that some of the funds selected by the current Plan administrator  
11 do not meet M3's financial performance standards; and  
12

13 WHEREAS, the Personnel Committee met with the current Plan administrator and asked that  
14 all of the excessive fees be eliminated, but the Plan administrator declined to do so; and  
15

16 WHEREAS, M3 has advised the Personnel Committee that ING meets M3's established plan  
17 administration standards, that ING's fees are not excessive, and that M3 is available to provide  
18 enhanced financial planning services to Plan participants at no additional cost to the County or the  
19 Plan participants;  
20

21 NOW, THEREFORE, BE IT RESOLVED that ING is designated as the administrator of the  
22 Manitowoc County 457 Deferred Compensation Plan and that M3 Financial Services is designated  
23 as the independent financial advisor to the County and the Plan participants.

Dated this 21st day of December 2010.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: No tax levy impact. Fees paid by Plan participants will be reduced.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Supervisor Henrickson moved, seconded by Supervisor Panosh to adopt Resolution 7 (2010/2011-76) Accepting Alcohol Enforcement Grant. Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 76

**RESOLUTION ACCEPTING ALCOHOL ENFORCEMENT GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, alcohol-impaired driving was a contributing factor in 5.8% of all crashes in  
2 Wisconsin and 41.4% of all vehicle crash fatalities in 2009, resulting in 223 deaths; and  
3

4 WHEREAS, alcohol-impaired driving is associated with other high-risk behaviors, such as  
5 speeding and failure to wear safety belts, that increase the likelihood of a crash and significant injury  
6 or death; and  
7

8 WHEREAS, Wisconsin Department of Transportation (WisDOT) has identified those roadway  
9 segments in Manitowoc County with the highest crash frequency due to excess alcohol use or speed  
10 and has awarded an alcohol enforcement grant to Manitowoc County; and  
11

12 WHEREAS, WisDOT alcohol enforcement grant activities are funded for one federal fiscal  
13 year beginning no earlier than October 1 and ending no later than September 30 of the following year  
14 and can be used to fund eligible cost items, such as wages, overtime, and fringe benefits;  
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
17 authorizes the Manitowoc County Sheriff's Department to accept up to \$19,152 in WisDOT alcohol  
18 enforcement grant funding; and  
19

20 BE IT FURTHER RESOLVED that the 2010 budget is amended by the amount of the grant  
21 funds awarded and received, that the Comptroller/Auditor is directed to record such information in  
22 the official books of the County for the year ending December 31, 2010 as may be necessary, and  
23 that any remaining funds at the end of 2010 shall be carried forward to 2011.

Dated this 21st day of December 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by \$19,152, with  
any funds remaining at the end of 2010 carried forward to 2011.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Schmidt to adopt Resolution 8 (2010/2011-77) Accepting Donation for Ballistic Shield. Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 77

## **RESOLUTION ACCEPTING DONATION FOR BALLISTIC SHIELD**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Department is committed to officer safety  
2 through training and properly equipping officers so they can protect themselves and the public in the  
3 course of their duties; and  
4

5 WHEREAS, sheriff's deputies are often called to high-risk, life-threatening situations that are  
6 extremely dangerous for the officer, suspect, and general public; and  
7

8 WHEREAS, NextEra Energy Resources, Point Beach Nuclear Plant, has donated funds for a  
9 First Choice MUST ballistic shield with view port and light, which is superior to the ballistic shield  
10 presently used by the Sheriff's Department SOS Team;  
11

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
13 authorizes the Sheriff's Department to accept a \$6,000 donation from NextEra Energy Resources,  
14 Point Beach Nuclear Plant, for the purchase of a new ballistic shield to replace the one presently used  
15 by the department; and  
16

17 BE IT FURTHER RESOLVED that the 2010 budget is amended by the amount of the donation  
18 received and that the Comptroller/Auditor is directed to record such information in the official books  
19 of the County for the year ending December 31, 2010 as may be required.

Dated this 21st day of December 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by \$6,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson, moved, seconded by Supervisor Panosh, to enact Ordinance 9 (2010/2011-78) Amending Manitowoc County Code § 4.13(9)(c)(Morgue Fee). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 78

## **ORDINANCE AMENDING MANITOWOC COUNTY CODE § 4.13(9)(c) (Morgue Fee)**

1 WHEREAS, the Coroner's Office is presently authorized to charge a fee of \$10 per day for the  
2 storage of a decedent's remains in the county morgue; and

3  
4 WHEREAS, the fee charged for this service is lower than most counties and does not fully  
5 reflect the costs associated with the service provided; and

6  
7 WHEREAS, Wis. Stat. § 979.12 provides that a county board may establish a fee for the  
8 retention of a body at the morgue after the first day, not to exceed an amount reasonably related to  
9 the actual and necessary cost of retaining the body, but that the fee does not apply to indigents; and

10  
11 WHEREAS, the Public Safety Committee recommends that the fee for the retention of a body  
12 at the morgue after the first day be increased to \$35 per day;

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

16  
17 Manitowoc County Code sec. 4.13(9)(c) is amended to read as follows:

18  
19 (c) Morgue use: \$35 per day for the retention of a body at the morgue after the first  
20 day.

21  
22 This ordinance is effective January 2, 2011.

Dated this 21st day of December 2010.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Increases revenue by approximately \$375 per year.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson answered supervisors' questions.

Public Works Committee: Supervisor Behnke gave a brief report.

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

Supervisor Brey moved to adjourn, seconded by Supervisor Vogel and the motion was adopted by  
acclamation. The meeting adjourned at 8:30 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, January 18, 2011, 7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 18th day of January, 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:01 P.M.

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

Roll call: 24 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Rappe was excused.

On motion by Supervisor Bauknecht, seconded by Supervisor Behnke, the December 21, 2010 meeting minutes were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:04 p.m.

Richard Heath, Executive Director Bay-Lake Regional Planning Commission, gave an overview of the organization's functions and the services they provide for the northeastern region of eight counties. Services include community planning assistance, economic development, geographic information systems, transit planning, and environmental planning. The Commission's newest project in Manitowoc County will be to conduct beach surveys in order to discover pollution sources and determine remedies.

Without objection, Chairperson Tittl suspended public input at 7:16 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Paul Tittl presented a Proclamation Honoring former County Treasurer Donald Damman to his family.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Public input continued at 7:19 p.m.



Emily Matthews, Town of Schleswig, questioned the potential success of the Intoxicated Driver Intervention Program. She expressed concern that \$25,000 was not enough funding to provide the necessary services for the program. She suggested that a better deterrent would be to enact stricter drunk driving laws.

Charles Hagen, City of Two Rivers, addressed the Board regarding the Intoxicated Driver Intervention Program which he felt would not be successful because, in his opinion, one cannot force an alcoholic to not drink. He talked about a potential drop in revenue next year and the need to prepare for a budget shortfall.

Judge Darryl Deets, Circuit Court Judge Branch II, talked about the Intervention Program and noted that the bracelet is proven technology. If an alcoholic maintains complete sobriety for 90 days, there is a very good chance that the individual will remain sober. All three judges are unanimously requesting this program. The \$25,000 would pay for the Program Supervisor, and user fees would be implemented to pay for the bracelet monitor. They would also apply for available grant money. He said that they would be taking the best of the program and applying it at a very low cost. He answered supervisors' questions.

Supervisor Hansen arrived at 7:30 p.m.

Lee Davis, City of Manitowoc, acknowledged that the Board has to deal with many problems. He firmly believes that the Intervention Program has the potential to be effective and it is far better to keep people out of jail than to build more jails to house individuals with alcohol abuse issues.

Tom Siehr, City of Manitowoc, thanked the Board for not increasing county taxes. He spoke in opposition to hiring an outside supervisor to monitor the Intervention Program and asked whether there could be a qualified county employee to administer the program.

Joe Kosek, City of Manitowoc, spoke in opposition to spending \$25,000 of tax payer money to fund the Intervention Program. He would be in favor of the program if the rehabilitated individuals would reimburse the county for the cost of the program.

Pat Kohlman, Town of Cato, spoke in opposition to tax payer money being used for the Intervention Program. She noted that alcoholics need to take responsibility for their actions and it should not be the job of the County Board to rehabilitate alcoholics.

Jim Leist, City of Manitowoc, spoke in opposition to the Intervention Program.

Heath Miller, Village of Whitelaw, addressed the Board regarding issues at the Highway Department. He questioned the hiring of two supervisory people at \$25.00 per hour while twenty employees are laid off. He noted that one year ago there were five supervisors in the department and now there are six supervisors. He asked supervisors to contact him with questions.

Darlene Wellner, Town of Kossuth, talked about the RUTH Organization which is a community based group of individuals of various faiths who are driven to work on social problems. Referring to the Intervention Program, she said that while people must be held accountable, they need to be

treated with respect and compassion. She noted that this community has spent \$13 million for communication towers and a new safety building, and while funds are low, \$25,000 could be found for this program.

Nancy Slattery, Town of Cooperstown, thanked everyone who spoke in favor of the Intervention Program. She spoke on the need for more stringent drunk driving laws. She wants the judges to have the program they have requested as a tool to address the drunk driving problem.

Annie Short, City of Manitowoc, addressed the Board regarding the Intervention Program. She works with people who are involved in drugs and alcohol and said that fines and jail do not solve the problem. She asked the Board to consider helping the community become healthy and safe.

Michael Slattery, Town of Cooperstown, spoke in favor of the Intervention Program. He noted that the requested \$25,000 would be designated for a person to evaluate individuals before entering the program. The program would be a social benefit for the community and he asked the Board to judge the program on its own merit.

No one else present wished to speak, subsequently Chairperson Tittl declared public input closed at 8:24 p.m.

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl read Certificates of Appreciation for retiring employees Margaret Goebel, Dawn Brazalle, and Gregg Peterson.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Karen Valencia to the Manitowoc-Calumet Library System Board of Trustees for a three year term expiring January 2014. Supervisor Konen moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

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

Without objection, Miscellaneous was taken up.

Miscellaneous: Public Safety Committee and Finance Committee: Supervisor Muench moved, seconded by Supervisor Burke to adopt Resolution 8 Funding Intoxicated Driver Intervention Program. Upon discussion and vote, the motion failed with 17 noes and 7 ayes. Supervisors Burke, Dufek, Hansen, Maresh, Metzger, Panosh, and Schneider voted aye; all other supervisors voted no.

Aging & Disability Resource Center Board: Supervisor Maresh gave a brief report.

Board of Health: Supervisor Schneider gave a brief report.

Executive Committee: Chairperson Tittl gave a brief report.

Highway Committee: Supervisor Konen gave a brief report and answered supervisors' questions. Their next meeting will be March 8. County Executive Bob Ziegelbauer explained the staffing

situation at the Highway Department and answered supervisors' questions.

Lakeland Care District: Supervisor Brey gave a brief report.

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Schmidt to enact Ordinance 1 (2010/2011-79) Creating Manitowoc County Code Ch. 30 (Ethics). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 79

**ORDINANCE CREATING MANITOWOC COUNTY CODE CH. 30  
(Ethics)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County has included a code of ethics within Manitowoc County  
2 Code Ch. 5, Personnel, for more than twenty years; and  
3

4           WHEREAS, the Personnel Committee has reviewed the existing ethics code and  
5 recommends that it be updated and established as a separate chapter in the county code;  
6

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

10           Manitowoc County Code § 5.06 is repealed.  
11

12           Manitowoc County Code Chapter 30, Ethics, is created to read as follows:  
13

**ETHICS**

Part I. General Provisions

18       30.01 Title.

19       30.02 Purpose.

20       30.03 Declaration of Policy.

21       30.04 Applicability.

22       30.05 Reservation of Rights.

23       30.06 Definitions.

Part II. Ethical Standards.

27       30.07 Campaign Contributions.

- 30.08 Confidential Information.
- 30.09 Conflict of Interest.
- 30.10 Contracts with County.
- 30.11 Employment, Other Business Activity, and Service.
- 30.12 Fair and Equal Treatment.
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- 30.14 Influence Peddling.
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### Part III. Voluntary Disclosure.

- 30.22 Disclosure of Potential Breach.
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### Part IV. Administration and Enforcement.

- 30.24 Ethics Board.
- 30.25 Advisory Opinions.
- 30.26 Complaints.
- 30.27 Preliminary Procedure.
- 30.28 Hearing.
- 30.29 Deliberation.
- 30.30 Disposition.
- 30.31 Violations.
- 30.32 Penalties.

### Part I. General Provisions.

#### 30.01 Title.

This ordinance may be referred to as the Ethics Code.

#### 30.02 Purpose.

The purpose of this ordinance is to establish guidelines and standards for ethical conduct by public officials in order to strengthen the confidence of the county's residents in their government; promote the public interest; prevent conflicts between public responsibilities and personal interests; and avoid actions that are incompatible with good government.

73 30.03 Declaration of Policy.

- 74
- 75 (1) The proper operation of a democratic and representative government requires that
- 76 each public official be independent, impartial, and responsible to the people; that
- 77 government decisions and policy be made within proper government channels; that
- 78 public employment and public office not be used for improper personal gain; and that
- 79 conflicts between public responsibilities and private interests be avoided. To that
- 80 end, each public official is an agent of the public purpose and shall exercise his or her
- 81 judgment for the benefit of the public.
- 82
- 83 (2) Each public official is bound to uphold the United States Constitution and the
- 84 Wisconsin State Constitution; to impartially carry out the laws of the nation, state,
- 85 and county; to perform all official acts in accordance with the highest ethical
- 86 standards; to faithfully discharge the duties of his or her office regardless of personal
- 87 considerations; and to conduct all official actions in a manner that is above reproach
- 88 so as to foster respect for all government.
- 89
- 90 (3) The county recognizes that public officials are drawn from society and have personal
- 91 and economic interests in the decisions and policies of government; that citizens who
- 92 serve as public officials retain the right of every citizen to have interests of a personal
- 93 and economic nature; and that the standards of ethical conduct for public officials
- 94 must distinguish between minor and inconsequential conflicts that are unavoidable
- 95 in a free society and those conflicts that are substantial, material, and incompatible
- 96 with the conduct of good government.
- 97

98 30.04 Applicability.

- 99
- 100 (1) This ordinance applies to every county public official.
- 101
- 102 (2) This ordinance is controlling except when superseded by a statutory provision and
- 103 statutory action is mandatory.
- 104

105 30.05 Reservation of Rights.

106

107 Nothing contained in this ordinance is intended to deny any individual any right granted by

108 the United States Constitution, the Wisconsin State Constitution, the United States Code, the

109 Wisconsin Statutes, or any county labor agreement.

110

111 30.06 Definitions. In this ordinance:

112

113 “Advisory opinion” means a statement issued by the ethics board at the request of a public

114 official regarding the propriety of a matter that the public official is or may become a party

115 to.

116

117 “Anything of value” means any admission, advance, employment, entertainment, favor, food,

118 forbearance, gift, hospitality, loan, lodging, money, offer, pass, payment, promise, property,

119 recreation, service, ticket, or travel offered or provided by a person other than the county.

120 “Anything of value” does not include awards for meritorious contributions or personal or  
121 professional achievement; business-related seminars, trade shows, or training activities; a  
122 commercially reasonable loan from a bank or other financial institution; compensation or  
123 expenses authorized by the county board; compensation or expenses paid by the county;  
124 hospitality extended for a purpose unrelated to county business; political contributions  
125 reported pursuant to Wis. Stat. Ch. 11; reimbursement or payment of any expense that is  
126 authorized by the county’s travel policy; student loans and scholarship programs; and  
127 unsolicited advertising or promotional material such as pens, pencils, note pads, calendars,  
128 and other items of nominal value.

129  
130 “Associated” means that a public official, his or her spouse, his or her family, or any legal  
131 dependent is a director, employee, officer, or trustee of, or controls or owns, directly or  
132 indirectly, severally or in the aggregate, at least a 10 percent interest in, any association, body  
133 politic, charitable entity, corporation, enterprise, firm, franchise, joint venture, organization,  
134 partnership, proprietorship, trust, or other legal entity recognized under Wisconsin law.

135  
136 “Complainant” means the person who files a verified ethics complaint.

137  
138 “Confidential information” means information that a public official gains in the course of his  
139 or her official duties or by reason of his or her official position and that has been designated  
140 as confidential pursuant to code, order, ordinance, regulation, rule, statute, or other lawful  
141 authority.

142  
143 “Contract” means an agreement between the county and another party or parties for  
144 construction, goods, materials, services, or supplies in exchange consideration.

145  
146 “Domestic partner” means an individual who has signed and filed a declaration of domestic  
147 partnership in the office of the register of deeds of the county in which he or she resides.

148  
149 “Economic interest” means a direct or indirect monetary or other material benefit to a public  
150 official; his or her spouse; his or her family; any legal dependent; any person that employs,  
151 retains, or otherwise compensates the public official for his or her services; or any  
152 organization other than the county with which the public official is associated.

153  
154 “Employee” means a person who is employed by the county in a regular, temporary, or extra-  
155 hire position.

156  
157 “Family” or “family member” means a person who is related to a public official as a child,  
158 parent, sibling, or spouse; grandchild or grandparent; brother-in-law, daughter-in-law, father-  
159 in-law, mother-in-law, sister-in-law, or son-in-law; or stepbrother, stepdaughter, stepfather,  
160 stepmother, stepsister, or stepson; who is the domestic partner or legal dependent of a public  
161 official; or who claims the public official as a legal dependent for tax purposes.

162  
163 “Gift” means the delivery or receipt of anything of value without compensation or payment  
164 of an amount equivalent to the actual value of the thing. If the actual value cannot be  
165 determined, compensation or payment of a reasonable value is required.

“Judicial officer” means an administrative law judge, circuit court judge, court commissioner, hearing examiner, magistrate, or member of a quasi-judicial body, such as the Board of Adjustment.

“Person” means any association, body politic, charitable entity, corporation, enterprise, firm, franchise, joint venture, natural person, organization, partnership, proprietorship, trust, or other legal entity recognized as a person under Wisconsin law.

“Public official” means a person who is an agent, appointed official or officer, board member, candidate for elective office, commission member, committee member, council member, department director, elective official or officer, or employee.

“Respondent” means the public official against whom a verified ethics complaint is filed.

## Part II. Ethical Standards.

### 30.07 Campaign Contributions.

- (1) A public official may not require any person to make a campaign contribution as a condition for the public official’s performance of any official duty.
- (2) A public official may not use his or her position to influence any other public official to make political campaign contributions.
- (3) A public official may not require or coerce any other person to make a monetary contribution to or for the benefit of any candidate for elective office or any incumbent elective office holder.
- (4) This section does not prohibit a public official from contributing to his or her own campaign.
- (5) A candidate for any county office shall report all campaign contributions as required by the Wisconsin Statutes.

### 30.08 Confidential Information.

- (1) A public official may not disclose confidential information without proper legal authorization.
- (2) A public official may not use confidential information for personal gain.

### 30.09 Conflict of Interest.

- (1) A public official shall not use his or her position to obtain anything of value for the public official, his or her spouse, his or her family, any legal dependent, or any organization other than the county with which the public official is associated.

- 214 (2) A public official who obtains an economic interest for the county shall report that  
215 economic interest to the comptroller and to the appropriate board, commission,  
216 committee, or council. The comptroller shall record such information in the official  
217 books of the county as may be required and the board, commission, committee, or  
218 council shall record the information in its minutes.  
219
- 220 (3) It is not a conflict of interest for a public official to be a member of or participate in  
221 the activities of an organization that uses the words “Manitowoc” or “Manitowoc  
222 County” in its name, but a public official may not use or make reference to his or her  
223 position in connection with such membership or while engaged in such activities  
224 without the express consent of the county board.  
225
- 226 (4) This section does not prohibit a public official from participating in the discussion  
227 of or taking official action on any matter in which the official has a generalized  
228 financial interest that is shared in common with the public or other public officials.  
229

230  
231 30.10 Contracts with County.  
232

- 233 (1) A public official shall not, in a private capacity, negotiate, bid for, or enter into a  
234 contract in which the official has an economic interest if the official is authorized or  
235 required by law to participate in an official capacity in making the contract or to  
236 perform any official function in regard to the contract that requires the exercise of  
237 discretion.  
238
- 239 (2) A public official shall not, in a public capacity, participate in the making of a contract  
240 in which the official has an economic interest or perform any function in regard to  
241 the contract that requires the exercise of discretion.  
242
- 243 (3) The county board may waive the application of this section to a specific contract by  
244 a two-thirds vote of the entire county board.  
245



246 30.11 Employment, Other Business Activity, and Service.  
247

- 248 (1) A public official may not engage in employment, conduct other business activity, or  
249 render service for any private or public interest that is incompatible with the  
250 performance of his or her official duties.  
251
- 252 (2) A public official may not engage in employment, conduct other business activity, or  
253 render service for any private or public interest that conflicts with the performance  
254 of his or her official duties.  
255
- 256 (3) A public official may not engage in employment, conduct other business activity, or  
257 render service for any private or public interest that would tend to impair his or her  
258 independence of judgment or action in the performance of his or her official duties.  
259
- 260 (4) A public official may not engage in employment, conduct other business activity, or  
261 render service for any private interest while the public official is engaged in the  
262 performance of his or her public duties.  
263

264 30.12 Fair and Equal Treatment.  
265

266 A public official shall not grant any special advantage, consideration, or treatment to any  
267 citizen that is not available to every other citizen.  
268

269 30.13 Gifts and Favors.  
270

- 271 (1) A public official shall not accept, agree to accept, demand, or solicit anything of  
272 value from any person as a condition for the public official's performance of any  
273 official duty.  
274
- 275 (2) A public official shall not accept, agree to accept, demand, or solicit anything of  
276 value from any person that may tend to influence the official's judgment or the  
277 performance of his or her official duties.  
278
- 279 (3) A public official may not accept, agree to accept, demand, or solicit anything of value  
280 from any person who has any official business pending in which the public official  
281 may make or provide any advice, approval, audit, decision, disapproval,  
282 investigation, license, permit, recommendation, or other action requiring the exercise  
283 of judgment.  
284

285 30.14 Influence Peddling.  
286

287 A public official shall not accept, agree to accept, demand, or solicit anything from any  
288 person in exchange for using his or her position, influence in government, or connections  
289 with persons in authority to obtain any advantage, favor, preferential treatment, or private  
290 benefit for himself, herself, or any other person.  
291

292 30.15 Judicial Contact.

293  
294 A public official shall not directly contact any judicial officer regarding the conduct, merits,  
295 or procedures pertaining to a matter pending before the judicial officer unless the public  
296 official is a party to the proceeding and the contact is made in a manner that complies with  
297 the rules of the judicial forum in which the matter is pending or unless the contact is  
298 necessary in order for the public official to perform his or her official duties.  
299

300 30.16 Legislation.

301  
302 A public official who has a personal or economic interest in any proposed action by the  
303 county board or any subunit of county government shall disclose the nature and extent of the  
304 interest in the record of the county board or the subunit of county government prior to or  
305 during the initial discussion of the proposed action if the public official participates in any  
306 discussion with, gives an official opinion regarding, makes a recommendation to the county  
307 board or any subunit of county government about, or takes any official action regarding the  
308 proposed action.  
309

310 30.17 Permits and Licenses.

311  
312 A public official who is empowered to issue a discretionary permit or license under any  
313 ordinance, law, regulation, or rule shall not issue a permit or license to himself or herself, his  
314 or her spouse, his or her family, any legal dependent, or any organization with which the  
315 public official is associated until the public official has notified his or her immediate  
316 supervisor in writing of his or her intention to do so.  
317

318 30.18 Personal Service.

319  
320 A public official shall not require another public official to perform any personal or private  
321 service or work for the benefit of the public official, his or her spouse, his or her family, any  
322 legal dependent, or any organization with which the public official is associated.  
323

324 30.19 Political Activity.

- 325
- 326 (1) A public official shall refrain from participation in any political activity if the activity  
327 could reasonably be expected to create a conflict of interest, interfere with, or impair  
328 his or her independence of judgment or action in the performance of his or her  
329 official duties.  
330
  - 331 (2) A public official may not engage in political activity on county property at any time,  
332 except that a public official may engage in political activity in any area that the  
333 county board has designated as a forum for political activity.  
334
  - 335 (3) A public official shall not bring political campaign materials into a county building.  
336 This subsection section does not prohibit items such as campaign buttons on  
337 overcoats or purses if such items are not within public view while the public official  
338 is working.

- 339 (4) A public official may not use any county equipment, material, supplies, or vehicle in  
340 support of political activity.  
341
- 342 (5) A public official who is an employee may not engage in political activity during the  
343 hours that he or she is scheduled to work unless the employee is off from work on  
344 approved leave.  
345
- 346 (6) A public official may not engage in political activity at any place where the public  
347 official performs his or her official duties except at a time when the place is available  
348 to all candidates.  
349
- 350 (7) A public official who is seeking elective office may use his or her county title in his  
351 or her campaign, and a public official who holds elective office may use his or her  
352 county title when endorsing a candidate for another elective office. Any other use by  
353 a public official of his or her county title for a political purpose is prohibited.  
354
- 355 (8) A public official may not require any person to assist, endorse, finance, or otherwise  
356 support any candidate for public office.  
357
- 358 (9) A public official may not retaliate against any person in any manner because of that  
359 person's lawful personal political activity.  
360
- 361 (10) This section does not prohibit any public official from engaging in political activity  
362 on the official's own time and at the official's own expense.  
363
- 364 (11) This section does not prohibit a public official from seeking elective office or making  
365 reference to his or her county employment or service in his or her campaign for  
366 office.  
367
- 368 (12) This section does not prohibit a public official from accepting employment or being  
369 involved with any political campaign if the campaign does not create a conflict of  
370 interest, interfere with, or impair his or her independence of judgment or action in the  
371 performance of his or her official duties.  
372
- 373 (13) This section does not deprive any law enforcement officer employed by the Sheriff's  
374 Department who is covered by Wis. Stat. ch. 164, the law enforcement officers' bill  
375 of rights, of any right granted by that statute.  
376
- 377 (14) This section does not prohibit the county clerk from assisting any candidate or  
378 prospective candidate for elective office in understanding the elective process.  
379

#### 380 30.20 Public Property. 381

- 382 (1) A public official may not permit or engage in the unauthorized use of any county  
383 equipment, material, property, resource, or vehicle for personal convenience or to  
384 engage in employment, conduct other business activity, or render any service for any  
385 private interest.

- 386 (2) If a public official has engaged in employment, conducted other business activity, or  
387 rendered a service for any private interest that is permitted under this code, this  
388 section does not prohibit the public official from meeting with, or delivering goods  
389 to, a person on county property provided that the meeting or delivery takes place in  
390 a designated employee-only area or outside a county building.  
391

392 30.21 Travel Expenses.  
393

- 394 (1) A public official shall not accept reimbursement for any travel expense from, or  
395 permit any travel expenses to be paid for by, any person other than the county unless  
396 the reimbursement or payment is for an expense that is authorized by the county's  
397 travel policy.  
398
- 399 (2) A public official who accepts reimbursement for any travel expense from, or permits  
400 any travel expense to be paid for by, any person other than the county shall report the  
401 reimbursement or payment to the comptroller and to the appropriate board,  
402 commission, committee, or council. The public official shall provide the following  
403 information: the date of travel, the name of the traveler, the purpose of the travel, the  
404 name of the person providing the reimbursement or payment; a description of each  
405 travel expense reimbursed or paid, including the amount of any reimbursement, and  
406 to whom the reimbursement or payment was made. The comptroller shall record  
407 such information in the official books of the county as may be required and the board,  
408 commission, committee, or council shall record the information in its minutes.  
409

410 Part III. Voluntary Disclosure.  
411

412 30.22 Disclosure of Potential Breach.  
413

- 414 (1) A public official who determines that his or her actions in the performance of official  
415 duties may breach an ethical standard set by this code may prepare a written  
416 disclosure statement identifying the relevant standard and the nature of the potential  
417 or actual breach.  
418
- 419 (2) A public official who determines that his or her outside employment, other business  
420 activity, service for a private or other public entity, or membership in charitable,  
421 fraternal, political, religious, or social organization may breach an ethical standard  
422 set by this code may prepare a written disclosure statement identifying each relevant  
423 standard and the nature of the potential or actual breach.  
424
- 425 (3) If a public official who is an employee elects to submit a disclosure statement, he or  
426 she shall submit the statement to the county executive with a copy to his or her  
427 department director.  
428
- 429 (4) If a public official who holds elective office, who is a candidate for elective public  
430 office, or who is appointed to a board, commission, or council elects to submit a  
431 disclosure statement, he or she shall submit the statement to the county clerk for  
432 transmittal to the ethics board.

30.23 Action upon Disclosure of Potential Breach.

- (1) A public official who submits a disclosure statement must refrain from taking any further action that may breach an ethical standard set by this code and shall cooperate with the county by providing any information necessary to avoid or resolve the potential breach.
- (2) Upon receipt of a disclosure statement from an employee, the county executive and department director shall determine what action is necessary to avoid or resolve the potential breach, such as the reassignment of specific duties. The county executive may refer the matter to the ethics board for an advisory opinion or a recommendation.
- (3) Upon receipt of a disclosure statement from a public official, the ethics board may recommend such action as it deems appropriate to avoid or resolve the potential breach.
- (4) It is prima facie evidence of a public official's intent to comply with the ethical standards set by this code if the public official submits a disclosure statement, refrains from taking any further action that may breach the ethical standard identified in the disclosure statement, and complies with any remedial actions identified by the county executive or the ethics board.

Part IV. Administration and Enforcement.

30.24 Ethics Board.

- (1) There is hereby created an ethics board.
- (2) Members.
  - (a) The ethics board will consist of 3 regular members and 1 alternate member, each of whom will be appointed by the county executive and subject to confirmation by the county board.
  - (b) A member must be a resident of the county at the time he or she is appointed and at all times during his or her term.
  - (c) A member may not be a county public official at the time he or she is appointed or any time during his or her term.
- (3) Term and Replacement.
  - (a) Each regular member will be appointed for a 3-year term and the terms will be staggered so that one member is appointed each year.
  - (b) The alternate member will be appointed for a 3-year term and shall serve whenever a regular member is unavailable.

- 480 (c) If a member vacates his or her position prior to the completion of his or her  
481 term, a new member will be appointed to serve the balance of the term.  
482
- 483 (d) A member shall recuse himself or herself from hearing any matter for which  
484 the member petitions the ethics board for advice or for a hearing regarding his  
485 or her own conduct. If the alternate is unavailable to hear the matter, the  
486 county executive shall appoint a substitute member. The appointment is  
487 subject to the approval of the executive committee and will be limited to  
488 hearing the matter from which the regular member has recused himself or  
489 herself.

490  
491 (4) Operation.  
492

- 493 (a) The ethics board may promulgate written rules of procedure which will be  
494 filed with the county clerk.  
495
- 496 (b) The corporation counsel shall serve as legal counsel to the ethics board and  
497 the office of the corporation counsel will provide the ethics board with any  
498 necessary support services.  
499

500 (5) Quorum and Voting Requirement.  
501

- 502 (a) Three members are required for a quorum.  
503
- 504 (b) A majority vote of the board is required for any action, except that a referral  
505 to the corporation counsel or district attorney for prosecution requires a  
506 unanimous vote.  
507

508 (6) Duties.  
509

510 The ethics board may render advisory opinions, receive and review complaints, make  
511 preliminary dispositions, conduct hearings, make recommendations, refer matters to  
512 the corporation counsel or district attorney for prosecution, void actions taken in  
513 violation of this chapter, and make recommendations to the county board for  
514 amendments to the ethics code.  
515

516 30.25 Advisory Opinions.  
517

- 518 (1) A public official who is subject to this chapter may request an advisory opinion from  
519 the ethics board on any matter relating to the public official's duties by submitting  
520 a written request to the office of the corporation counsel, but a request should be  
521 made only after the public official has given the question careful consideration.  
522
- 523 (2) The following guidelines should be observed when requesting an opinion:  
524
- 525 (a) The request should clearly and fully state the question being presented for an  
526 opinion.

- (b) The request should fully state the facts giving rise to the question presented.
- (c) The request should identify any information that the requestor is aware of that is relevant to the question presented. This includes identifying any specific administrative codes, guidelines, ordinances, regulations, or statutes that are relevant and any authorities or other sources that have been consulted and the responses received.
- (d) The request should include a copy of any document that will need to be reviewed in order to respond to the request.
- (3) The corporation counsel shall forward a copy of the request to the ethics board within 5 days of its receipt.
- (4) The ethics board shall convene to consider the request within 30 days of the date it is forwarded by the corporation counsel. The ethics board will convene in open session, but its consideration of the request will take place in a closed session. The ethics board shall provide a written opinion. The ethics board may direct the corporation counsel to prepare the advisory opinion for signature by the ethics board's chair.
- (5) The request for an advisory opinion, the record of the ethics board's proceedings, and the advisory opinion are deemed confidential and shall not be made available for public inspection. However, the ethics board may make the request, the record of its proceedings, and the advisory opinion public with the consent of the public official who made the request.
- (6) The ethics board may provide a public summary of any advisory opinion provided that the summary does not disclose the identity of the public official who requested the opinion.
- (7) A public official who receives an advisory opinion shall be guided by the opinion rendered.

### 30.26 Complaints.

- (1) Any person may file an ethics complaint by submitting a verified complaint form to the office of the corporation counsel. Complaint forms will be available in the offices of the corporation counsel and the county clerk.
- (2) The verified complaint must be based on personal knowledge and must include the following information:
- (a) name, address, and telephone number of the person filing the complaint;
- (b) name of the public official who is alleged to have violated the ethics code;

- (c) specific section of the ethics code that the public official is alleged to have violated;
- (d) date or dates of the alleged violation;
- (e) brief description of the conduct that is alleged to violate the ethics code;
- (f) date of the complaint; and
- (g) notarized signature of the person filing the complaint.

#### 30.27 Preliminary Procedure.

- (1) The corporation counsel shall forward a copy of the complaint to the ethics board and to the public official named in the complaint within 5 days of its receipt.
- (2) The public official named in the complaint shall submit a written response to the office of the corporation counsel within 10 days of his or her receipt of a copy of the complaint.
- (3) The corporation counsel shall provide a copy of the public official's written response to the ethics board within 5 days of its receipt.

#### 30.28 Hearing.

- (1) The ethics board shall schedule a hearing within 30 days of the date the complaint is forwarded by the corporation counsel.
- (2) The ethics board may conduct a closed hearing, unless the respondent requests that the hearing be open to the public.
- (3) The ethics board has the power to issue subpoenas pursuant to Wis. Stat. § 885.01 to require the attendance of witnesses and the production of documentary evidence at the hearing.
- (4) The ethics board shall conduct the hearing in accordance with the rules of civil procedure and shall keep a record of the hearing and all evidence that is admitted at the hearing.
- (5) The complainant and respondent shall each have an opportunity to present and cross-examine witnesses, introduce and examine evidence, and rebut or offer countervailing evidence.
- (6) The burden of proof is on the complainant to establish any alleged violation of this ordinance by clear, convincing, and satisfactory evidence.



620 30.29 Deliberation.

621  
622 The ethics board shall convene in closed session following the hearing for the purpose of  
623 deliberation on the evidence.  
624

625 30.30 Disposition.

- 626  
627 (1) The ethics board shall issue a written decision. The ethics board may direct the  
628 corporation counsel to prepare the decision for signature by the ethics board's chair.  
629  
630 (2) If the ethics board determines that the complaint was brought for the purpose of  
631 harassment, it shall include that finding in its decision.  
632  
633 (3) The ethics board shall dismiss the complaint if it determines that evidence does not  
634 establish a violation of this ordinance by clear, convincing, and satisfactory evidence.  
635  
636 (4) The ethics board shall refer the complaint to the corporation counsel for prosecution  
637 if it determines that the evidence establishes a violation of this ordinance by clear,  
638 convincing, and satisfactory evidence. Alternatively, the ethics board shall refer the  
639 complaint to the district attorney for prosecution if it determines that the evidence  
640 establishes a violation of state law by clear, convincing, and satisfactory evidence.  
641  
642 (5) Whenever a complaint is referred for prosecution, the ethics board shall make the  
643 verified complaint, its record, and its determination available to the corporation  
644 counsel or the district attorney, but the determination is not admissible as evidence  
645 in any court.  
646

647 30.31 Violations.

- 648  
649 (1) It is unlawful for a person to violate any provision of Part II, Ethical Standards.  
650  
651 (2) It is unlawful for any person to knowingly provide false information, make a false  
652 statement, or fail to provide or misrepresent any material fact to a county agent,  
653 board, commission, committee, department, employee, officer, or official acting in  
654 an official capacity under this ordinance  
655  
656 (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or  
657 otherwise resist an order issued pursuant to this ordinance.  
658  
659 (4) A separate offense is deemed committed on each day that a violation occurs or  
660 continues.  
661

30.32 Penalties.

- (1) A person will, upon conviction for a violation of this ordinance, forfeit not less than \$25 nor more than \$1,000 for each offense, together with the costs of prosecution for each violation.
- (2) The minimum forfeiture specified in this section is doubled for a person who is convicted of violating the same provision of this ordinance within a 24-month period.
- (3) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.

This ordinance is effective March 1, 2011.

Dated this 18th day of January 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 2 (2010/2011-80) Amending Nonrepresented Employee Policy Manual (Section 4.12 Nepotism). Upon vote, the motion carried unanimously.

No. 2010/2011 - 80

**RESOLUTION AMENDING NONREPRESENTED EMPLOYEE POLICY MANUAL  
(Section 4.12 - Nepotism)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Manitowoc County's ethics code, county board rules, and personnel policies each contain provisions that provide guidance for situations in which the actions taken by public officials may involve the public official's relatives; and

WHEREAS, the Personnel Committee has reviewed the various provisions and recommends that the ethics code, county board rules, and personnel policies contain consistent definitions of who is a family member;

NOW, THEREFORE, BE IT RESOLVED that sec. 4.12(1) of the Nonrepresented Employee Policy Manual is amended to read as follows:

- 11 (1) No employee of Manitowoc County may be hired, promoted, or transferred to a  
12 position in which they will be directly supervised by an individual with whom they  
13 have a family or close personal relationship which would give the appearance that  
14 such action was taken for reasons other than merit. For purposes of this policy, the  
15 term "family" means a person who is related as a child, parent, sibling, or spouse;  
16 grandchild or grandparent; brother-in-law, daughter-in-law, father-in-law, mother-in-  
17 law, sister-in-law, or son-in-law; or stepbrother, stepdaughter, stepfather, stepmother,  
18 stepsister, or stepson; is the domestic partner or legal dependent of the employee; or  
19 claims the employee as a legal dependent for tax purposes.

20  
21 AND BE IT FURTHER RESOLVED that sec. 4.12(3) of the Nonrepresented Employee  
22 Policy Manual is amended to read as follows:

- 23  
24 (3) No employee or elected official of Manitowoc County may seek improperly to  
25 promote the employment of a person to whom they have a family relationship.  
26

27 These amendments are effective February 1, 2011.

Dated this 18th day of January 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Muench to adopt Resolution 3 Amending Manitowoc County Board Rule 18 (Exclusion of County Board Members from Meetings). Discussion followed. Supervisor Brey moved, seconded by Supervisor Hoffman to table Resolution 3 until the next County Board meeting. Upon vote, the motion carried unanimously.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Tom Musial for a one year term expiring February 28, 2012, Jay Muchin for a two year term expiring February 28, 2013, and Attorney Katherine Reynolds for a three year term expiring February 28, 2014 to the newly created Ethics Board. Supervisor Vogt moved, seconded by Supervisor Bauknecht to approve the appointments. Upon vote, the motion was confirmed by unanimous consent.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Schmidt to adopt Resolution 4 (2010/2011-81) Authorizing Equipment Lease Agreement (Sheriff's Department - Dive Equipment). The clerk read a correction to the fiscal note. Upon vote, the motion carried unanimously.

No. 2010/2011 - 81

**RESOLUTION AUTHORIZING EQUIPMENT LEASE AGREEMENT  
(Sheriff's Department - Dive Equipment)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc Fire Department has unused dive equipment available that it is  
2 willing to lease to the Manitowoc County Sheriff's Department for 5 years for \$1 per year; and  
3

4 WHEREAS, the leased dive equipment will enable to the Sheriff's Department to better serve  
5 the public; and  
6

7 WHEREAS, the Corporation Counsel has reviewed and approved the form of the proposed  
8 lease and the Public Safety Committee recommends that the county board approve the lease;  
9

10 NOW, THEREFORE, BE IT RESOLVED that the County Board authorizes the Sheriff and  
11 such other County Officials as may be appropriate to sign an Equipment Lease Agreement for dive  
12 equipment with the City of Manitowoc.

Dated this 18th day of January 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Sufficient funds are included in the 2011 Sheriff's  
Department budget to cover the lease payments. The estimated annual  
insurance cost is \$5.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Panosh to adopt Resolution 5 (2010/2011-  
82) Accepting Grant and Amending 2011 Budget (Hazardous Materials Emergency Planning). Upon  
vote, the motion carried unanimously.

No. 2010/2011 - 82

**RESOLUTION ACCEPTING GRANT AND AMENDING 2011 BUDGET  
(Hazardous Materials Emergency Planning)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Emergency Management has \$4,250 in grant  
2 funds available to conduct a functional exercise, provide training, and test the new Emergency  
3 Operations Center; and  
4

5 WHEREAS, the exercise, training, and test will enhance the county's ability to respond to  
6 and effectively provide services in the event of an emergency;  
7

8 NOW, THEREFORE, BE IT RESOLVED the Manitowoc County Board of Supervisors  
9 authorizes the Manitowoc County Emergency Management Department to apply for and accept a  
10 \$4,250 hazardous materials emergency planning grant for functional exercise and training; and  
11

1 BE IT FURTHER RESOLVED that the 2011 budget is amended by the amount of the grant  
2 funds received and that the Comptroller/Auditor is directed to record such information in the official  
3 books of the County for the year ending December 31, 2011 as may be required.

Dated this 18th day of January 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenue account 25400.43520.12 and expense  
account 25400.52922 by up to \$4250 in the 2011 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Muench, to adopt Resolution 6 (2010/2011-  
83) Amending 2011 Budget (Emergency Management). Upon vote, the motion carried unanimously.

No. 2010/2011 - 83

**RESOLUTION AMENDING 2011 BUDGET  
(Emergency Management)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Office of Emergency Management is reimbursed by  
2 NextEra Energy, Inc. for annual expenditures related to nuclear plant emergency preparedness; and  
3

4 WHEREAS, NextEra Energy, Inc. has increased its 2011 allocation for reimbursement by  
5 \$4,856; and  
6

7 WHEREAS, sound financial management practices, state statutes, and County Board Rules  
8 require the County Board act on any amendments to the adopted budget;  
9

10 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
11 authorizes the Manitowoc County Emergency Management Department to accept the increased  
12 allocation, amends the 2011 budget, and directs the Comptroller/Auditor to record such changes in  
13 the official books of the County for the year ending December 31, 2011 as may be necessary.

Dated this 18th day of January 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenue account 25100.46200.62 by \$4,550,  
revenue account 25100.46200.63 by \$306, and expenditure account  
25100.53104 by \$4,856.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Vogel to adopt Resolution 7 (2010/2011-84) Authorizing Out-of-State Travel (Nancy H. Crowley). Upon discussion and vote, the motion carried unanimously.

No. 2010/2011 - 84

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Emergency Management Director Nancy H. Crowley is the Chairperson for the  
2 National Radiological Emergency Preparedness (NREP) Conference that will be held in Orlando,  
3 Florida, April 16-22, 2011; and  
4

5           WHEREAS, NextEra Energy, Inc. Point Beach Nuclear Plant will reimburse all expenses  
6 (airfare, hotel, meals, and surface transportation) for Nancy H. Crowley to attend the NREP  
7 Conference;  
8

9           NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors  
10 authorizes Nancy H. Crowley to attend the National Radiological Emergency Preparedness  
11 Conference in Orlando, Florida, April 16-22, 2011.

Dated this 18th day of January 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT:   None. Costs and offsetting reimbursement from NextEra are included in appropriate expense and revenue line items in the Emergency Management budget.

APPROVED:       Bob Ziegelbauer, County Executive.

Supervisor Behnke suggested having a future County Board meeting at the Nuclear Plant along with a tour.

Supervisor Schneider moved to adjourn, seconded by Supervisor Maresh and the motion was adopted by acclamation. The meeting adjourned at 10:05 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, February 22, 2011, 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 22nd day of February, 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:01 P.M.

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

Roll call: 21 members present; Bauknecht, Brey, Burke, Dufek, Gerroll, Henrickson, Hoffman, Konen, Korinek, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogt, Waack, Wagner, and Weiss. Supervisors Behnke, Hansen, Maresh, and Vogel were excused.

On motion by Supervisor Markwardt, seconded by Supervisor Schneider, the January 18, 2011 meeting minutes were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

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

Mike Check, Town of Manitowoc Rapids, addressed the Board regarding a twenty unit assisted living home that was proposed to be built in the Town of Schleswig, provided the rezone of the nine acre parcel is approved. He explained that a pre-treatment septic system would be installed as a safety measure, and the rezone was approved by the Town Board.

Jeff Babcock, City of Manitowoc and Commander of the Disabled American Veterans Chapter 24, talked about the lack of space in the Veterans Service Office. He asked to volunteer there and was told that while it was a welcome gesture, there wasn't enough space for him. When a veteran in a wheelchair comes into the office, the copy machine has to be moved out of the room to accommodate the wheelchair.

Pat Kohlman, Town of Cato, reported that \$2,500 has been pledged for the Intoxicated Driver Intervention Program. She urged everyone to attend an educational session on social justice on February 26.

Tom Clarksen, City of Two Rivers, discussed the process of petitioning for the rezoning of his property where he planned to erect storage units. He urged supervisors to vote in favor of his request.

Bill Wilfert, Chair of the Town of Two Rivers, spoke in favor of the rezone request on the Clarksen property. He explained that the City of Two Rivers chose not to purchase the property which was formerly a sand and gravel pit. He noted that it will be a win/win situation to have this property developed.

Dennis Salzman, Chair of the Town of Schleswig, spoke in favor of the two rezone requests in the Town of Schleswig. He explained that there were no reasons to deny the rezoning and he urged supervisors to approve both requests.

Bob Runge, Town of Schleswig, spoke in opposition to the rezone request that would allow the 20 unit assisted living project to be built on the nine acre parcel in the Town of Schleswig. He was concerned that the project would be directly opposite to the Smart Growth Plan that is in place to preserve farmland. It would also be difficult for the ambulance, fire, and police to access the location.

John Rolbiecki, Town of Schleswig, and an adjacent landowner to the property that was to be rezoned for the proposed assisted living project spoke in opposition to the request. He was concerned that the project would place an undue hardship on the fire, police, and ambulance service because of the long response time to get to the rural area.

David Moore, Town of Schleswig, and an adjacent landowner to the property that was to be rezoned for the proposed assisted living project spoke in opposition to the request. He expressed that the placement of an assisted living home on this property would equate with putting a square peg in a round hole. The remote site has rough terrain making travel difficult, and is not close to hospitals. He recommended that it be built where the needs of the residents can best be served.

Joe Joas, Town of Schleswig, spoke in opposition to the rezone request for the proposed assisted living project. It was in opposition to the Smart Growth Plan that was implemented in the town. He was concerned that the smells of manure and the noise of farmers combining during the night could be bothersome to the residents.

Ann Moore, Town of Schleswig, read a letter from Emily Matthews in opposition to the rezone request for the property of the the proposed assisted living home.

Mike Joas, Town of Schleswig, spoke in opposition to the rezone request for the proposed assisted living project. He talked about the assisted living home being a great idea, but proposed in a bad location. He asked that all concerns be given consideration.

Nancy Slattery, Town of Cooperstown, addressed the Board regarding her concern that the Special Committee meeting on number and apportionment of supervisory districts was not given more media attention so that more citizens could have attended the meeting.

Amy Runge, Town of Schleswig, spoke in opposition to the rezone request for the proposed assisted living home. She noted that it would be a bad location for the home.



Ken Behnke, Town of Schleswig, spoke in opposition to the rezone request for the proposed assisted living project. He was concerned that the residents could be wandering in the area during hunting season.

Larry Henschel, Town of Schleswig, spoke in opposition to the rezone request for the proposed assisted living home. He said it is difficult to understand how it can be discrimination against someone when no one is living there.

No one else present wished to speak, subsequently Chairperson Tittl declared public input closed at 8:00 p.m.

#### REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Jane Babcock, Veterans Service Officer, gave an overview of the services provided to veterans and the federal and state dollars that the programs brought into Manitowoc County. She explained that Manitowoc County is the 17<sup>th</sup> highest county for veteran population in Wisconsin. There are four major categories that directly affect Manitowoc County veterans and their families. They include: healthcare benefits that in the amount of \$10.6 million in 2010; tax free compensation and pensions that brought \$13.6 million into Manitowoc County last year, vocation rehabilitation and education benefits were \$967,000 in 2009, and insurance benefits in the amount of \$750,000 for 2010.

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

Without objection, the Planning and Park Commission report, resolution, and ordinances were taken up.

Supervisor Waack moved, seconded by Supervisor Korinek to adopt Resolution 5 (2010/2011-85) Authorizing Grant Applications (English Lake Public Access – ADA Compliance). Upon vote, the motion carried unanimously.

No. 2010/2011 - 85

#### **RESOLUTION AUTHORIZING GRANT APPLICATION (English Lake Public Access - ADA Compliance)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the State of Wisconsin provides matching grants to assist governmental  
2 units in developing park and recreation facilities; and  
3

4 WHEREAS, the bathroom facility at the English Lake Public Access is inadequate and is  
5 not ADA compliant; and  
6

7 WHEREAS, construction of an ADA-compliant bathroom facility at the English Lake  
8 Public Access would cost \$7,200 and would improve public usage of the access; and  
9

10 WHEREAS, one-half of the construction cost could be paid through a \$3,600 State grant  
11 and the other half of the construction cost could be paid using \$1,591 from the 2011 Park Outlay  
12 Account, plus contributions and in-kind services;  
13

14 NOW, THEREFORE, BE IT RESOLVED that the Park Supervisor is authorized to apply  
15 for and accept a Wisconsin Department of Natural Resources grant of \$3,600 for the  
16 construction of an ADA-compliant bathroom facility and provide a \$3,600 local match using  
17 \$1,591 from the Parks Outlay Account, plus contributions and in-kind services; and  
18

19 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents  
20 and take the actions necessary to undertake, direct, and complete the project authorized in the  
21 grant; and  
22

23 BE IT FURTHER RESOLVED that Manitowoc County will comply with state and  
24 federal rules for the grant program; will be responsible for updating plans and monitoring  
25 ongoing operations; will obtain written approval from the Wisconsin Department of Natural  
26 Resources before making changes in the project; and will maintain a record of expenditures; and  
27

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

Dated this 22nd day of February 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated cost will be paid using \$3,600 in  
State grant funds; \$1,591 from 2011 Parks Outlay Account, and the  
remaining balance from contributions and in-kind services.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Bauknecht to enact Ordinance 6 (2010/2011-  
86) Amending Zoning Map for Thomas Clarksen. Upon discussion and vote, the motion carried  
with 20 ayes and 1 no. Supervisor Konen voted no, all other supervisors voted aye.

No. 2010/2011 - 86

**ORDINANCE AMENDING ZONING MAP  
(Thomas Clarksen)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held  
2 a public hearing on a petition for a zoning ordinance amendment on January 24, 2011; and  
3

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

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

11 A parcel of land located in the SW<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, Section 26, T20N-R24E, Town of Two  
12 Rivers, commencing at the N<sup>1</sup>/<sub>4</sub> corner of said section 26; thence southerly  
13 approximately 1500 feet; thence easterly approximately 300 feet which is the point  
14 of real beginning; thence continue easterly approximately 350 feet; thence southerly  
15 approximately 400 feet; thence westerly approximately 350 feet; thence northerly  
16 approximately 400 feet to the point of real beginning, said parcel containing  
17 approximately 3.25 acres of land, is hereby rezoned from R1 Residential District to  
18 A1 Agriculture District.

Dated this 22nd day of February 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Hoffman to enact Ordinance 7 (2010/2011-87) Amending Zoning Map for Mark Gamerdinger. Upon vote, the motion carried with 20 ayes and 1 no. Supervisor Rappe voted no, all other supervisors voted aye.

No. 2010/2011 - 87

**ORDINANCE AMENDING ZONING MAP  
(Mark Gamerdinger)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held  
2 a public hearing on a petition for a zoning ordinance amendment on January 24, 2011; 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 SE¼, SW¼, Section 36, T17N-R21E, Town of  
12 Schleswig, commencing at the S¼ corner of said section 36; thence westerly along  
13 the centerline of County Line Road approximately 700 feet; thence northerly  
14 approximately 33 feet to the north r/w of County Line Road which is the point of  
15 real beginning; thence continue northerly approximately 345 feet; thence westerly  
16 approximately 315 feet; thence southerly approximately 345 feet; thence easterly  
17 along the north r/w of County Line Road approximately 315 feet to the point of real  
18 beginning, said parcel containing approximately 2.50 acres of land, is hereby  
19 rezoned from GA General Agriculture to A1 Agriculture District.

Dated this 22nd day of February 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Brey to enact Ordinance 8 Amending Zoning Map for Julie Lewis. Upon discussion and vote, the motion failed with 17 noes and 4 ayes. Supervisors Brey, Korinek, Muench, and Tittl voted aye; all other supervisors voted no.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Dean Fischer to the Land Conservation Committee. Supervisor Schneider moved, seconded by Supervisor Wagner to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Gary Shavlik and Alternate Lee Stadler to the Local Emergency Planning Committee for a two year term expiring March 2013. Supervisor Hoffman moved, seconded by Supervisor Korinek to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

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

Executive Committee: Chairperson Tittl gave a brief report.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Schmidt to adopt Resolution 1 (2010/2011-88) Denying Claim (Gary Kennedy). Upon vote, the motion carried unanimously.

**RESOLUTION DENYING CLAIM  
(Gary Kennedy)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Gary Kennedy filed a claim dated January 13, 2011 for damage to a rental  
2 property he owned that is located at 605 State Street, Manitowoc, WI 54220; and  
3

4 WHEREAS, the property damage was caused incidental to the execution of a lawfully  
5 issued search warrant; and  
6

7 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to  
8 its insurance carrier; and  
9

10 WHEREAS, the county's insurance carrier has reviewed the claim and relevant records  
11 and recommends that the claim be denied; and  
12

13 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
14 claim and recommend that the claim be denied;  
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 22nd day of February 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 2 (2010/2011-89) Denying Claim (Lauren Goss). Upon vote the motion carried unanimously.

**RESOLUTION DENYING CLAIM  
(Lauren Goss)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Lauren Goss filed a claim on January 19 for damage to her 1994 Saturn that  
2 she alleges occurred on January 12, 2011 when a county vehicle that was plowing snow on  
3 Memorial Drive pushed snow, mixed with ice and mud, onto her car; 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 county's insurance carrier has reviewed the claim and relevant records  
9 and recommends that the claim be denied; and  
10

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

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

Dated this 22nd day of February 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Muench to adopt Resolution 3 (2010/2011-90)  
Amending Human Services Department Special Revenue Fund 2010 Budget. Upon vote, the  
motion carried unanimously.

No. 2010/2011 - 90

### **RESOLUTION AMENDING 2010 HUMAN SERVICES BUDGET**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County board adopts an operating budget each November for the  
2 following year; and  
3

4 WHEREAS, the Human Services Department receives funding from a variety of sources,  
5 including the State of Wisconsin, and this funding is subject to change during the course of the  
6 calendar year; and  
7

8 WHEREAS, Human Services Department revenues and expenditures have changed as  
9 shown below and the Finance Committee recommends that the County Board amend the Human  
10 Services Department budget to reflect the following changes:  
11

Account Number	Account Name	Debit	Credit	New Balance
43061.51652	Unemployment Comp.	13,232		13,232
45062.51652	Unemployment Comp.	20,331		20,331
44074.51652	Unemployment Comp.	28,476		28,476

18	45059.51652	Unemployment Comp.		62,039	12,961
19					
20	43060.52301	Mental Hlth Inpatient	150,000		575,000
21	43060.52302	Winnebago/Mendota Chgs.		150,000	171,200
22					
23	43069.52331	Institutes/Mental Disease	101,111		394,466
24	43061.52999	Other Contracted Services	20,889		23,289
25	43061.52303	AODA Crisis Intervention		13,000	12,000
26	43061.52304	Detox		60,000	75,000
27	43061.52305	CBRF		25,000	313,000
28	43061.52306	AODA Outpatient		24,000	16,000
29					
30	43069.52333	Day Services	64,000		64,000
31	43069.52305	CBRF	52,000		1,464,781
32	43069.52331	Institutes/Mental Disease	92,000		486,466
33	43069.52344	Adult Family Home-Providers		35,000	63,706
34	43069.52345	Supported Apartment		173,000	25,000
35					
36	45062.52309	Training Grant	12,900		12,900
37	45062.43560.82	Training Grant		12,900	12,900
38					
39	45066.46642	ISP refunds	175,200		0
40	45066.46626	Court Service Fees	6,800		63,200
41	45067.52369	Wrap Around Services		182,000	68,000
42					
43	45067.46660	Other Counties Fees	22,889		7,189
44	45067.52392	Trtment Home-Other County		22,889	7,189
45					
46	45067.46636	Foster Home Refunds	80,000		175,878
47	45068.52328	Family Preservation Contr.	26,000		
48	45067.52319	Residential Care Centers		106,000	19,000
49					
50	43479.52334	CLTS MH CA Services	59,000		282,806
51	43479.51998	Allocated Case Mngment		59,000	10,854
52					
53	43480.52334	CLTS MH State Match Services	33,000		42,291
54	43480.43560.85	CLTS MH State Match Rev.		33,000	49,162
55					
56	43070.52335	DD Work Services	96,000		473,121
57	43070.46630	DD Client Revenue		60,000	79,433
58	43070.52347	DD Case Management		36,000	24,028
59					
60	43070.47235	Birth to 3 MA	55,000		0
61	43370.47235	Birth to 3 MA		55,000	0
62					
63	44370.52340.10	Birth to 3 ARRA	48,378		48,378
64	43370.43561.10	Birth to 3 ARRA Rev.		48,378	48,378

65					
66	43470.43560.35	Family Support Rev.	8,657		68,969
67	43470.52341	Family Support Vendor		8,657	61,206
68					
69	43670.52334	CIP 1B COP Match Serv.	21,000		166,631
70	43670.43560.38	CIP 1B COP Match Rev.		21,000	130,608
71					
72	43870.52334	CIP 1B CA Match Serv.	44,000		576,542
73	43870.43560.38	CIP 1B CA Match Rev.		44,000	413,615
74					
75	43476.43560.85	CLTS PD COP Rev	21,000		28,750
76	43476.52334	CLTS PD COP Serv.		16,000	19,985
77	43476.52347	CLTS PD COP Case Mgmt		5,000	1,880
78					
79	43478.51997	CLTS DD FS Alloc. Adm.	868		868
80	43478.51998	CLTS DD FS Alloc. CM	1,933		1,933
81	43478.52334	CLTS DD FS Services	9,431		9,341
82	43478.52347	CLTS DD Case Mngment.	1,040		1,040
83	43478.43560.85	CLTS DD FS Rev.		13,272	13,272
84					
85	43482.52334	Autism Int. SED Serv.	10,000		81,076
86	43482.43560.85	Autism Int. SED Rev.		10,000	98,150
87					
88	43484.51997	CLTS DD State Admin.	19,000		20,321
89	43484.51998	CLTS DD State CM	6,600		10,288
90	43484.52334	CLTS DD State Serv.	260,000		269,680
91	43484.43560.85	CLTS DD State Rev.		285,600	305,796
92					
93	43486.43560.85	CLTS PD State Match Rev	26,800		33,901
94	43486.51997	CLTS PD State Alloc Adm		1,800	2,158
95	43486.51998	CLTS PD State Alloc CM		7,000	4,735
96	43486.52334	CLTS PD State Serv.		18,000	23,642
97					
98	43488.51997	CLTS PD FS Match Admin	203		203
99	43488.51998	CLTS PD FS Alloc CM	465		465
100	43488.52334	CLTS PD FS Match Serv.	2,188		2,188
101	43488.52347	CLTS PD FS CM	251		251
102	43488.43560.85	CLTS PD FS Match Rev.		3,107	3,107
103					
104	43570.43560.87	H&CB Waiver ICFMR Rev.	51,000		855,268
105	43570.52368	H&CB Waiver ICFMR Other		51,000	293,944
106					
107	45172.52352	Personal Care Serv.	62,000		581,975
108	45172.51997	Pers. Care Alloc. Admin.	12,000		127,685
109	45172.52175	Pers. Care Contract Wkr.	8,789		8,789
110	45172.51200	Wages Represented	3,786		16,512
111	45172.47237	Pers. Care MA		79,000	742,084
112	45172.53998	Pers. Care Other Supp.		7,575	2,425
113					



114	45073.43560.41	CIP II/COP W Rev.	679,242		0
115	45073.43561.1	CIP II Rev.		679,242	679,242
116					
117	45073.43561.1	CIP II Rev.	70,600		608,642
118	45073.51997	CIP II Alloc. Admin.		8,600	39,821
119	45073.52334	CIP II Services		50,000	468,240
120	45073.52347	CIP II CM		12,000	56,122
121					
122	45173.43560.41	CIP II/COP W Rev.	349,990		0
123	45173.43561.2	COP W Rev.		349,990	349,990
124					
125	45173.51997	COP W Alloc. Admin.	7,000		25,000
126	45173.51998	COP W Alloc. CM	15,000		34,214
127	45173.52334	COP W Services	20,000		301,697
128	45173.52347	COP W CM	10,000		40,167
129	45173.43561.2	COP W Rev.		52,000	401,990
130					
131	45273.51997	CRI Alloc. Admin.	8,000		19,751
132	45273.52334	CRI Services	105,800		237,259
133	45273.52347	CRI CM	7,900		23,688
134	45273.43560.41	CRI Rev.		120,000	299,000
135	45273.51998	Alloc. CM		1,700	18,920
136					
137	45373.51997	NH Diversion Alloc. Admin	4,700		12,532
138	45373.51998	NH Diversion Alloc. CM	7,800		14,630
139	45373.52334	NH Diversion Services	56,000		148,352
140	45373.52347	NH Diversion CM	3,300		16,009
141	45373.43560.41	NH Diversion Rev.		71,800	191,522
142					
143	44078.55014	SSI/MA Burials	37,000		92,000
144	44078.43560.53	Non AFDC Funeral/Cem.		37,000	92,000
145					
146	44080.55018	MA Medical Transport.	70,000		225,000
147	44080.43560.56	MA Transport.		70,000	236,000
148					
149	45065.51200	Child Care Wages	8,000		47,201
150	45065.43560.27	Child Care Revenue		8,000	73,289
151					
152	44078.46634	Medical Refunds	20,000		17,000
153	45065.52310	Crisis Respite Day Care		20,000	35,194
154					

155 NOW, THEREFORE, BE IT RESOLVED that the 2010 Human Services Department  
 156 budget is amended by the amounts shown above and that the Comptroller/Auditor is directed to  
 157 record such information in the official books of the County for the year ending December 31,  
 158 2010 as may be required.

Dated this 22nd day of February 2011.

Respectfully submitted by the Human Services Board and Finance Committee.

FISCAL IMPACT: Increases net budgeted revenues and expenses by \$486,111.

APPROVED: Bob Ziegelbauer, County Executive.

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

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

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Bauknecht to adopt Resolution 4 (2010/2011-91) Amending Manitowoc County Board Rule 18 (Exclusion of County Board Members from Meetings). Upon discussion and vote, the motion carried with 20 ayes and 1 no. Supervisor Panosh voted no; all other supervisors voted aye.

No. 2010/2011 - 91

**RESOLUTION AMENDING MANITOWOC COUNTY BOARD RULE 18  
(Exclusion of County Board Members from Meetings)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County's ethics code, county board rules, and personnel policies  
2 each contain provisions that provide guidance for situations in which the actions taken by public  
3 officials may involve the public official's relatives; and  
4

5 WHEREAS, the Personnel Committee has reviewed the various provisions and  
6 recommends that the county board rules be amended to provide a definition of who is a family  
7 member that is consistent with the definitions used in the recently enacted ethics code and the  
8 recently revised nonrepresented employee policy manual;  
9

10 NOW, THEREFORE, BE IT RESOLVED that Manitowoc County Board Rule 18,  
11 Exclusion of County Board Members from Meetings, is amended to read as follows:  
12

- 13 (a) No county board member may be excluded from any meeting or session, open or  
14 closed, of the county board or any subunit of the county board except as provided in  
15 Rule 18(b).  
16
- 17 (b) A county board member may be excluded from a closed session of a committee or  
18 other subunit of the county board by a majority vote only if the closed session  
19 directly concerns the county board member, a family member of the county board

member, or someone maintaining a close personal relationship with the county board member.

(c) A county board member may be excluded from a closed session of a board, committee, council, commission, or other subunit of county government by a majority vote only if the closed session directly concerns the county board member, a family member of the county board member, or someone maintaining a close personal relationship with the county board member.

(d) For purposes of this rule, the term "family member" means a person who is related to a county board member as a child, parent, sibling, or spouse; grandchild or grandparent; brother-in-law, daughter-in-law, father-in-law, mother-in-law, sister-in-law, or son-in-law; or stepbrother, stepdaughter, stepfather, stepmother, stepsister, or stepson; who is the domestic partner or legal dependent of a county board member; or who claims the county board member as a legal dependent for tax purposes. The term "close personal relationship" includes confidential relationships, such as those between attorney and client, medical provider and patient, or religious counselor and petitioner; personal relationships in which there is a long personal friendship and mutual trust between the parties; and legal or professional relationships, such as those where the county board member is an employee, official, or officer of an organization or is an adverse party in a legal matter.

This resolution is effective March 1, 2011.

Dated this 22th day of February 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Rappe to adopt Resolution 9 (2010/2011-92) Accepting Homeland Security Grant. Upon vote, the motion carried unanimously.

No. 2010/2011 - 92

## **RESOLUTION ACCEPTING HOMELAND SECURITY GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Wisconsin Office of Justice Assistance is making a \$64,800 participation grant available to Manitowoc County for the benefit of local fire agencies; and

WHEREAS, Manitowoc County would pass the grant funds through to participating fire agencies, which will add \$59,927.60 in local participation funds to the grant funds, to provide equipment for Mutual Aid Radio Replacement and Interoperability Communications in Manitowoc County; and

8 WHEREAS, this grant will enhance the county's ability to effectively provide services in  
9 the event of an incident that requires an emergency response;

10  
11 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
12 Supervisors authorizes the Manitowoc County Office of Emergency Management to apply for  
13 and accept the \$64,800 training and equipment grant; and  
14

15 BE IT FURTHER RESOLVED that the 2011 budget is amended by the amount of the  
16 grant funds received and that the Comptroller/Auditor is directed to record such information in  
17 the official books of the County for the year ending December 31, 2011 as may be required.

Dated this 22nd day of February 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases the 2011 Emergency Management budget  
revenue (25450.43520.29) and expenses (25450.58124) by equal  
amounts of up to \$64,800.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Vogt gave a brief report.

Special Committee on Number and Apportionment of Supervisory Districts: Supervisor Tittl  
moved, seconded by Supervisor Henrickson to adopt Resolution 10 (2010/2011-93) Establishing  
Number of Supervisory Districts. Upon discussion and vote, the motion carried with 20 ayes  
and 1 no. Supervisor Muench voted no; all other supervisors voted aye.

No. 2010/2011 - 93

## **RESOLUTION ESTABLISHING NUMBER OF SUPERVISORY DISTRICTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin law requires that each county prepare a tentative county  
2 supervisory district plan setting forth the number of supervisory districts and tentative  
3 boundaries or a description of boundary requirements and to take certain other actions within 60  
4 days after the population count by block established in the decennial federal census of  
5 population; and  
6

7 WHEREAS, the county board has created a Special Committee on Number and  
8 Apportionment of Supervisory Districts to prepare a tentative supervisory district plan and  
9 perform such other work as may be necessary to submit the tentative supervisory district plan to  
10 the county board for consideration; and  
11

12 WHEREAS, the Special Committee has discussed the number of supervisor districts that  
13 best serves the interest of the county and its residents and has considered the effect that the size  
14 of the county board would have on the number of voters represented by each supervisor; the  
15 ability to find candidates for office; the relationship between county board districts and

16 municipal voting districts; the balance of representation between city and rural interests; the cost  
17 of operating the county board; the cost to the county and its municipalities of conducting  
18 elections; and the number and structure of county board committees; and  
19

20 WHEREAS, the Special Committee has balanced these factors and made a  
21 recommendation to the county board;  
22

23 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board directs the  
24 Special Committee to proceed with the preparation of a tentative district supervisory plan  
25 consisting of \_\_\_\_\_ supervisory districts.

Dated this 22nd day of February 2011.

Respectfully submitted by Special Committee on Number and Apportionment of Supervisory  
Districts.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Transportation Coordinating Committee: Supervisor Konen gave a brief report.

Miscellaneous: Supervisor Schneider moved, seconded by Supervisor Burke to adopt Resolution  
11 (2010/2011-94) Approving Town of Franklin Unified Development Zoning Ordinance. Upon  
vote, the motion carried unanimously.

No. 2010/2011 - 94

**RESOLUTION APPROVING TOWN OF FRANKLIN  
UNIFIED DEVELOPMENT ZONING ORDINANCE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a zoning ordinance under Wis. Stat. § 59.69;  
2 and  
3

4 WHEREAS, the Town of Franklin has adopted a new Unified Development Zoning  
5 Ordinance on January 18, 2011 in accordance with Wis. Stat. § 60.62; and  
6

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

11 WHEREAS, the Town of Franklin has submitted its new zoning ordinance to the county  
12 board for approval;  
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
15 Supervisors approves the Unified Development Zoning Ordinance that was adopted by the Town  
16 Board of the Town of Franklin on January 18, 2011.

Dated this 22nd day of February 2011.

Respectfully submitted by Supervisor Andrew Schneider.

FISCAL IMPACT:     None.

APPROVED:           Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved to adjourn, seconded by Supervisor Markwardt and the motion was adopted by acclamation. The meeting adjourned at 9:18 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS  
MANITOWOC COUNTY, WISCONSIN

Tuesday, March 15, 2011, 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 15<sup>th</sup> day of March, 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:00 P.M.

Supervisor Dufek gave the invocation, which was followed by a moment of silence for the people of Japan and the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss.

On motion by Supervisor Brey, seconded by Supervisor Bauknecht, the February 22, 2011 meeting minutes were approved on a unanimous vote.

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

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:04 p.m.

No one present wished to speak, therefore Chairperson Tittl declared public input closed at 7:04 p.m.

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

Corporation Counsel Steven Rollins explained that no action was required on the zoning map amendment for Julie Lewis because it was a moot point. An adjacent neighbor was in the process of purchasing the property.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Personnel Director Sharon Cornils gave a presentation on the Budget Repair Bill and its effect on Manitowoc County. County Executive Ziegelbauer noted that with the changes to Wisconsin Retirement System contributions and collective bargaining, costs are brought in line with revenues. He also said that 20 employees at the Highway Department will not be laid off, the Personnel Committee will be a lot busier, and county managers will assume a greater and more important role. Personnel Director Cornils explained that the Budget Repair Bill does not affect the Sheriff's Department Deputies and the nurses in the Health Department who previously settled a contract through 2013. She noted that

she fielded a lot of questions already, but welcomed more if anyone had them. They answered supervisors' questions.

Public Works Director Jeff Beyer and Comptroller Todd Reckelberg gave a presentation on the 2010 County Expo finances and operations. Director Beyer summarized the history of the expo grounds and the ice center. He noted that nearly \$3.5 million worth of buildings were gifted to the county at the time the county took over the operations. He also said that there were no tax levy dollars in the budget for the 2011 operations. Comptroller Reckelberg had a handout on the history of the expo and ice center budget and explained it. They answered supervisors' questions.

#### APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Jim Hamann and Cindy Huhn for a 3 year term expiring April, 2014. Supervisor Schneider moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

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

Aging and Disability Center Governing Board: Supervisor Maresh gave a brief report.

Board of Health: Supervisor Schneider gave a brief report.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 1 (2010/2011-95) Authorizing Out-of-State Travel (Liz Johnson). Upon vote, the motion carried unanimously.

No. 2010/2011 - 95

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

10 WHEREAS, the annual Aegis software systems conference is the primary means by  
11 which Manitowoc County can stay current with these changes and provides an excellent forum



12 to exchange ideas, learn new methodologies, and participate in hands-on seminars to improve the  
13 skill sets required to maintain the systems;

14  
15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
16 Supervisors authorizes Aegis Administrator Liz Johnson to attend the three-day Annual Aegis  
17 MSP Users Conference in San Antonio, Texas from May 15 through May 17, 2011.

Dated this 15th day of March 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: The following travel and conference costs, not to exceed \$1,900, are included in the approved Information Systems budget: Conference - \$945, Hotel - \$300, Air Fare - \$400, and Meals - \$30.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt gave a brief report.

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

Lakeland Care District: Supervisor Brey gave a brief report. Their next meeting will be 3:30 p.m. on March 16<sup>th</sup>, 2011 at the Manitowoc office.

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 4 (2010/2011-96) Resolution Authorizing Notice to AFSCME Locals 986, 986-A, and 986-B (2011 Wisconsin Act 10 § 9332). Upon discussion and vote, the motion carried with 18 ayes and 7 noes. Supervisors Burke, Dufek, Hansen, Metzger, Panosh, Rappe, and Vogel voted no; all other supervisors voted aye.

No. 2010/2011 - 96

**RESOLUTION AUTHORIZING NOTICE TO  
AFSCME LOCALS 986, 986-A, AND 986-B  
(2011 WISCONSIN ACT 10 § 9332)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County and AFSCME Locals 986, 986-A, and 986-B were  
2 parties to collective bargaining agreements that expired on December 31, 2010, but which  
3 provided that the agreements may be extended after December 31, 2010 upon such terms and  
4 conditions as are mutually agreed to; and

5  
6 WHEREAS, the County and the Locals have continued to operate under the terms and  
7 conditions of the expired agreements since January 1, 2011; and

8  
9 WHEREAS, 2011 Wisconsin Act 10 § 9332 states that Wis. Stat. § 111.70(4)(d)3., as  
10 amended, and Wis. Stat. § 111.70(4)(d)3.b., as newly created, first apply to employees who are  
11 covered by a collective bargaining agreement under Wis. Stat. ch. 111, subch. IV, that contains  
12 provisions inconsistent with the provisions of Wis. Act 10 on the day that the collective  
13 bargaining agreement expires or is terminated, extended, modified, or renewed, whichever  
14 occurs first;

15  
16 NOW, THEREFORE, BE IT RESOLVED that Manitowoc County will cease to operate  
17 under the expired collective bargaining agreements upon the effective date of 2011 Wisconsin  
18 Act 10; and

19  
20 BE IT FURTHER RESOLVED that the Personnel Director is authorized and directed to  
21 send the appropriate notifications to AFSCME Locals 986, 986-A, and 986-B as soon as is  
22 administratively possible.

Dated this 15th day of March 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission:

Supervisor Waack moved, seconded by Supervisor Konen to enact Ordinance 2 (2010/2011-97)  
Ordinance Amending Zoning Map (Sylvester and Tricia Halbach). Upon vote, the motion  
carried with 23 ayes and 2 noes. Supervisors Rappe and Schneider voted no; all other  
supervisors voted aye.

No. 2010/2011 - 97

**ORDINANCE AMENDING ZONING MAP  
(Sylvester and Tricia Halbach)**

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 28, 2011; and  
3

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

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

11 A parcel of land located in the SE¼, NE¼, Section 16, T17N-R21E, Town of  
12 Schleswig, commencing at the NE corner of said Section 16; thence southerly along  
13 the centerline of Lax Chapel Road approximately 1333 feet which is the point of real  
14 beginning; thence continue southerly approximately 1333 feet; thence westerly  
15 approximately 145 feet to the east r/w of Lax Chapel Road; thence northerly along  
16 the east r/w of Lax Chapel Road approximately 1333 feet; thence easterly  
17 approximately 25 feet to the point of real beginning, said parcel contains  
18 approximately 4.9 acres of land, is hereby rezoned from NA Natural Area District to  
19 SE Small Estate.

Dated this 15th day of March 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Schmidt to enact Ordinance 3 (2010/2011-98) Ordinance Amending Zoning Map (Mike Hersey). Upon vote, the motion carried unanimously.

No. 2010/2011 - 98

**ORDINANCE AMENDING ZONING MAP  
(Mike Hersey)**

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 28, 2011; and  
3

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

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

10 A parcel of land located in the W½, SE¼, Section 7, T17N-R21E, Town of  
11 Schleswig, commencing at the center of said section 7; thence southerly  
12 approximately 1170 feet which is the point of real beginning; thence continue  
13 southerly approximately 288 feet; thence easterly approximately 303 feet; thence  
14 northerly approximately 288 feet; thence westerly approximately 303 feet to the  
15 point of real beginning, said parcel containing approximately 2.0 acres of land, is  
16 hereby rezoned from GA General Agriculture to SE Small Estate.

Dated this 15th day of March 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Safety Net Accountability Panel: Supervisor Rappe said the normally scheduled meeting had been moved to a future date and he answered supervisors' questions.

Special Committee on Number and Apportionment of Supervisory Districts: Supervisor Tittl gave a brief report. Their next meeting is April 21 at 6:30 p.m. at the Manitowoc County Office Complex.

Transportation Coordinating Committee: Supervisor Konen gave a brief report. Supervisor Bauknecht moved to adjourn, seconded by Supervisor Vogel and the motion was adopted by acclamation. The meeting adjourned at 9:17 p.m.

Respectfully submitted,  
Jamie J. Aulik, County Clerk

# COUNTY BOARD PROCEEDINGS INDEX

## APPOINTMENTS

### **April 27, 2010 Session:**

- ▶ Planning and Park Commission: Clyde Mueller.
- ▶ Traffic Safety Commission: Bradley Seymour and Alternate Rick Habeck.

### **May 18, 2010 Session:**

- ▶ Local Emergency Planning Committee: Eric Storm and Alternate Brian Helminger.
- ▶ Lakeland Long Term Care Board: Judy Ruggirello and Bob Ziegelbauer.
- ▶ Transportation Coordinating Committee: Molly Burke and Shirley Fessler.

### **June 15, 2010 Session:**

- ▶ Joint Dispatch Board: Kevin Siehr and Alternate David Murack.
- ▶ Local Emergency Planning Committee: Bob Ziegelbauer.
- ▶ Aging and Disability Resource Center Governing Board: Melvin Bourgeois.
- ▶ Board of Adjustment: Laurel Vondrachek.
- ▶ Solid Waste Management System Advisory Committee: Randy Neils, Valerie Mellon and Scott Ahl.
- ▶ Manitowoc Public Library Board of Trustees: Supervisor Kevin Schmidt.

### **August 17, 2010 Session:**

- ▶ Land Information Council: Supervisor Donald Markwardt, Tami Thompson, Jeffrey DeZeeuw, Steven Kipping, Preston F. Jones, Cathy DeLain, Cheryl Duchow, Marlene Revolinsky and Nancy Crowley.
- ▶ Solid Waste Management System Advisory Committee: Donna Kieckbusch and Harvey Jannette.

### **September 21, 2010 Session:**

- ▶ Transportation Coordinating Committee: Char Kautzer.

### **October 25, 2010 Session:**

- ▶ Board of Adjustment: Angela Bartow.

### **November 16, 2010 Session:**

- ▶ Expo & Ice Center Board: Lisa Taylor, Tonya Dvorak, Dave Gauger, Kris Hansen, Joe Janowski, Dick Pollen, Ken Swade and Mark Persaud.
- ▶ Joint Dispatch Board: Tim Barber and Alternate Bill Riesterer.

### **December 21, 2010 Session:**

- ▶ Silver Lake Inland Lake Protection and Rehabilitation District Board: Supervisor Melvin Waack.
- ▶ Veterans Service Commission: Allen Karl.
- ▶ Manitowoc-Calumet Library System Board of Trustees: Cheryl Kjelstrup and Supervisor Faye Konen.
- ▶ Ethics Board: Attorney Katherine Reynolds.
- ▶ Wisconsin Works (W-2) Steering Committee: Kate Baer, Laurie Crawford, Faye Malek, Nyialong Yang and Peter Thillman.

## **APPOINTMENTS continued...**

### **January 18, 2011 Session:**

- ▶ Manitowoc-Calumet Library System Board of Trustees: Karen Valencia.
- ▶ Ethics Board: Tom Musial, Jay Muchin and Attorney Katherine Reynolds.

### **February 22, 2011 Session:**

- ▶ Land Conservation Committee: Dean Fischer.
- ▶ Local Emergency Planning Committee: Gary Shavlik and Alternate Lee Stadler.

### **March 15, 2011 Session:**

- ▶ Loan Review Board: Jim Hamann and Cindy Huhn.

## COMMUNICATIONS

### **April 27, 2010 Session:**

1. Outagamie County – Resolution Supporting Legislation Prohibiting a Business Entity from Placing an Advertisement Sign within a Highway Right-of-way.
2. Outagamie County – Resolution Opposing Legislation Creating a County Wide Assessment System.
3. Langlade County and Waupaca County – Resolution Opposing AB 634 Regarding Protective Status for Correction Officers.
4. Langlade County – Resolution Supporting Authority of Local Elected Officials to Set Spending Priorities for Their Municipality.
5. Langlade County – Resolution Ensuring the Integrity of the Wisconsin Shares Child Care Subsidy Program.
6. Oneida County – Resolution Opposing SB 466 Pertaining to Regulations of Government Sponsored Self-Insured Health Plans.
7. Walworth County – Resolution Opposing Elimination of the Review of Wetland Delineation Reports and Concurrence Letters for Individual Wetland Boundary Determinations.
8. Outagamie County – Resolution Supporting Legislation Delaying Implementation of the Rezoning Conversion Fee.
9. Jackson County – Resolution Requesting Changes Allowing Counties the Use of the Design-Build Construction Method.
10. Outagamie County – Resolution Supporting Legislation Repealing the 1992 County Property Tax Levy Rate Limit.
11. Outagamie County – Resolution Supporting Legislation Allowing Taxpayers to Claim Dairy Farm Modernization and Expansion Credit for Taxable Years December 31, 2003 through January 1, 2012.

### **May 18, 2010 Session:**

1. Langlade County – Resolution Opposing DNR Decision to Eliminate Review of Wetland delineation Reports and Concurrence Letters for Wetland Boundary Determinations.
2. Racine County – Resolution Supporting Delayed Implementation of Farmland Preservation Rezoning Conversion Fee under State Statute 91.48 (1)(b).
3. Columbia County – Resolution Supporting SB 430 Allowing Municipal Employers to Change Health Care Coverage Plan Providers.
4. Price County – Resolution Opposing Implementation of County Assessment in Wisconsin.
5. Price County – Resolution Requesting State of Wisconsin to Enter into Litigation on the Side of Delisting of Wolves from the Endangered and Threatened Species Status in order for the State to Take Over Management of Wolves.
6. Price County – Resolution Supporting Proposed Language Repealing §79.07 Restoring Authority of Local Elected Officials to Set Spending Priorities for their Municipality.
7. Waushara County – Resolution Opposing SB 620 and AB 844 Relating to Lack of Funding for a Groundwater Management Plan.

## **COMMUNICATIONS continued...**

### **June 15, 2010 Session:**

1. Douglas County and Brown County – Resolution Supporting the Wisconsin Attorney General as he Pursues Legal Remedies to Stop Asian Carp Species from Entering Lake Michigan.
2. Douglas County – Resolution Supporting Proposed Language Repealing §79.07 Restoring Authority of Local Elected Officials to Set Spending Priorities for their Municipality.

### **July 20, 2010 Session:**

1. Dodge County and Outagamie County – Resolution Opposing Wisconsin Act 28 relating to the current Prevailing Wage Requirements.
2. Town of Cooperstown – Resolution Opposing Senate Bill 632 Relating to the Limitation of the Spread of Sludge on Certain Landscapes.
3. Town of Cooperstown – Resolution Requesting the Creation of a County Ordinance Regulating the Amount of Industrial Waste to be Spread on Farm Fields in Manitowoc County.
4. Adams County – Resolution Support Legislation Authorizing Counties to Utilize the Design-Build Option.
5. Wisconsin Counties Association – Letter Regarding a County Organ Donation Policy.

### **August 17, 2010 Session:**

1. Waushara County – Resolution Requesting Elimination of Potential of Asian Carp Spread throughout the Great Lakes and Surrounding Watersheds.
2. Langlade County and Lincoln County – Resolution Urging the Rescinding of the Changes made to Prevailing Wage Laws.
3. Wood County – Resolution Requesting Legislators to Enact Legislation to Re-emphasize Segregating Fuel Tax Revenues, Vehicle Registration Fees, and Vehicle Title and Transfer Fees, Specifically for the Transportation Fund.
4. Outagamie County and Waushara County – Resolution Placing Advisory Referendum on the November Ballot asking: “Should the Wisconsin Constitution be Amended to Prohibit any Further Transfers or Lapses from the Segregated Transportation Fund?”

### **September 21, 2010 Session:**

1. Sheboygan County – Resolution Authorizing Mutual Aid Agreement with Other Emergency Management Offices.
2. Ozaukee County – Resolution Urging the Rescinding of the Changes made to Prevailing Wage Laws.

### **October 12, 2010 Session:**

1. Dodge County and Outagamie County – Resolution Supporting Statutory Changes Regarding State and Federal Dollars Distribution to Nursing Home Facilities.

### **December 21, 2010 Session:**

1. Brown County – Resolution Urging Corps of Engineers to Rebid the Renard Island Causeway Project and to Introduce Legislation to Implement new Regulation to Prevent Wasteful Spending.
2. Vilas County – Resolution Urging Legislators to Rescind Changes Made to Prevailing Wage Laws.



## **COMMUNICATIONS continued...**

### **January 18, 2011 Session:**

1. Ozaukee County – Resolution Urging Legislators to Establish a Fast Track Process for Purple Heart and Other Military Related Honors.

### **February 22, 2011 Session:**

1. Racine County – Resolution Supporting Legislation to End Predatory Lending in Wisconsin.
2. Lincoln County – Resolution Requesting Legislative Changes to Modify Binding Arbitration for Public Employees.

### **March 15, 2011 Session:**

1. Kenosha County – Resolution Registering Opposition to the Proposed Plan of Governor Walker to Adversely Affect Bargaining Rights of Municipal Employees.
2. Vernon County – Resolution Urging Legislature to Rescind the Changes Made to Prevailing Wage Laws.

## **PETITIONS**

### **April 20, 2010 Session:**

1. Jill Peters - Town of Maple Grove
2. Raymond Peterson - Town of Maple Grove
3. Richard Meyer - Town of Schleswig

### **May 18, 2010 Session:**

1. Roger Dworak - Town of Manitowoc Rapids
2. Thomas Rockwell - Town of Eaton
3. Manitowoc County Planning & Park Commission - Manitowoc County

### **June 15, 2010 Session:**

1. Manitowoc County - Town of Liberty
2. Paul Shimek & Rhonda and Matt Holmes - Town of Kossuth

### **July 20, 2010 Session:**

1. Paul and Lori Honnef - Town of Kossuth

### **August 17, 2010 Session:**

1. Florian Dworak - Town of Kossuth
2. Planning and Park Commission (Airport Height Limitations) - Manitowoc County

### **September 21, 2010 Session:**

1. Steve Pisaro - Town of Maple Grove

### **October 12, 2010 Session:**

1. Thomas Clarksen - Town of Two Rivers
2. Robert Jacque - Town of Eaton
3. Julie Lewis - Town of Schleswig

### **December 21, 2010 Session:**

#### **BRIDGE PETITIONS**

1. Town of Eaton – B36-163 (Quarry Road Bridge)
2. Town of Gibson – B36-090 (Jambo Creek Bridge)
3. Town of Gibson – B36-153 (Nachtway Road Bridge)
4. Town of Kossuth – Bolle Bridge
5. Town of Kossuth – Dienor Bridge
6. Town of Kossuth – Hutterer Bridge
7. Town of Kossuth – B36-186 (Meadow Lane Bridge)
8. Town of Kossuth – Peroutka Bridge
9. Town of Manitowoc Rapids – Neuser Bridge
10. Town of Manitowoc Rapids – Remiker Bridge
11. Town of Manitowoc Rapids – B36-182 (Valley Drive Bridge)
12. Town of Maple Grove – Krahn Bridge
13. Town of Maple Grove – Taddy Bridge
14. Town of Meeme – B36-184 (South County Line Road).

## **PETITIONS continued...**

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16. Town of Meeme – B36-188 (Pioneer Road)
17. Town of Meeme – B36-190 (South County Line Road)
18. Town of Meeme – B36-191 (South Cleveland Road)
19. Town of Meeme – B36-192 (South Cleveland Road)
20. Town of Mishicot – Assman Road Bridge
21. Town of Schleswig – B36-172 (Steinthal Road Bridge)
22. Town of Two Creeks – Cherveney Bridge

### **ZONING PETITIONS**

1. Mark Gamerdinger - Town of Schleswig
2. Thomas Clarksen - Town of Two Rivers
3. Julie Lewis - Town of Schleswig

### **February 22, 2011 Session:**

1. Sylvester and Tricia Halbach - Town of Schleswig
2. Mike Hersey - Town of Schleswig

\* Denotes an Ordinance.

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