

2011 - 2012

COUNTY BOARD PROCEEDINGS

COUNTY BOARD OF SUPERVISORS OF MANITOWOC COUNTY



Photos: The Aging and Resource Disability Center (ADRC) of the Lakeshore Manitowoc Office (left), and ADRC of the Lakeshore Kewaunee Office (right).

In late 2011, the ADRCs of Manitowoc and Kewaunee Counties merged to create the ADRC of the Lakeshore.

Sessions: April 19, 2011 - March 20, 2012

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

2011-2012 OFFICIAL PROCEEDINGS

MANITOWOC COUNTY BOARD OF SUPERVISORS STATE OF WISCONSIN, MANITOWOC COUNTY

Chairperson of the County Board

Paul R. Tittl

Vice Chairpersons

Kevin L. Behnke

Paul B. Hansen

Prepared by: Jamie J. Aulik, County Clerk

April 2012

2011/2012 OFFICIAL PROCEEDINGS
MANITOWOC COUNTY BOARD OF SUPERVISORS

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MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 19, 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 19th day of April, 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.

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

Roll call: 18 members present; Bauknecht, Behnke, Burke, Dufek, Gerroll, Henrickson, Hoffman, Korinek, Markwardt, Metzger, Panosh, Rappe, Schmidt, Tittl, Vogel, Vogt, Waack, and Weiss. Supervisors Brey, Hansen, Konen, Maresh, Muench, Schneider, and Wagner were excused.

On motion by Supervisor Markwardt, seconded by Supervisor Behnke, the March 15, 2011 meeting minutes were approved on a unanimous vote.

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

Without objection, the Reports of County Supervisors, Officers, and Department Directors were taken up.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl read Certificates of Appreciation for retiring employees Laurie Sales and Donna Peters.

Chairperson Tittl presented a Proclamation Proclaiming Foster Care Month to Foster Care Coordinator Georgeann Knier. Georgeann introduced foster Parents Luanne and Bill Gasperek who were foster parents while they lived in Alaska and now also, as residents of Manitowoc County. Luanne stated that they felt they were called to be foster parents.

Chairperson Tittl presented a Proclamation in Honor of National Public Safety Telecommunicators Week to Paul Hacker. Paul thanked the Board for recognizing their efforts.

Chairperson Tittl presented a Proclamation Proclaiming April, 2011 Parents Who Host, Lose the Most to public health nurse Barbara Herrmann. Barbara thanked the Board for supporting Manitowoc County's Alliance for Substance Abuse Prevention.

Chairperson Tittl presented a Proclamation Proclaiming May 5, 2011, National Day of Prayer to Pastor Mike Kleinhans. Pastor Kleinhans thanked the Board for recognizing the National Day of Prayer and he invited everyone to the National Day of Prayer events on May 5 at Washington Park at noon and to Faith Evangelical Church at 7:00 p.m.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:15 p.m.

Patricia Koppa, Manitowoc County Register in Probate, addressed the Board regarding recent proposals that would change Manitowoc County employee compensation. She asked the Board to seek more information and she was concerned that the private sector may become more attractive resulting in the loss of some the County's best employees.

Joe Teich, President of Wisconsin Steel and Tube Corporation, spoke on the rezone request for industrial manufacturing in the Town of Kossuth. He noted that they currently have nine employees and expect to employ twenty to twenty-five employees by the end of the year.

Brian Cooper, General Manager of Wisconsin Steel and Tube Corporation, thanked the Board for their support to allow them to start a business in this community.

Steve and Kelly Langer, Kewaunee County, urged the Board to enact the rezone request in the Town of Gibson. They have an accepted offer that is contingent on the approved rezone of the property.

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

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Dr. Mary Jo Capodice, Shirley Fessler, Michele Frozena and Frank Rodriguez to the Board of Health for a 2 year term expiring April 2013. Supervisor Panosh moved, seconded by Supervisor Henrickson to approve the appointments. 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 Burke gave a brief report.

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

Finance Committee: Supervisor Dufek moved, seconded by Supervisor Hoffman to adopt Resolution 1 (2011/2012-1) Authorizing Designation, Carry-Over, Transfer, and Reappropriation of Specified Funds from 2010 to 2011. Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING DESIGNATION,
CARRY-OVER, TRANSFER, AND REAPPROPRIATION
OF SPECIFIED FUNDS FROM 2010 TO 2011**

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 2010
5 budget year did not take place, were not completed, or are on-going and must be carried-over into
6 the next budget year; and
7

8 WHEREAS, the 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 2011 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 requests
14 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 recorded
20 in the official books of the County; and
21

22 WHEREAS, any additional items or adjustments that may be required at the completion of
23 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 Supervisors
27 that the following unreserved, designated funds are authorized to be carried over from the official
28 books of the county for the year ended December 31, 2010 to the official books of the county for
29 the year ending December 31, 2011; that the funds are reappropriated and may be expended as
30 required; and that the 2011 Annual Budget is amended and the appropriate line items in the General
31 Fund may be increased by the amounts shown:
32

Description/Purpose	Account	Amount
Unres/Desig-Planning Conservation	100.34230	3,182.00
Unres/Desig-Mapping	100.34232	40,771.45
Unres/Desig-Area Plan PP	100.34233	53,576.26

38	Unres/Desig-Silver Lake Dona	100.34235	7,205.50
39	Unres/Desig-Maribel Caves	100.34236	204.45
40	Unres/Desig-Cato Falls	100.34237	2,836.76
41	Unres/Desig-PZ Coastal Grant	100.34238	10,000.00
42	Unres/Desig-Public Health	100.34240	0.00
43	Unres/Desig- Park Snow Mobile	100.34241	177,026.98
44	Unres/Desig-Veterans Srv	100.34245	30,352.24
45	Unres/Desig-Capital Proj PW - IS Lab	100.34248	15,000.00
46	Unres/Desig-Lnd Rec Modern	100.34270	140,892.29
47	Unres/Desig-ROD Redaction	100.34271	22,743.20
48	Unres/Desig-Sheriffs Dept	100.34275	4,817.00
49	Unres/Desig-Vehicle Pool PW	100.34277	41,945.00
50	Unres/Desig-EM Communication	100.34279	56,250.00
51	Unres/Desig-Emgt Hazmat	100.34280	179,928.99
52	Unres/Desig-UW Extension	100.34284	9,255.34
53	Unres/Desig-Elections CC	100.34289	65,297.36
54	Unres/Desig-Treasurer Outlay	100.34290	15,000.00
55	Unres/Desig-Communications E-911 #21650	100.34293	49,381.00
56	Unres/Desig- PW-PBX Pone System	100.34294	9,714.56;

57
58 and

59
60 BE IT FURTHER RESOLVED that the following unreserved, designated funds are authorized
61 to be carried over from the books of the County for the year ended December 31, 2010 to the official
62 books of the County for the year ending December 31, 2011; but that the funds may not be
63 reappropriated or expended without further action by the County Board:

64				
65				
66	Department	Activity	Account	Amount
67				
68	Public Works	Future Capital Projects	100.34295	76,468.80;

69
70 and

71
72 BE IT FURTHER RESOLVED that remaining funds in the County's Special Revenue Funds,
73 Debt Service Funds, and Capital Projects Funds be carried forward for their intended purpose as
74 previously approved by the County Board; and

75
76 BE IT FURTHER RESOLVED that the following grant and project funds are authorized to
77 be carried over from the official books of the County for the year ended December 31, 2010 to the
78 official books of the County for the year ending December 31, 2011; that they may be expended;
79 and that the 2011 Annual Budget is amended and the following line items are increased by the
80 amounts shown:

81				
82	Description/Purpose	Account	Category	Amount

83	Soil & Water US EPA Grant Rev.	61201.43280	Revenue	(525,000)
84	Soil & Water US EPA Grant Exp.	61201.55910	Expense	525,000
85	Parks – Devil's River Stewardship Grant	52001.43570.08	Revenue	(333,146.63)
86	Parks – Devil's River Outlay Land Improve.	52001.58250	Expense	333,146.63;

87
88 and
89

90 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
91 information in the official books of the County for the year ended December 31, 2010 and for the
92 year ending December 31, 2011 as may be required.

Dated this 19th day of April 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Carries over the amounts specified from the 2010 budget to the 2011 budget and amends the 2011 Annual Budget as stated.

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 April 24.

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Bauknecht to adopt Resolution 2 (2011/2012-2) Approving Amendment to Policy Manual (Pay Period and Pay Day). Upon discussion and vote, the motion carried with 16 ayes and 2 noes. Supervisors Metzger and Vogel voted no; all other supervisors voted aye.

No. 2011/2012 - 2

RESOLUTION APPROVING AMENDMENT TO EMPLOYEE POLICY MANUAL (Pay Period and Pay Day)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair and
2 equal treatment of County employees and compliance with Federal and State employment laws; and
3
4 WHEREAS, requiring that all employees and elected officials receive payment of wages via
5 direct deposit will allow Manitowoc County to increase operational efficiencies by eliminating the

6 expense of purchasing paper check forms, no longer having to reissue lost or damaged paychecks,
7 no longer having to perform reconciliations of outstanding paychecks, and no longer having to mail
8 paychecks to employees who are on vacation or a medical leave of absence; and
9

10 WHEREAS, the disbursement of direct deposit advice slips is done via electronic mail which
11 increases privacy of paychecks and eliminates time spent sorting, folding, and delivering paychecks;
12 and
13

14 WHEREAS, the implementation of this policy is contingent upon the enactment and
15 publication of enabling legislation by the State of Wisconsin; and
16

17 WHEREAS, this change in policy will not affect Health Department employees represented
18 by Local 5068 until the expiration of their agreement; and
19

20 WHEREAS, this change in policy will not affect the Sheriff's Deputies represented by WPPA;
21

22 NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual be amended to
23 include the attached revised policy requiring direct deposit of paychecks as soon as legally possible.

Dated this 19th day of April 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Operational efficiencies are difficult to quantify.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 3 (2011/2012-3)
Approving Amendment to Policy Manual (Hiring Procedure for Regular Positions). Upon
discussion and vote, the motion carried with 14 ayes and 4 noes. Supervisors Burke, Dufek,
Metzger, and Vogel voted no; all other supervisors voted aye.

No. 2011/2012 - 3

**RESOLUTION APPROVING AMENDMENT TO EMPLOYEE POLICY MANUAL
(Hiring Procedure for Regular Positions)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair and
2 equal treatment of County employees and compliance with Federal and State employment laws; and
3

4 WHEREAS, 2011 Wisconsin Act 10 has eliminated the job posting requirements contained
5 within Manitowoc County's collective bargaining agreements with AFSCME Locals 986, 986-A,
6 and 986-B; and

7 WHEREAS, this Policy will not impact Health Department employees represented by Local
8 5068 until the expiration of their Agreement and this Policy will not impact Sheriff's Department
9 employees represented by WPPA; and
10

11 WHEREAS, a policy on the hiring procedure for regular positions exists in the current
12 Employee Policy Manual; and
13

14 WHEREAS, the existing policy has been slightly modified to improve the clarity of language
15 and process; and
16

17 WHEREAS, the implementation of this policy is contingent upon the enactment and
18 publication of enabling legislation by the State of Wisconsin; and
19

20 NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual be amended to
21 include the attached revised policy on hiring procedures for regular positions as soon as legally
22 possible.

Dated this 19th day of April 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 4 (2011/2012-4)
Approving Amendment to Policy Manual (Holiday Schedule). Upon discussion and vote, the
motion carried with 14 ayes and 4 noes. Supervisors Burke, Dufek, Metzger, and Vogel voted no;
all other supervisors voted aye.

No. 2011/2012 - 4

**RESOLUTION APPROVING AMENDMENT TO EMPLOYEE POLICY MANUAL
(Holiday Schedule)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair and
2 equal treatment of County employees and compliance with Federal and State employment laws; and
3

4 WHEREAS, this Policy will not impact Health Department employees represented by Local
5 5068 until the expiration of their agreement; and
6

7 WHEREAS, changing the holiday schedule by increasing the existing two half-day holidays
8 to full day holidays and eliminating the current floating holiday will increase organizational
9 efficiency; and

10 WHEREAS, the change in holiday schedules will result in all County Departments observing
11 holidays on the same day; and
12

13 WHEREAS, the implementation of this policy is contingent upon the enactment and
14 publication of enabling legislation by the State of Wisconsin; and
15

16 NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual be amended to
17 include the attached revised Holiday policy as soon as legally possible.

Dated this 19th day of April 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Bauknecht, to adopt Resolution 5 (2011/2012-5) Authorizing Out-of-State Travel (Aimee Augustine). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 5

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Aimee Augustine)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Veterans Service Office provides veterans and their families information and
2 assistance in obtaining state and federal veterans benefits; and
3

4 WHEREAS, timely and effective service to veterans and their families is dependent upon the
5 ability to access information from the Department of Veterans Affairs; and
6

7 WHEREAS, access to information from the Department of Veterans Affairs requires
8 accreditation by the National Association of County Veterans Service Officers, and the training
9 provided at the National County Veterans Service Officer Conference will meet all requirements for
10 accreditation; and
11

12 WHEREAS, adequate funds exist in the Veterans Service Office 2011 budget to cover the cost
13 of attending the National County Veterans Service Officer conference;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
16 authorizes Deputy County Veterans Service Officer Aimee Augustine to attend the National County
17 Veterans Service Officers Conference in Biloxi, Mississippi from June 6 to June 10, 2011.

Dated this 19th day of April 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Sufficient funds to cover the total cost, not to exceed \$2,500, are included in the Veterans Service Office budget. Conference - \$350; hotel - \$900; meals - \$322; air fare - \$500; and other transportation/mileage - \$150.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission:

Supervisor Waack moved, seconded by Supervisor Korinek to adopt Resolution 6 (2011/2012-6) Authorizing 2011-2012 Snowmobile Trail Program Upon vote, the motion carried unanimously.

No. 2011/2012 - 6

RESOLUTION AUTHORIZING 2011-2012 SNOWMOBILE TRAIL PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, Manitowoc County has completed 38 years of participation in the Wisconsin
5 Snowmobile Aids Program by acquiring, developing, insuring, and maintaining public snowmobile
6 trails in the county in accordance with Wisconsin Department of Natural Resources standards; and
7

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

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

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

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

24 BE IT FURTHER RESOLVED that the Park Supervisor is authorized to sign documents and
25 take the actions necessary to undertake, direct, and complete the 2011-2012 Snowmobile Trail
26 Program; and
27

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

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

Dated this 19th day of April 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. \$61,275 is included in the 2011 approved budget, and
the State reimburses the County the total amount spent on the program.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Schmidt to enact Ordinance 7 (2011/2012-7)
Ordinance Amending Zoning Map (Virginia Kress). Upon discussion and vote, the motion carried
with 17 ayes and 1 no. Supervisor Rappe voted no; all other supervisors voted aye.

No. 2011/2012 - 7

**ORDINANCE AMENDING ZONING MAP
(Virginia Kress)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on March 28, 2011; 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 amended petition be approved for the reasons
6 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, NW¼, Section 1, T21N-R23E, Town of Gibson,
12 commencing at the center of said Section 1; thence northerly approximately 965 feet;
13 thence westerly approximately 450 feet which is the point of real beginning; thence
14 continue westerly approximately 276.43 feet; thence northeasterly approximately 260
15 feet; thence southeasterly approximately 276.43 feet; thence southwesterly
16 approximately 260 feet to the point of real beginning, said parcel containing
17 approximately 1.65 acres of land, is hereby rezoned from A3 Exclusive Agriculture
18 District to A1 Agriculture District.

Dated this 19th day of April 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Waack moved, seconded by Supervisor Gerroll to enact Ordinance 8 (2011/2012-8)
Ordinance Amending Zoning Map (Thomas Worsfold). Upon vote, the motion carried with 17 ayes
and 1 no. Supervisor Rappe voted no; all other supervisors voted aye.

No. 2011/2012 - 8

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on March 28, 2011; 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 amended petition be approved for the reasons
6 stated in the attached report;
7

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

10
11 A parcel of land located in the SW¼, NE¼, Section 35, T20N-R23E, Town of Kossuth,
12 commencing at the N ¼ corner of said Section 35; thence southerly approximately 1320
13 feet; thence easterly approximately 711 feet which is the point of real beginning; thence
14 continue easterly approximately 405 feet to the west r/w of CTH R; thence

15 southwesterly along the west r/w of CTH R approximately 597 feet; thence westerly
16 approximately 375 feet; thence northeasterly approximately 590 feet to the point of real
17 beginning, said parcel containing approximately 5.42 acres of land, is hereby rezoned
18 from B2 Business District to I1 Industrial District.

Dated this 19th day of April 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

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

Safety Net Accountability Panel: Supervisor Rappe gave a brief report and requested the Executive Committee to have the names of patients who are denied by the Health Care Center available to Human Services.

Special Committee on Number and Apportionment of Supervisory Districts: Supervisor Tittl gave a brief report. The Public Hearing on the tentative Supervisory District map will be on May 9.

Miscellaneous: Finance Committee and Personnel Committee: Supervisor Dufek moved, seconded by Supervisor Vogt to adopt Resolution 9 (2011/2012-9) Creating Aegis System Administrator Position. Upon discussion and vote, the motion carried with 17 ayes and 1 no. Supervisor Panosh voted no; all other supervisors voted aye.

No. 2011/2012 - 9

RESOLUTION CREATING AEGIS SYSTEM ADMINISTRATOR POSITION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Information Systems Department provides technical support and
2 administration for the Aegis System and all other protective service related equipment and software
3 24 hours per day, 7 days per week, 365 days per year; and
4

5 WHEREAS, all protective service agencies in Manitowoc County are dependent upon the
6 Aegis system in the exercise of their duties, and a failure of this system would have a critical,
7 detrimental effect on the provision of protective services; and
8

9 WHEREAS, the level of support responsibility has increased considerably since the initial
10 Aegis System Administrator position was created in 2005, and a single Aegis System Administrator
11 position can no longer meet the demands placed on the System; and
12

13 WHEREAS, the creation of the second Aegis System Administrator position will provide a
14 guarantee of continuation of services in the event that the current Aegis System Administrator would
15 no longer be available; and
16

17 WHEREAS, adequate funds exist in the Information Systems budget to cover the cost of the
18 position in 2011;
19

20 NOW, THEREFORE, BE IT RESOLVED that the number of authorized positions for the
21 Information Systems Department is increased by 1.0 full time equivalent Aegis System
22 Administrator position; and
23

24 BE IT FURTHER RESOLVED that the 2011 budget is amended accordingly and that the
25 Comptroller/Auditor is directed to record such information in the official books of the county for
26 the year ended December 31, 2011 as may be required.

Dated this 19th day of April 2011.

Respectfully submitted by the Finance Committee and Personnel Committee.

FISCAL IMPACT: The estimated total cost of this position for the six months 2011 is \$48,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Melvin Waack: Supervisor Waack moved, seconded by Supervisor Vogel to adopt
Resolution 10 (2011/2012-10) Authorizing Lake Management Planning Grant. Upon vote, the
motion carried unanimously.

No. 2011/2012 - 10

**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 public
2 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. NR 115 through a Shoreland Zoning Ordinance; and
6

7 WHEREAS, the Wisconsin Department of Natural Resources has completed a major revision
8 to Wisconsin Administrative Code ch. NR 115 and the county's Shoreland Zoning Ordinance needs
9 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 the
12 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 are
15 already included in the 2011 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 State
19 of Wisconsin for a Lake Management Planning Grant; to sign such documents and take such actions
20 as may be necessary to undertake, direct, and complete the grant; and to submit reimbursement
21 claims and supporting documentation on behalf of the county; and
22

23 BE IT FURTHER RESOLVED that the appropriate line items in the 2011 budget are amended
24 by the amount of the grant received and that the Comptroller/Auditor is directed to record such
25 information in the official books of the County for the year ending December 31, 2011 as may be
26 required.

Dated this 19th day of April 2011.

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 Bauknecht moved to adjourn, seconded by Supervisor Henrickson 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, May 17, 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 17th day of May, 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.

Chairperson Schneider gave the invocation, which was followed by a moment of silence for fallen police officers and those now serving, and in honor of Memorial Day. The Pledge of Allegiance to the Flag was recited 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 Schneider, the April 19, 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.

Without objection, the Reports of County Supervisors, Officers, and Department Directors were taken up.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl presented a Proclamation Commending Tiffany Nohl Manitowoc County Outgoing "Fairest of the Fair." Tiffany said that she truly appreciated the support she received this past year. She invited everyone to the crowning of the 2011 "Fairest of the Fair" next week.

Chairperson Tittl presented a Proclamation Proclaiming June Dairy Month to Supervisor Maresh who accepted it on behalf of the UW-Extension Office. She invited everyone to the 2011 Breakfast on the Farm that will take place on June 12 at the Badger Pride Dairy.

Chairperson Tittl opened public input at 7:09 p.m.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Katie Mnuk, CEO Lakeland Care District, gave an overview of the current status of the long term care program. She explained that Manitowoc County currently has 581 clients enrolled in the program which includes 191 new enrollments since its inception in April of 2010. The Department of Health Services has estimated the cost of serving individuals in their community

is about 30% less than in nursing homes. Katie was concerned about the biennial budget proposal to put caps on new enrollment until June 30, 2013. She has contacted members of the Joint Committee on Finance urging them to lift the caps allowing expansion and continuing statewide implementation of the long term care program. She answered supervisors' questions.

Curt Drumm, Executive Director of Thunder on the Lakeshore and President of Lakeshore Aviation gave a brief update on the operations of the Manitowoc County Airport and spoke on the 2011 "Thunder on the Lakeshore" Airshow and Balloon Rally scheduled for June 4 and 5. He gave an overview of the performers and events offered this year.

Laurie Crawford, Executive Director United Way Manitowoc County, talked about the role of United Way in the community. The new program will focus on creating opportunities for a better life for all through education, income, and health. Laurie explained the various services that United Way provides to the community. She answered supervisors' questions.

Gary Kennedy, Highway Commissioner, addressed the Board regarding the 100th Anniversary of Highway Departments. He gave a brief history of the beginning of the first Manitowoc County Highway Commissioner who was elected by the County Board in 1912 at a salary of \$600. He referred to a handout that was compiled by the Wisconsin County Highway Association to honor individuals in the Wisconsin County Highway Departments for providing 100 years of commitment to Wisconsin. He answered supervisors' questions.

Nancy Slattery, Town of Cooperstown, spoke on the redistricting process that follows the 2010 Federal Census. She questioned whether non-elected citizens could be on the special redistricting committee. She also asked in what manner redistricting information was available to the public. She urged supervisors to follow the guidelines for redistricting.

No one else present wished to speak, therefore Chairperson Tittl declared public input closed at 8:05 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Karl Puestow, John Kropp, Travis Waack and alternate Nicki Davis to the Local Emergency Planning Committee for a 2 year term expiring June 2013. Supervisor Burke moved, seconded by Supervisor Henrickson to approve the appointments. 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.

Supervisor Schneider moved, seconded by Supervisor Rappe to enact Ordinance 1 (2011/2012-11) Amending Manitowoc county Code Ch. 7 (Retail Food Establishments.). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 11

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 7
(Retail Food Establishments)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Agriculture, Trade and Consumer Protection
2 (DATCP) is authorized by Wis. Stat. § 97.41 to enter into written agreements with local health
3 departments to administer a retail food program under which the local health department acts as
4 DATCP's agent for the purpose of inspecting and issuing licenses to retail food establishments;
5 and
6

7 WHEREAS, a local health department that administers a retail food program under such
8 an agreement is authorized to collect a fee that covers the state fee and the reasonable costs of
9 making inspections, issuing licenses, and providing education, training, and technical assistance
10 to the establishments; and
11

12 WHEREAS, Wis. Admin. Code ch ATP 75 sets forth the definitions, general
13 provisions, licensing requirements and standards, and provisions for the local regulation of retail
14 food establishments; and
15

16 WHEREAS, the Board of Health recommends that the health department enter into an
17 agreement to provide services as an agent of the State of Wisconsin for purposes of the
18 inspection and licensing of retail food establishments in order to provide local contacts to retail
19 food establishments and benefits the public in assuring a safe food supply;
20

21 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
22 ordain as follows:
23

24 Manitowoc County Code sec. 7.06 pertaining to laws, rules, and regulations adopted by
25 reference is amended by replacing "Wis. Stat. chs. 251, and 254" with Wis. Stat. chs. 97, 251,
26 and 254"; inserting "Wis. Admin. Code ch. ATP 75;" before Wis. Admin. Code § chs. DHS";
27 and inserting the word "and" before "Wis. Admin. Code chs. Comm. 26 and 90."
28

29 Manitowoc County Code sec. 7.21(1) pertaining to permit and license requirements is
30 amended by adding the phrase "retail food establishments" following the word "restaurants."
31

32 Manitowoc County Code sec. 7.255 is created to read as follows:
33

34 7.255 Retail Food Establishments.

- (1) The health department is eligible under state law and authorized by this Chapter to act as an agent of the Wisconsin Department of Agriculture, Trade and Consumer Protection under a written agreement for the purpose of issuing licenses and making investigations or inspections of retail food establishments.
- (2) The health department fee schedule for retail food establishments contained in Appendix A includes the state's fee, which the health department shall collect and pay to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

Manitowoc County Code Ch. 7, Appendix A, Health Department Fee Schedule, 7/10/2011 - 6/30/2012, is amended by inserting the following fees:

Retail Food Establishment		
Large Non-Potentially Hazardous		200
Large Potentially Hazardous		719
Not Engaged in Food Processing		47
Small Potentially Hazardous		278
Very Small Non-Potentially Hazardous		63
Very Small Potentially Hazardous		63
Retail Food Establishment - Reinspection		
Large Non-Potentially Hazardous		190
Large Potentially Hazardous		450
Not Engaged in Food Processing		90
Small Potentially Hazardous		190
Very Small Non-Potentially Hazardous		90
Very Small Potentially Hazardous		90

This ordinance is effective June 1, 2011.

Dated this 17th day of May 2011.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Generates approximately \$24,500 in revenue, less state fees, to net approximately \$22,000 to cover program costs.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Muench moved, seconded by Supervisor Hoffman to adopt Resolution 2 (2011/2012-12) Authorizing Participation in United Way Campaign. Upon vote, the motion carried unanimously.

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
3 to 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
7 support more than two dozen different organizations in Manitowoc County that insure basic
8 needs are met, increase self-sufficiency, nurture children and youth, promote health and healing,
9 and strengthen families; and
10

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

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors designates United Way Manitowoc County, Inc. as the organization authorized to
17 offer an opportunity to enroll in a payroll giver's plan to Manitowoc County employees, officers,
18 and officials from now through December 31, 2011, with payroll deductions to be made during
19 the 2012 calendar year; and
20

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

Dated this 17th day of May 2011.

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 May 26.

Supervisor Rappe moved, seconded by Supervisor Schneider to adopt Resolution 3 (2011/2012-13) Authorizing Out-of-State Travel (Vicki Jerovetz). Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Vicki Jerovetz)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Human Services Department is responsible for the placement of children
2 in foster care; and
3

4 WHEREAS, three children who are under Manitowoc County's jurisdiction and who will
5 be placed in foster care in Manitowoc County are presently in Des Moines, Iowa;
6

7 WHEREAS, Manitowoc County is responsible for transporting the children from Des
8 Moines to Manitowoc and arrangements are being made for Vicki Jerovetz to transport the
9 children sometime during the week of May 23 - 27, 2011;
10

11 NOW, THEREFORE, BE IT RESOLVED that Vicki Jerovetz is authorized to travel to and
12 from Des Moines, Iowa to facilitate the placement of children into foster care.

Dated this 17th day of May 2011.

Respectfully submitted by the Human Services Board.

APPROVED: Bob Ziegelbauer, County Executive.

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

Supervisor Maresh moved, seconded by Supervisor Burke to adopt Resolution 4 (2011/2012-14)
Accepting DATCP Grant. Upon vote, the motion carried unanimously.

RESOLUTION ACCEPTING DATCP GRANT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County's Land and Water Resource Management Plan identifies
2 proper management of nutrients applied to cropland as a Best Management Practice to protect
3 public health and safety by reducing or eliminating nutrients in surface and ground water; and
4

5 WHEREAS, the Wisconsin Department of Agriculture, Trade and Consumer Protection is
6 willing to provide Manitowoc County with a Grant of \$22,000 to provide financial assistance to
7 landowners who prepare and follow a Nutrient Management Plan;
8

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

Supervisors authorizes the Soil and Water Department Director to accept a grant from DATCP in an amount not to exceed \$22,000; and

BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in the 2011 budget are amended by the amount of the grant funds received and that the Comptroller/Auditor is directed to record such information in the official books of the County for the year ending December 31, 2011 as may be required.

Dated this 17th day of May 2011.

Respectfully submitted by the Land Conservation Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by equal amounts of up to \$22,000.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Vogt gave a brief report. Their next meeting will be June 6.

Supervisor Vogt moved, seconded by Supervisor Hansen to adopt Resolution 6 (2011/2012-15) Approving Funding of Health Savings Accounts for Non-Represented Employees. Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 15

**RESOLUTION APPROVING FUNDING OF HEALTH SAVINGS ACCOUNTS
FOR NON-REPRESENTED EMPLOYEES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

WHEREAS, Manitowoc County has, pursuant to the requirements of expired 2010 labor agreements, provided employees represented by AFSCME with full funding of their 2011 health insurance deductible through contributions to health savings accounts in the amount of \$1,500 for single plans and \$3,000 for family plans; and

WHEREAS, Health Department employees represented by Local 5068 waived contributions to their health savings accounts as part of the settlement of their 2011-2013 labor agreement; and

WHEREAS, nonrepresented employees did not receive any of their health savings accounts in 2011; and

WHEREAS, Manitowoc County strives to treat employees fairly and equitably regardless of whether or not the employees are represented under a labor agreement; and

WHEREAS, the goal is to end County funding of employee health savings accounts in 2012 so that employees will bear the full cost of the health insurance deductible; and

18 WHEREAS, providing nonrepresented employees with one-half of the funding of the
19 annual deductible — \$750 single for a single plan and \$1,500 for a family plan — would provide
20 fair and equitable treatment to this group of employees; and
21

22 WHEREAS, offering Health Department employees represented by Local 5068 with one-
23 half of the funding of the annual deductible — \$750 single for a single plan and \$1,500 for a
24 family plan — would provide fair and equitable treatment to this group of employees; and
25

26 WHEREAS, once enabling legislation is enacted and published, it would be fair and
27 equitable to recover an amount equal to one-half of the 2011 health savings account
28 contributions by requiring employees represented by an AFSCME Local to make 18 health
29 insurance premium contributions of \$41.67 for a single plan and \$83.33 for a family plan;
30

31 NOW, THEREFORE, BE IT RESOLVED that once enabling legislation is enacted and
32 published, one-half of the health savings account contributions provided in 2011 to employees
33 covered under an AFSCME agreement will be recovered through health insurance premium
34 contributions; and
35

36 BE IT FURTHER RESOLVED that once enabling legislation is enacted and published to
37 allow for the recovery of one-
38 half of the health savings account funding provided in 2011 to employees covered under an
39 AFSCME agreement, that the nonrepresented employee group receive a contribution to their
40 health savings account equal to one-half of the annual deductible; and
41

42 BE IT FURTHER RESOLVED that once enabling legislation is enacted and published to
43 allow for the recovery of one-half of the health savings account funding provided in 2011 to
44 employees covered under an AFSCME agreement, that Health Department employees
45 represented by Local 5068 be offered a contribution to their health savings accounts equal to
46 one-half of the annual deductible; and
47

48 BE IT FURTHER RESOLVED that the County's goal is to end funding of all employee
49 health savings accounts in 2012.

Dated this 17th day of May 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Recovery of one-half of HSA payments made to AFSCME employees
would equal \$318,000. The contribution to nonrepresented employees
would be \$134,250. Providing the same funding to Health Department
employees represented by Local 5068 equals \$12,000. The net savings
to the County would be \$171,750 if Local 5068 accepts the offer and
\$183,750 if Local 5068 declines the offer.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 7 (2011/2012-16) Approving Amendment to Employee Policy Manual (Annual Proration of Benefits for Part-Time Employees). Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Burke voted no; all other supervisors vote aye.

No. 2011/2012 - 16

**RESOLUTION APPROVING AMENDMENT TO EMPLOYEE POLICY MANUAL
(Annual Proration of Benefits for Part-time Employees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair
2 and equal treatment of County employees and compliance with Federal and State employment
3 laws; and
4

5 WHEREAS, part-time employees are eligible for all of the fringe benefits provided to
6 full-time employees on a pro-rated basis; and
7

8 WHEREAS, the frequency of calculation of pro-ration for different groups of employees
9 currently varies from quarterly to bi-annual to annual; and
10

11 WHEREAS, performing benefit pro-rations on an annual basis allows employees greater
12 predictability in determining the cost of their participation in employee benefits, while still
13 crediting them with every hour worked toward the calculation of the pro-ration; and
14

15 WHEREAS, performing benefit pro-rations on an annual basis decreases administrative
16 time and expense; and
17

18 WHEREAS, the implementation of this policy is contingent upon the enactment and
19 publication of enabling legislation by the State of Wisconsin; and
20

21 WHEREAS, this policy will not impact Health Department employees represented by
22 Local 5068 until the expiration of their Agreement and this policy will not impact Sheriff's
23 Department employees represented by WPPA; and
24

25 WHEREAS, a copy of the revised policy has been reviewed by the Personnel Committee
26 and provided to the County Board;
27

28 NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual is amended to
29 include the revised policy requiring annual pro-ration of fringe benefits for part-time employees
30 as soon as legally possible.

Dated this 17th day of May 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable, as the convenience to employees and the operational efficiencies gained are difficult to quantify.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Bauknecht to adopt Resolution 8 (2011/2012-17) Approving Change to Normal Work Week of Certain Departments. Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Metzger; all other supervisors voted aye.

No. 2011/2012 - 17

**RESOLUTION APPROVING CHANGE TO
NORMAL WORK WEEK OF CERTAIN DEPARTMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the normal work week for certain employees is currently 38 hours; and

2
3 WHEREAS, a 38-hour work week creates complexity in the administration and reporting
4 of paid time off because paid time off is based on a 7.5 hour day, which results in a 37.5-hour
5 work week based of five 7.5-hour days;

6
7 WHEREAS, reducing the normal work week to 37.5 hours based will eliminate the
8 complexity in the administration and reporting of paid time off and will help the county in
9 reducing expenses, which will be necessary because of reductions in State and Federal funding;
10 and

11
12 WHEREAS, reducing expenses by reducing the normal work week by one-half hour is
13 preferable to eliminating positions and laying off current employees;

14
15 WHEREAS, implementation of the change in the normal work week to 37.5 hours is
16 contingent upon the enactment and publication of enabling legislation by the State of Wisconsin;
17 and

18
19 WHEREAS, the changed work week will only affect employees who presently have a 38-
20 hour work week, but will not affect Health Department employees represented by Local 5068
21 until the expiration of their current labor agreement;

22
23 NOW, THEREFORE, BE IT RESOLVED that the normal work week for employees
24 currently working a 38-hour work week be changed to a 37.5 hour work week as soon as legally
25 possible.

Dated this 17th day of May 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Personnel expenses will be reduced by approximately \$101,281.14 based on 2010 rates and the current number of FTE's.

	Average Hourly Rate	Number of FTE's	Cost Per Hour	Wage Savings	FICA	5.8% WRS	Total Savings
Human Services Pro	\$29.15	43.2	\$1,259.28	\$32,741.28	\$2,504.71	\$1,898.99	\$37,144.98
Non-Represented	\$28.94	7.00	\$202.58	\$5,267.08	\$402.93	\$305.49	\$5,975.50
Sheriff Dept AFSCME	\$18.53	6.28	\$116.37	\$3,025.58	\$231.46	\$175.48	\$3,432.52
Supportive Services	\$20.40	90.95	\$1,855.38	\$48,239.88	\$3,690.35	\$2,797.91	\$54,728.14
Total Savings							\$101,281.14

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission:

Supervisor Waack moved, seconded by Supervisor Korinek to enact Ordinance 9 (2011/2012-18) Amending Zoning Map (Bradley and Tatum Schuler). Upon vote, the motion carried 23 ayes and 2 noes. Supervisors Rappe and Schneider voted no; all other supervisors voted aye.

No. 2011/2012 - 18

**ORDINANCE AMENDING ZONING MAP
(Bradley and Tatum Schuler)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on April 25, 2011; 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 amended 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 NE¼, NW¼, Section 32, T18N-R21E, Town of
12 Eaton, commencing at the N ¼ corner of said Section 32; thence westerly
13 approximately 620 feet; thence southerly approximately 415 feet which is the point
14 of real beginning; thence continue southerly approximately 209 feet, thence
15 westerly approximately 209 feet to the point of real beginning, said parcel containing
16 approximately 1.0 acres of land, is hereby rezoned from A3 Exclusive Agriculture
17 District to A1 Agriculture District.

Dated this 17th day of May 2011.

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 Muench to adopt Resolution 10 (2011/2012-19) Authorizing Out-of-State Travel (Joseph Keil). Upon vote, the motion carried unanimously.

No. 2011/2012 - 19

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, impaired driving continues to be one of the greatest and most persistent
2 threats to public safety, and the Drug Recognition Expert (DRE) Program has proven to be
3 effective in training officers to detect and remove impaired drivers from our roadways; and
4

5 WHEREAS, the 23rd Symposium on Alcohol and Drug Impaired Driving Enforcement
6 will present information about legislative and case law developments, alcohol and drug impaired
7 driving enforcement training, different aspects of driving under the influence enforcement, the
8 most recent trends in drug use, and the latest technology available to law enforcement and
9 prosecutors; and
10

11 WHEREAS, Deputy Joseph Keil holds National Instructor Drug Recognition Expert
12 Status, and alcohol and drug impaired driving enforcement training will allow him to continue to
13 provide Sheriff's Department officers with new techniques and training to maintain their
14 proficiency; and
15

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

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
20 Supervisors authorizes Joseph Keil to attend the 23rd Symposium on Alcohol and Drug Impaired
21 Driving Enforcement in Palm Beach Gardens, Florida on July 11-13, 2011.

Dated this 17th day of May 2011.

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 \$1,000.

APPROVED: Bob Ziegelbauer, County Executive.

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

Special Committee on Number and Apportionment of Supervisory Districts: Supervisor Tittl moved, seconded by Supervisor Brey to adopt Resolution 11 (2011/2012-20). Upon discussion and vote, the motion carried with 24 ayes and 1 no. Supervisor Dufek voted no; all other supervisors voted aye.

No. 2011/2012 - 20

RESOLUTION ADOPTING TENTATIVE SUPERVISORY DISTRICT PLAN

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin counties are, within 60 days after the population count is
2 established in the decennial federal census and certain maps become available or are published,
3 to propose a tentative county supervisory district plan setting forth the number of supervisory
4 districts and tentative boundaries or a description of boundary requirements, hold a public
5 hearing on the proposed plan, and adopt a tentative plan; and

6
7 WHEREAS, the Planning and Zoning Department has, at the request of the County Board
8 and the Special Committee on Number and Apportionment of County Board Supervisory
9 Districts, prepared a tentative county supervisory district plan that provides for 25 supervisory
10 districts; and

11
12 WHEREAS, the Special Committee on Number and Apportionment of County Board
13 Supervisory Districts conducted the required hearing on the proposed tentative supervisory
14 district plan on May 9, 2011 and has provided its recommended tentative supervisory district
15 plan to the county board;

16
17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
18 Supervisors does hereby adopt the tentative supervisory district plan as recommended by the
19 Special Committee; and

20
21 BE IT FURTHER RESOLVED that the County Clerk is directed to transmit the tentative
22 plan that has been adopted to each municipal governing body in the county.

Dated this 17th day of May 2011.

Respectfully submitted by Special Committee on Number and Apportionment of County Board
Supervisory Districts.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous: Supervisor Vogel: Supervisor Vogel moved, seconded by Supervisor Waack to
adopt Resolution 12 (2011/2012-21) Approving Town of Newton Zoning Ordinance (Steven
Hoffman). Upon discussion and vote, the motion carried unanimously.

**RESOLUTION APPROVING TOWN OF NEWTON ZONING ORDINANCE
(Steven Hoffman)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors approves the zoning ordinance that was adopted by the Town Board of the Town of Newton for Steven Hoffman on May 11, 2011.

Dated this 17th day of May 2011.

Respectfully submitted by Randy Vogel, Supervisor.

FISCAL IMPACT: None.

Announcements: Chairperson Tittl announced that they will be marching in the Memorial Day Parade. He also had information available for supervisors interested in attending the Wisconsin Counties Association conference.

Supervisor Hoffman moved to adjourn, seconded by Supervisor Brey and the motion was adopted by acclamation. The meeting adjourned at 9:12 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 21, 2011, 6:30 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 June, 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 6:30 P.M.

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

County Dairy Agent Scott Gunderson talked about the impact of agriculture on the economy in Wisconsin. Agriculture contributes \$1.5 billion to the gross consumer product. He said that Manitowoc County ranks in fifth in Wisconsin and in the top twenty five in the United States in total milk production. He thanked the Board for their support.

The meeting adjourned at 6:36 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 21, 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 21st day of June, 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:05 P.M.

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

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

On motion by Supervisor Bauknecht, seconded by Supervisor Schmidt, the May 17, 2011 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl read certificates of appreciation for retiring employees Patricia Baetke, Kim Grube, and Cheryl Kohl.

Personnel Director Sharon Cornils gave a presentation on the proposed employee grievance procedure which is a requirement of Wisconsin Act 10. She explained that the procedure must address employee discipline, employee terminations, and workplace safety. The proposed policy must be a written document that specifies the process the grievant and employer must follow, provide for a hearing before an impartial hearing examiner, and include an appeal process to the governing body of the local governmental unit. She and Corporation Counsel Steve Rollins answered supervisors' questions.

Planning and Zoning Director Tim Ryan gave an overview of the proposed ordinance amending Manitowoc County Code Chapter 9 that will be referred to as the "Shoreline Ordinance, and the creation of Chapter 31 for the "Floodplain Zoning." FEMA has published new floodplain insurance rate maps and is requiring all counties to update their floodplain ordinances by August 2011. He explained that the floodplain status of property may change along with possible changes in insurance rates. He answered supervisors' questions.

Chairperson Tittl opened public input at 7:58 p.m.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

James Theyerl, Town of Manitowoc, addressed the Board regarding road issues and the long grass in ditches that is becoming hazardous at intersections. He suggested that the county may want to look into privatizing the Highway Department. He talked about discontinuing fuel allowances for employees and referred to a Highway Department employee who receives \$18,000 per year for fuel allowance. He urged the Board to create the position of County Administrator and reduce the size of the County Board.

Bill Gamble, City of Manitowoc, spoke on the importance of being fiscally conservative because there is a lack of funds available from the federal level down to the local levels of government.

No one else present wished to speak, therefore Chairperson Tittl declared public input closed at 8:05 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Connie Gulash and Howard Kluczinske to the Aging and Disability Resource Center Governing Board for a three year term expiring July 2014. Supervisor Wagner moved, seconded by Supervisor Schneider to approve the appointments. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Orville Bonde, Earl Glaeser and alternate Bob Rasmussen to the Board of Adjustment for a three year term expiring 2014. Supervisor Waack moved, seconded by Supervisor Burke to approve the appointments. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointments of Connie Loden and alternates David Less and Dan Pawlitzke for a one year term expiring July 2012. Supervisor Brey moved, seconded by Supervisor Schmidt to approve the appointments. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Bob Ziegelbauer's appointment of Supervisor David Korinek to the Planning and Park Commission for a seven year term expiring 2018. Supervisor Vogel moved, seconded by Supervisor Muench to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

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

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

Executive Committee: Chairperson Tittl gave a brief report.

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

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Rappe to adopt Resolution 1 (2011/2012-22) Authorizing Out-of-State Travel (Luke Kalista and Matthew Fricke). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 22

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Luke Kalista and Matthew Fricke)**

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 Information Systems Department recently experienced the departure of
11 Aegis System support staff and has hired replacement support staff, who require appropriate
12 training to support the Aegis System;

13
14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
15 Supervisors authorizes Aegis Administrators Luke Kalista and Matthew Fricke to attend the 5-
16 day Aegis MSP Training Boot Camp from July 11 - 15, 2011 in Troy, Michigan.

Dated this 21st day of June 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs, not to exceed \$ 8,500, are included in the approved Information Systems budget.

Training:	\$ 5,600
Hotel:	\$ 1,500
Meals:	\$ 785
Travel:	\$ 195

APPROVED: Bob Ziegelbauer, County Executive.

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

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

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 Bauknecht to adopt Resolution 2 (2011/2012-23) Approving Change in Past Practice Regarding Health Insurance Coverage Upon Separation of Employment. Upon discussion and vote, the motion carried with 19 ayes and 5 noes. Supervisors Burke, Hansen, Henrickson, Metzger, and Panosh voted no; all other supervisors voted aye.

No. 2011/2012 - 23

**RESOLUTION APPROVING CHANGE IN PAST PRACTICE REGARDING
HEALTH INSURANCE COVERAGE UPON SEPARATION OF EMPLOYMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, it was Manitowoc County's practice prior to 1999 to deduct an employee's
2 health insurance premium contribution from the second paycheck of the month to pay for the
3 next month's coverage; and
4

5 WHEREAS, this created a practice under which the county provided health insurance
6 coverage for an employee at the active employee rate during the first month following the
7 employee's separation from employment if the employee received a second paycheck in the last
8 month that he or she worked; and
9

10 WHEREAS, the method of deducting employee health insurance premium contributions
11 was changed in 1999 so that the deducted premiums were used to pay for the current month's
12 coverage; and
13

14 WHEREAS, Manitowoc County has been required under the terms of its existing
15 collective bargaining agreements to continue the past practice of providing health insurance
16 coverage at the active employee cost for the month following an employee's separation from
17 employment; and
18

19 WHEREAS, providing an additional month of health insurance upon separation from
20 employment currently costs \$627.84 for each employee with a single plan and \$1609.44 for each
21 employee with a family plan; and
22

23 WHEREAS, Manitowoc County intends to eliminate this past practice, but elimination of
24 the practice is dependent upon the enactment and publication of enabling legislation by the State
25 of Wisconsin;
26

27 NOW, THEREFORE, BE IT RESOLVED that the past practice of providing health
28 insurance at active employee cost for the month following separation from employment is
29 hereby eliminated; and

30
31 BE IT FURTHER RESOLVED that Manitowoc County will provide health insurance at
32 active employee cost to the end of the month in which the separation from employment occurs;
33 and

34
35 BE IT FURTHER RESOLVED that this change in practice is to be implemented as soon
36 as legally possible.

Dated this 21st Day of June 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Based on current rates, this change will save \$627.84 for each employee with a single health insurance plan and \$1609.44 for each employee with a family health insurance plan.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 3 (2011/2012-24) Approving Change in Compensatory Time Practices and Policies. Upon vote, the motion carried with 23 ayes and 1 no. Supervisor Metzger voted no; all other supervisors vote aye.

No. 2011/2012 - 24

**RESOLUTION APPROVING CHANGE IN
COMPENSATORY TIME PRACTICES AND POLICIES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the ability to accrue compensatory time in lieu of overtime pay is regarded
2 as a valuable benefit; and

3
4 WHEREAS, an employee may elect to use compensatory time to take additional time off
5 from work or an employee may elect a payout of accrued compensatory time at any time; and

6
7 WHEREAS, the maximum number of compensatory hours that can be banked varies
8 from bargaining unit to bargaining unit; and

9
10 WHEREAS, establishing a standard maximum number of compensatory time hours that
11 can be banked will simplify payroll administration and reporting; and

12
13 WHEREAS, an employee who elects a payout of compensatory time is paid at the
14 employee's current hourly rate instead of the hourly rate in effect when the compensatory time
15 was earned; and

16 WHEREAS, the county's current practice does not provide for an annual payout of
17 compensatory time, and compensatory time carried forward from year to year unnecessarily
18 increases the county's personnel costs; and
19

20 WHEREAS, paying out compensatory time balances at the end of each calendar year will
21 limit the county's liability, reduce personnel costs, and allow for more accurate financial
22 reporting within each fiscal year; and
23

24 WHEREAS, implementation of any changes to the county's compensatory time practices
25 and policies is contingent upon the enactment and publication of enabling legislation by the State
26 of Wisconsin;
27

28 NOW, THEREFORE, BE IT RESOLVED that each employee who is currently eligible
29 to elect compensatory time in lieu of overtime pay will be allowed to continue to do so up to a
30 maximum balance of 50 hours; and
31

32 BE IT FURTHER RESOLVED that each employee who accrues a compensatory time
33 balance will be paid out any balance remaining at the end of each calendar year; and
34

35 BE IT FURTHER RESOLVED that the changes to the maximum number of
36 compensatory time hours that can be banked and the annual payout of unused compensatory time
37 at the end of each calendar year will be implemented as soon as legally possible.

Dated this 21st day of June 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: 4,077.52 hours of compensatory time, with a value of \$106,263.24, were
banked as of the May 6, 2011 payroll. Adoption to these changes will
assure that personnel costs are accurately reflected in the year incurred
and will limit the increasing liability caused when compensatory time is
carried over from year to year.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt answered supervisors questions.

Planning and Park Commission:

Supervisor Waack moved, seconded by Supervisor Muench to adopt Resolution 4 (2011/2012-
25) Authorizing Grant Application (Carstens Lake Public Access), Resolution 5 (2011/2012-26)
Authorizing Grant Application (Bullhead Lake Public Access), and Resolution 6 (2011/2012-27)
Authorizing Grant Application (Wilke Lake Public Access). Upon vote, the motion carried
unanimously.

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, the bathroom facility at the Carstens Lake Public Access is inadequate and
5 is not ADA compliant, and a proposed ADA bathroom facility will improve the public usage of
6 the access; and
7

8 WHEREAS, the estimated project cost is estimated at \$9,260, which will be funded using
9 \$4,630 in State grant funds, with the remaining balance of the project funded through in-kind
10 labor;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Park Supervisor is authorized to apply
13 for and accept a Wisconsin Department of Natural Resources grant of \$4,630 for the
14 construction of an ADA compliant bathroom facility, with the remaining balance of the project
15 to be funded through in-kind labor; and
16

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

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

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

Dated this 21st day of June 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$9,260 will be paid
 using \$4,630.00 in State funds and the remaining balance from in-kind
 labor.

APPROVED: Bob Ziegelbauer, County Executive.

**RESOLUTION AUTHORIZING GRANT APPLICATION
(Bullhead 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 bathroom facility at the Bullhead Lake Public Access is inadequate and
5 is not ADA compliant, and a proposed ADA bathroom facility will improve the public usage of
6 the access; and
7

8 WHEREAS, the estimated project cost is estimated at \$9,260, which will be funded using
9 \$4,630 in State grant funds, with the remaining balance of the project funded through in-kind
10 labor;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Park Supervisor is authorized to apply
13 for and accept a Wisconsin Department of Natural Resources grant of \$4,630 for the
14 construction of an ADA compliant bathroom facility, with the remaining balance of the project
15 to be funded through in-kind labor; and
16

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

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

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

Dated this 21st day of June 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$9,260 will be paid
using \$4,630.00 in State funds and the remaining balance from in-kind
labor.

APPROVED: Bob Ziegelbauer, County Executive.

**RESOLUTION AUTHORIZING GRANT APPLICATION
(Wilke 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 bathroom facility at the Wilke Lake Public Access is inadequate and is
5 not ADA compliant, and a proposed ADA bathroom facility will improve the public usage of the
6 access; and
7

8 WHEREAS, the estimated project cost is estimated at \$9,260, which will be funded using
9 \$4,630 in State grant funds, with the remaining balance of the project funded through in-kind
10 labor;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Park Supervisor is authorized to apply
13 for and accept a Wisconsin Department of Natural Resources grant of \$4,630 for the
14 construction of an ADA compliant bathroom facility, with the remaining balance of the project
15 to be funded through in-kind labor; and
16

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

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

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

Dated this 21st day of June 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Estimated expenses of \$9,260 will be paid
using \$4,630.00 in State funds and the remaining balance from in-kind
labor.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Vogel to adopt Resolution 7 (2011/2012-28) Authorizing Out-of-State Travel (Kevin Haese and Curtis Raube). Upon vote, the motion carried unanimously.

No. 2011/2012 - 28

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, we continually look for new ways to address underage drinking and drug
2 use in Manitowoc County and for new tools, research, and technology to use as resources in the
3 effort to enforce underage drinking laws; and
4

5 WHEREAS, the 2011 Office of Juvenile Justice Delinquency Prevention's 13th National
6 Leadership Conference on Enforcing Underage Drinking Laws will spotlight community
7 solutions to underage drinking and focus on effective planning, preparation, and collaboration in
8 Compliance Check Operations and other programs to detect and deter youth access and
9 consumption of alcohol; and
10

11 WHEREAS, the Northeastern Wisconsin Area Health Education Center will fund 100%
12 of the cost of training, airfare, lodging, and meals associated with the conference;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
15 Supervisors authorizes Sgt. Kevin Haese and Deputy Curtis Raube to attend the Office of
16 Juvenile Justice Delinquency Prevention's 13th National Leadership Conference on Enforcing
17 Underage Drinking Laws in Orlando, Florida on August 10-12, 2011.

Dated this 21st day of June 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Northeastern Wisconsin Area Health Education Center will pay all expenses, which are estimated at \$2,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson answered supervisors' questions.

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

Safety Net Accountability Panel: Supervisor Rappe gave a brief report and answered supervisors' questions.

Special Committee on Number and Apportionment of Supervisory Districts: Supervisor Tittl moved, seconded by Supervisor Behnke to adopt Resolution 8 (2011/2012-29). Upon discussion and vote, the motion carried with 22 ayes and 2 noes. Supervisors Burke and Metzger voted no; all other supervisors voted aye.

No. 2011/2012 - 29

**RESOLUTION AMENDING TENTATIVE SUPERVISORY DISTRICT PLAN
(City of Manitowoc and Towns of Manitowoc, Schleswig, and Two Rivers)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board passed a tentative supervisory district plan at
2 its May 17, 2011 meeting; and
3

4 WHEREAS, the tentative supervisory district plan has been transmitted to the cities,
5 towns, and villages in Manitowoc County and they are in the process of establishing wards based
6 on the boundaries contained in the tentative supervisory district plan; and
7

8 WHEREAS, Wis. Stat. § 59.10(3)(b)1. calls for the county board to solicit suggestions
9 from municipalities concerning the development of an appropriate plan and provides that the
10 proposed plan may be amended; and
11

12 WHEREAS, the county board has stated that it will give due consideration to municipal
13 requests to amend the boundaries in the tentative supervisory district plan; and
14

15 WHEREAS, the City of Manitowoc has requested the following changes in order to
16 reduce the number of ballots required, to create more compact districts, and to save money:
17

18 Census Block ID 550710001004028 be moved from District 3 to District 2

19 Census Block ID 550710001004029 be moved from District 3 to District 2

20 Census Block ID 550710001004035 be moved from District 3 to District 2

21 Census Block ID 550710001004036 be moved from District 3 to District 2

22 Census Block ID 550710001004051 be moved from District 3 to District 2

23 Census Block ID 550710001004070 be moved from District 3 to District 2

24 Census Block ID 550710001004071 be moved from District 3 to District 2

25 Census Block ID 550710004004013 be moved from District 3 to District 2

26 Census Block ID 550710004004014 be moved from District 3 to District 2

27 Census Block ID 550710004004015 be moved from District 3 to District 2
28

29 Census Block ID 550710004004003 be moved from District 2 to District
30 3

31 Census Block ID 550710004004006 be moved from District 2 to District 3

32 Census Block ID 550710004004007 be moved from District 2 to District 3

33 Census Block ID 550710004004008 be moved from District 2 to District 3

34 Census Block ID 550710004004009 be moved from District 2 to District 3

35 Census Block ID 550710004004010 be moved from District 2 to District 3

Census Block ID 550710004004001 be moved from District 13 to District 3
Census Block ID 550710004004004 be moved from District 13 to District 3
Census Block ID 550710008002006 be moved from District 13 to District 3

Census Block ID 550710001004034 be moved from District 3 to District 8

and

WHEREAS, the Town of Manitowoc has requested that Census Block ID 550710001002024 and 550710001002026 be moved from District 25 to District 21 in order to make it easier for voters to know who their supervisor is, reduce the number of different ballots that are required, and save money; and

WHEREAS, the Town of Two Rivers has requested that Census Block ID 550710054001007, 550710054001015, 550710054001016, 550710054001039 be moved from District 25 to District 21 in order to make it easier for voters to know who their supervisor is, reduce the number of different ballots that are required, and save money; and

WHEREAS, the Town of Schleswig has requested that Census Block ID 550710107004029 be moved from District 14 to District 13 in order to reduce the number of ballots required, to avoid having to create a separate ballot that would be used by less than 20 persons; and to save money;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors hereby amends the tentative supervisory district plan as requested by the City of Manitowoc and the Towns of Manitowoc, Two Rivers, and Schleswig; and

BE IT FURTHER RESOLVED that the County Clerk shall provide a copy of this resolution to the City Clerk for the City of Manitowoc and to the Town Clerk for the Towns of Manitowoc, Two Rivers, and Schleswig.

Dated this 21st Day of June 2011.

Respectfully submitted by the Special Committee on Number and Apportionment of County Board Supervisory Districts.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous: Supervisor Behnke: Supervisor Behnke moved, seconded by Supervisor Bauknecht to adopt Resolution 9 (2011/2012-30) Approving Town of Newton Zoning Ordinance. Upon vote, the motion carried unanimously.

RESOLUTION APPROVING TOWN OF NEWTON ZONING ORDINANCE

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3
4 WHEREAS, the Town of Newton amended its zoning ordinance on May 11, 2011 in
5 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 Newton has submitted its amended zoning ordinance to the
12 county board for approval and a copy of the amended zoning ordinance has been provided to
13 each member of the county board for review;

14
15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors approves the amended zoning ordinance that was adopted by the Town Board of the
17 Town of Newton on May 11, 2011.

Dated this 21st day of June 2011.

Respectfully submitted by Kevin L. Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Burke reported that she attended the recent Economic Development Corporation meeting and encouraged the Board to become more involved.

Supervisor Gerroll noted the numerous upcoming events such as Metro Jam and the H.O.G. Rally.

Supervisor Korinek moved to adjourn, seconded by Supervisor Schmidt and the motion was adopted by acclamation. The meeting adjourned at 8:58 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, July 19, 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 19th day of July, 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 Markwardt gave the invocation, which was followed by the Pledge of Allegiance to the Flag recited 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, Tittl, Vogt, Waack, Wagner, and Weiss. Supervisor Vogel was excused. On motion by Supervisor Bauknecht, seconded by Supervisor Henrickson, the June 21, 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.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl presented a certificate of appreciation to retiring employee Kathy Shoulak. Sheriff Rob Hermann thanked Kathy for her 27 years of service. Kathy said that Manitowoc County was a great place to work.

4-H and Youth Development Director Kevin Palmer reported that the Master Gardeners will be hosting a Mad Dog and Merrill garden vegetable grilling event on August 11 at the Expo grounds. He spoke on the 4-H Revolution of Responsibility project where 4-H clubs become involved in something positive for their community. He introduced the Clarks Mills Good Sports 4-H Club and their leader Pam Miles. Members talked about their project to help citizens build rain barrels out of recycled materials to collect water for reuse in gardens which can redirect 72,000 gallons per year from going into storm sewers and into lakes and streams.

Comptroller Todd Reckelberg reported that the 2009 Comprehensive Annual Financial Report received an award for excellent reporting. He introduced Michael Konecny, External Auditor from Schenk Business Solutions, who summarized results of the 2010 Comprehensive Annual Financial Report and indicated that there are no significant deficiencies. He answered supervisors' questions.

County Executive Ziegelbauer addressed the Board regarding the impact of Act 10 on Manitowoc County operations. He discussed how the law dramatically effects all employees except those in fire and police protection and transit workers. He asked the Board for their support in the proposed changes that will save taxpayers more than \$100,000.

Personnel Director Sharon Cornils gave a Power Point presentation which illustrated how the proposed changes in overtime will effect various units of county government. She explained the major objectives now include modifying work schedules, restructuring job description, encouraging employee participation, retaining qualified employees, and rewarding star employees.

County Executive Ziegelbauer talked about the goal to move overtime hours into regular hours and he requested that the Sheriff and managers eliminate paying overtime for training. He asked the Board not to change the resolution before them. County Executive Ziegelbauer and Personnel Director Cornils answered supervisors' questions.

Sheriff Rob Hermann presented an alternative proposal to calculate overtime for corrections officers. He asked supervisors' to amend the resolution adopting overtime calculation for hourly employees to give overtime pay to corrections officers and non-represented employees with arrest powers after 160 hours worked in a 28 day work period.

Chairperson Tittl opened public input at 8:44 p.m.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Mike and Sue Marek, Town of Kossuth, asked the Board to enact the rezone request.

Dr. Charles Clark, City of Manitowoc, introduced himself as the new Dean of UW-Manitowoc and thanked the Board for their support on the necessary roof and HVAC repairs recently done on campus buildings.

No one else present wished to speak, therefore Chairperson Tittl declared public input closed at 8:48 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Derek Fitzgerald to the Expo-Ice Center to complete a vacancy expiring December 31, 2011. Supervisor Schmidt moved, seconded by Supervisor Behnke to approve the appointment. Upon vote, the motion was confirmed by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Julie Dewey, Lori Fure, Eleanor Giriappa, Michael Hahn and Marge Hartfield to the Long Term Support Committee for a term expiring April 30, 2012, Supervisor Rick Henrickson, Jeff Jenswold, Joyce Kress, Travis Lane, and Jim Loersch for a term expiring April 30, 2013, and Judy Rank, Supervisor Ed Rappe, Amy Wergin, Karrie Wold, and Shirley Fessler for a term expiring April 30, 2014. Supervisor Schneider moved, seconded by Supervisor Maresh to approve the appointments. Upon vote, the motion was 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.

Executive Committee: Chairperson Tittl gave a brief report.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 1 (2011/2012-31) Waiving Requirement that County Board Chair Countersign Certain Financial Instruments. Upon vote, the motion carried unanimously.

No. 2011/2012 - 31

**RESOLUTION WAIVING REQUIREMENT THAT COUNTY BOARD CHAIR
COUNTERSIGN CERTAIN FINANCIAL INSTRUMENTS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County conducts numerous transactions with public depositories,
2 such as issuing checks, purchasing certificates of deposit, and investing in money markets; and
3

4 WHEREAS, Wis. Stat. § 66.0607(3) provides that the county board chair must countersign
5 all drafts or order checks or transfer orders unless otherwise directed by an ordinance or resolution
6 that is adopted by the county board and filed with each concerned public depository; and
7

8 WHEREAS, Manitowoc County has not required the county board chair to countersign
9 checks in the past and has determined that it is both unnecessary and inconvenient to require the
10 county board chair to countersign such financial instruments because they must also be signed by
11 the county clerk and the county treasurer;
12

13 NOW, THEREFORE, BE IT RESOLVED by the county board of supervisors of the county
14 of Manitowoc that the countersignature of the county board chair is not required on financial
15 instruments specified in Wis. Stat. § 66.0607(3); and
16

17 BE IT FURTHER RESOLVED that the Treasurer shall provide a certified copy of this
18 resolution to each concerned public depository.

Dated this 19th day of July 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt gave a brief report.

Supervisor Markwardt moved, seconded by Supervisor Bauknecht to adopt Resolution 1a (2011/2012-32) Authorizing Highway Committee to Approve Contract with Highway Landscapers Inc. Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING HIGHWAY COMMITTEE TO
APPROVE CONTRACT WITH HIGHWAY LANDSCAPERS, INC.**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the interchange connecting STH 29 and US 41 will be rebuilt during the coming
2 year; and
3

4 WHEREAS, Highway Landscapers Inc. has proposed entering into an agreement with
5 Manitowoc County under which Highway Landscapers would establish a sand screen plant using
6 its own equipment at the Highway Department property on CTH Q (Yanda's Pit) to produce sand
7 to be used in the reconstruction of the STH 29 and US 41 interchange; and
8

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

13 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board authorizes the
14 Highway Commissioner to negotiate an agreement with Highway Landscapers, Inc. and delegates
15 the authority to approve the agreement to the Highway Committee, with the understanding that any
16 agreement is contingent upon Highway Landscapers, Inc. securing the contract for the construction
17 of STH 29 and US 41 interchange.

Dated this 19th day of July 2011.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: Indeterminable. Increase revenues and decreased expenditures will depend
on the amount of raw materials purchased by Highway Landscapers, Inc.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report.

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 moved, seconded by Supervisor Markwardt to adopt
Resolution 2 (2011/2012-33) Regarding Use of Paid Time Off. Upon vote, the motion carried
with 20 ayes and 4 noes. Supervisors Burke, Metzger, Wagner, and Weiss voted no; all other
supervisors vote aye.

RESOLUTION REGARDING USE OF PAID TIME OFF

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County provides its employees with paid time off from work for
2 a variety of reasons, including vacations, holidays, sick leave, funeral leave, and jury duty; and
3

4 WHEREAS, a past practice was created under some of the now-expired collective bargaining
5 agreements that allowed an employee to combine paid time off with hours actually worked to exceed
6 his or her normally scheduled number of hours; and
7

8 WHEREAS, the result of this practice was that Manitowoc County paid out wages and
9 overtime that had not been budgeted; and
10

11 WHEREAS, this practice was not authorized by the county board and is not authorized under
12 any policy that has been approved by the county board as part of its Employee Policy Manual; and
13

14 WHEREAS, eliminating this unauthorized practice will not take away any benefit that
15 employees are entitled to receive, but will provide the county with better fiscal control by reducing
16 expenditures for unbudgeted wages and overtime;
17

18 NOW, THEREFORE, BE IT RESOLVED that, except for positions that the employer
19 requires to be staffed at all times, the practice of allowing an employee to combine paid time off
20 with hours actually worked to exceed his or her normally scheduled number of hours, is eliminated
21 effective immediately.

Dated this 19th day of July 2011.
Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Konen to adopt Resolution 3 (2011/2012-34)
Adopting Overtime Calculation Rules for Hourly Employees. Discussion followed.

Amendment: Supervisor Burke moved, seconded by Supervisor Metzger to insert at lines
26 and 73: "Payment of overtime at time and one-half to corrections officers and
nonrepresented employees with arrest powers after 160 hours worked in a 28 consecutive-
day work period."

Upon discussion and vote, the motion failed with 8 ayes and 16 noes. Supervisors Bauknecht,
Burke, Dufek, Hansen, Metzger, Panosh, Rappe, and Wagner voted aye; all others supervisors voted
no. Supervisor Hansen noted that he meant to vote no.

Upon discussion and vote on the main motion, the motion carried with 23 ayes and 1 no. Supervisor Metzger voted no; all other supervisors vote aye.

No. 2011/2012 - 34

**RESOLUTION ADOPTING OVERTIME CALCULATION
RULES FOR ALL HOURLY EMPLOYEES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2011 Wisconsin Act 10 allows Manitowoc County to establish a policy
2 regarding calculation of overtime that treats hourly employees in a fair, consistent, and fiscally
3 responsible manner, except that new overtime policies may not be unilaterally applied to Health
4 Department employees represented by Local 5068 and Sheriff's Department employees represented
5 by WPPA; and
6

7 WHEREAS, Manitowoc County does not have a policy that authorizes the payment of
8 overtime to represented employees above and beyond what is required by the Fair Labor Standards
9 Act and, if a policy for hourly represented employees is not established, overtime can only be paid
10 as provided for by the Fair Labor Standards Act; and
11

12 WHEREAS, the County Executive has proposed the following policies, even though they
13 exceed the requirements set by the Fair Labor Standards Act:
14

- 15 • Payment of overtime for all hours worked in excess of 8 hours per shift, except
16 where the scheduled shift normally exceeds 8 hours;
17
- 18 • Payment of overtime for all hours worked on holidays, which it is estimated would
19 result in approximately \$37,000 in overtime pay;
20
- 21 • Payment of 2- and 4-hour minimum call-in pay, currently provided only to
22 Sheriff's Department employees, to all employees;
23
- 24 • Payment of overtime to corrections officers and nonrepresented employees with
25 arrest powers after 48 hours worked in a week;
26

27 and
28

29 WHEREAS, the County Executive has proposed that flex time be allowed, subject to the
30 mutual agreement of the employee and his or her supervisor, on a straight time basis as provided for
31 in Employee Policy Manual sec. 18.05; and
32

33 WHEREAS, the County Executive has proposed that the Highway Department be authorized
34 to schedule 10-hour shifts during the summer and that overtime would be paid for all hours worked
35 in excess of 10-hours per shift during the summer; and
36

37 WHEREAS, the Personnel Committee has studied and extensively discussed both the Fair

38 Labor Standards Act and the County Executive's specific proposals to pay overtime beyond what
39 is required by the Fair Labor Standards Act; and
40

41 WHEREAS, the Personnel Committee finds that the County Executive's proposals are
42 reasonable, are in line with overtime pay laws in Wisconsin and surrounding states in the upper
43 Midwest, and balance the employee's interest in being fairly compensated for extra work that they
44 perform and the public's interest in having the county follow fiscally sound business practices;
45

46 NOW, THEREFORE, BE IT RESOLVED that all hourly employees who are not subject to
47 overtime provisions contained in a collective bargaining agreement will be paid in accordance with
48 the following rules, in addition to being paid overtime as required by the Fair Labor Standards Act:
49

- 50 • An employee will be paid overtime for all hours worked in excess of 8 hours per
51 shift, except where the scheduled shift normally exceeds 8 hours;
52
- 53 • An employee will be paid overtime for all hours worked on holidays;
54
- 55 • An employee will be paid a 2-hour minimum or actual time worked at time and
56 one-half, whichever is greater, for a call in to work on a scheduled work day, if
57 called in at a time that does not immediately precede or follow his or her scheduled
58 work;
59
- 60 • An employee will be paid a 4-hour minimum or actual time worked at time and
61 one-half, whichever is greater, for a call in to work on a non-scheduled work day;
62
- 63 • A corrections officer or nonrepresented employee with arrest power will be paid
64 overtime for all hours worked in excess of 48 hours in a week;
65
- 66 • Flex time will be allowed, subject to the mutual agreement of the employee and his
67 or her supervisor, on a straight time basis as provided for in Employee Policy
68 Manual sec. 18.05;
69
- 70 • The Highway Department is authorized to schedule 10-hour shifts during the
71 summer and overtime will be paid for all hours worked in excess of 10-hours per
72 shift during the summer;
73

74 and
75

76 BE IT FURTHER RESOLVED that these policies will be implemented for all hourly
77 employees on August 7, 2011.

Dated this 19th day of July 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Based on 2010 actual experience, overtime expenditures should be reduced

by approximately \$180,000 (wages only).

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Hansen to adopt Resolution 4 (2011/2012-35) Amending Non-Represented Employee Policy Manual, Section 14, Employee Grievances. Upon vote, the motion carried unanimously.

No. 2011/2012 - 35

**RESOLUTION AMENDING NONREPRESENTED EMPLOYEE POLICY MANUAL
SECTION 14, EMPLOYEE GRIEVANCES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2011 Wisconsin Act 10 requires that each local government unit that does not
2 have a civil service system must establish a grievance procedure within 4 months of the effective
3 date of the Act; and

4
5 WHEREAS, 2011 Wisconsin Act 10 became effective on June 29, 2011; and

6
7 WHEREAS, 2011 Wisconsin Act 10 requires that the grievance procedure address employee
8 terminations, employee discipline, and workplace safety; and

9
10 WHEREAS, 2011 Wisconsin Act 10 requires that the grievance procedure must contain the
11 following elements:

12
13 1. A written document specifying the process that a grievant and employer must
14 follow;

15
16 2. A hearing before an impartial hearing officer; and

17
18 3. An appeal process in which the highest level of appeal is the governing body
19 of the local governmental unit;

20
21 and

22
23 WHEREAS, Manitowoc County has adopted a Nonrepresented Employee Policy Manual to
24 ensure fair and equal treatment of County employees and compliance with Federal and State
25 employment laws; and

26
27 WHEREAS, the Personnel Committee recommends that Nonrepresented Employee Policy
28 Manual Section 14, Employee Grievances, be replaced with an Employee Grievance Procedure that
29 complies with 2011 Wisconsin Act 10; and

30
31 WHEREAS, a copy of the proposed Employee Grievance Procedure has been provided to the
32 county board;

33 NOW, THEREFORE, BE IT RESOLVED that the Nonrepresented Employee Policy Manual
34 is amended by replacing the current Section 14, Employee Grievances, with a new Section 14,
35 Employee Grievance Procedure; and
36

37 BE IT FURTHER RESOLVED that the new Section 14, Employee Grievance Procedure, is
38 effective September 1, 2011.

Dated this 19th day of July 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 5 (2011/2012-36)
Adopting Employee Policy Manual. Upon vote, the motion carried unanimously.

No. 2011/2012 - 36

RESOLUTION ADOPTING EMPLOYEE POLICY MANUAL

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, AFSCME Locals 986, 986-A, and 986-B were notified on March 17, 2011 that
2 Manitowoc County would cease to work under the expired collective bargaining agreements upon
3 the effective date of 2011 Wisconsin Act 10; and
4

5 WHEREAS, the only provisions from the agreements with AFSCME Locals 986, 986-A, and
6 986-B that remain in effect are the recognition clause and base wages contained in the agreements;
7 and
8

9 WHEREAS, Non-Represented Policy Manual Section 2.03 states that the language in a
10 collective bargaining agreement will control where there is specific language in the agreement
11 relative to these policies, but that the policies contained in the Non-Represented Policy Manual
12 apply in the absence of such language; and
13

14 WHEREAS, the policies contained in the Non-Represented Policy Manual now apply to
15 employees represented by AFSCME Locals 986, 986-A, and 986-B on all matters other than
16 recognition and base wages;
17

18 NOW THEREFORE, BE IT RESOLVED that the Non-Represented Employee Policy Manual
19 is retitled as the Manitowoc County Employee Policy Manual and adopted as the governing
20 personnel policies for matters not specifically addressed by a collective bargaining agreement.

Dated this 19th day of July 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 6 (2011/2012-37) Authorizing Maintenance of Status Quo for Certain Benefits Pending Policy Development. Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 37

**RESOLUTION AUTHORIZING MAINTENANCE OF STATUS QUO
FOR CERTAIN BENEFITS PENDING POLICY DEVELOPMENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the expired AFSCME collective bargaining agreements provided certain pay and
2 fringe benefits that are not authorized by the Employee Policy Manual; and
3

4 WHEREAS, the Employee Policy Manual does not provide for the following pay and fringe
5 benefits: educational incentives, personal protective equipment allowances, shift premiums, training
6 premiums, and uniform allowances; and
7

8 WHEREAS, the Employee Policy Manual provides for the following pay and fringe benefits
9 on a different basis than the expired collective bargaining agreements: cash payout of sick pay upon
10 retirement, longevity schedules, progression on wage schedules, and vacation schedules; and
11

12 WHEREAS, maintaining the status quo with respect to pay and fringe benefits that were
13 available under the expired collective bargaining agreements will allow the Personnel Committee
14 the time needed to study, deliberate, and make meaningful recommendations to the county board
15 regarding what changes, if any, should be made in these pay and fringe benefit policies;
16

17 NOW THEREFORE, BE IT RESOLVED that the following pay and fringe benefit provisions
18 are authorized to remain in effect pending the development and adoption of revised policies in the
19 Employee Policy Manual: cash payout of sick leave upon retirement, educational incentives for
20 Sheriff's Department employees, longevity schedules, personal protective equipment allowances,
21 progression on wage schedules, shift premiums, training premiums, uniform allowances, and
22 vacation schedules.

Dated this 19th day of July 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable .

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt answered supervisors questions.

Planning and Park Commission:

Supervisor Waack moved, seconded by Supervisor Burke to enact Ordinance 7 (2011/2012-38) Amending Zoning (Marek Enterprises LLC). Upon vote, the motion carried unanimously.

No. 2011/2012 - 38

**ORDINANCE AMENDING ZONING
(Marek Enterprises LLC)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on June 20, 2011; 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 amended petition be approved for the reasons
6 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 5, T20N-R23E, Town of Kossuth,
12 commencing at the S¼ corner of said Section 5; thence westerly along the centerline of
13 CTH K approximately 985 feet; thence northerly approximately 45 feet to the north
14 right of way of CTH K which is the point of real beginning; thence continue northerly
15 approximately 1275 feet; thence westerly approximately 330 feet; thence southerly
16 approximately 1275 feet; thence easterly along the north r/w of CTH K approximately
17 330 feet to the point of real beginning, said parcel containing approximately 10.0 acres
18 of land, is hereby rezoned from A3 Exclusive Agriculture District to GA General
19 Agriculture District.

Dated this 19th day of July 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 8 (2011/2012-39) Amending Manitowoc County Code Ch. 9 and Creating Chapter 31 (Shoreland and Floodplain Zoning). Upon vote, the motion carried unanimously.

**ORDINANCE AMENDING MANITOWOC COUNTY
CODE CH. 9 AND CREATING CHAPTER 31
(Shoreland and Floodplain Zoning)**

1 WHEREAS, the Federal Emergency Management Administration has published new
2 floodplain insurance rate maps that become effective in August 2011 and requires that all counties
3 update their floodplain ordinances to conform to the new floodplain insurance rate maps; and
4

5 WHEREAS, the Wisconsin Department of Natural Resources has promulgated a model
6 ordinance that counties may follow in order to expedite securing both FEMA and DNR approval of
7 their updated floodplain zoning ordinances; and
8

9 WHEREAS, Manitowoc County's current floodplain zoning ordinance is combined with its
10 shoreland zoning ordinances and the floodplain and shoreland zoning ordinances need to be
11 established as separate chapters for purposes of clarity and ease of administration;
12

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

16 Manitowoc County Code Chapter 9, Shoreland/Floodplain Zoning is amended as follows:
17

18 Section 9.01 is amended to read "This ordinance may be referred to as the 'Shoreland
19 Ordinance' or as the 'Shoreland Zoning Ordinance.'"
20

21 Section 9.02(3) is amended by striking the words "protect stream channels from
22 encroachment; provide for the movement and storage of flood waters;" from par. (a) and striking
23 pars. (b) and (c).
24

25 Section 9.02(4)(a) is amended by striking the word "floodplains" and striking subpar. 1.
26

27 Section 9.02(5)(a) is amended by striking the words "and Floodplains," and "The floodplain
28 provisions of this ordinance shall apply to the extent of greater restrictions." from par. (5)(a), and
29 striking pars. (7) and (9).
30

31 Section 9.03 is amended by striking pars. (1), (14, (15), (17)-(32), (34), (37), (41), and (44).
32

33 Section 9.04 is amended by striking the words "and floodplains" from par. (1); striking pars.
34 (1)(a)-(c), (2)(b) and (c); (3)(a)-(c); striking the words "General Floodplain," from par. (g)2.;
35 striking pars. (g)3. and (g)4.a.; and striking the words "General Floodplain District (GFP) from par.
36 (g)4.b.
37

38 Section 9.05 is amended by striking the words "and Floodplain" from par. (1); striking the
39 word "patios" from par. (5); and striking pars (5)(e)1. and (7).
40

Section 9.06 is amended by striking pars. (1), (2), and (3) and by striking the words “and Floodplain” from par. (4)(d).

Section 9.07 is amended by striking pars. (c) and (d).

Section 9.08 is amended by striking the words “Any modification, alteration, addition, or repair to a non-conforming structure located in the FW, Floodway, FF, Floodfringe, GFP, General Floodplain districts shall be protected by flood proofing measures pursuant to MCC § 9.07(1)(d).” from par. (2)(a) and striking pars. (3) and (4).

Section 9.09 is amended by striking the word “floodplain” from par. (4)c.1.; striking par. 4.c.2.; striking the word “floodplain” from par. (4)c.4.; striking the words “by the floodplain zoning ordinance” from par. (4)c.5.; and striking the words “No variance shall permit a lower degree of flood protection than a point two feet (2') above the regional flood or be contrary to state law or administrative code.” following par. (4)(c)7.

Section 9.10 is amended by striking the words “and NR 116” from par. (1); striking par. (5); striking the word “floodplain” from par. (6); and striking par. (7).

Section 9.11 is amended by striking the words “NR 116” from par. (1); striking pars. (1)(a)1.-3.; and striking the words “-Floodplain”, “NR 116”, and “All amendments of official floodway lines shall meet the applicable provisions of Ch. NR 116.11 Wisconsin Administrative Code.” from par. (1)(a)4.

Manitowoc County Code Chapter 31, Floodplain Zoning, is created to read as follows:

FLOODPLAIN ZONING

PART I. GENERAL PROVISIONS.

31.01 Title.

31.02 Statement of Purpose.

31.03 Statutory Authorization.

31.04 Finding of Fact.

31.05 Warning and Disclaimer of Liability.

PART II. DEFINITIONS.

31.06 Definitions.

PART III. APPLICABILITY AND COMPLIANCE.

31.07 Areas To Be Regulated.

31.08 Municipalities and State Agencies Regulated.

31.09 Annexed Areas for Cities and Villages.

31.10 Compliance.

31.11 Abrogation and Greater Restrictions.

88	31.12 Interpretation.
89	31.13 Severability.
90	
91	PART IV. FLOODPLAIN DISTRICTS AND MAPS.
92	
93	31.14 Establishment of Districts.
94	31.15 Official Maps and Revisions.
95	31.16 Locating Floodplain Boundaries.
96	31.17 Removal of Land from Floodplain.
97	
98	PART V. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.
99	
100	31.18 General Development Standards.
101	31.19 Hydraulic and Hydrologic Analyses.
102	31.20 Watercourse Alterations.
103	31.21 Development and Wis. Stat. chs. 30 and 31.
104	31.22 Public or Private Campgrounds.
105	
106	PART VI. FLOODWAY DISTRICT (FW).
107	
108	31.23 Applicability.
109	31.24 Permitted Uses.
110	31.25 Standards for Developments in Floodway Areas.
111	31.26 Prohibited Uses.
112	
113	PART VII. FLOODFRINGE DISTRICT (FF).
114	
115	31.27 Applicability.
116	31.28 Permitted Uses.
117	31.29 Standards for Development in Floodfringe Areas.
118	31.30 Accessory Structures or Uses.
119	31.31 Commercial Uses.
120	31.32 Manufacturing and Industrial Uses.
121	31.33 Storage of Materials.
122	31.34 Public Utilities, Streets, and Bridges.
123	31.35 Sewage Systems.
124	31.36 Wells.
125	31.37 Solid Waste Disposal Sites.
126	31.38 Deposition of Materials.
127	31.39 Manufactured Homes.
128	31.40 Mobile Recreational Vehicles.
129	
130	PART VIII. GENERAL FLOODPLAIN DISTRICT (GFP).
131	
132	31.41 Applicability.
133	31.42 Permitted Uses.
134	31.43 Standards for Development in the General Floodplain District.
135	31.44 Determining Floodway and Floodfringe Limits.

136 PART IX. NONCONFORMING USES.

137

138 31.45 General.

139 31.46 Floodway Areas.

140 31.47 Floodfringe Areas.

141

142 PART X. ADMINISTRATION.

143

144 31.48 Administration.

145 31.49 Code Administrator.

146 31.50 Planning and Park Commission.

147 31.51 Board of Adjustment.

148

149 PART XI. PROCEDURE.

150

151 31.52 Land Use Permit.

152 31.53 Floodproofing Requirements.

153 31.54 Certificate of Compliance.

154 31.55 Other Permits.

155 31.56 Appeals.

156 31.57 Appeals of Permit Denials.

157 31.58 Boundary Disputes.

158 31.59 Variances.

159 31.60 Public Information.

160 31.61 Amendments.

161

162 PART XII. VIOLATIONS AND ENFORCEMENT.

163

164 31.62 Violations.

165 31.63 Enforcement.

166 31.64 Penalties.

167 31.65 Effective Date.

168

169 PART I. GENERAL PROVISIONS.

170

171 31.01 Title.

172

173 This ordinance may be referred to as the Floodplain Ordinance or the Floodplain Zoning
174 Ordinance.

175

176 31.02 Statement of Purpose.

177

178 This ordinance is intended to regulate floodplain development to protect life, health, and
179 property; minimize expenditures of public funds for flood control projects; minimize rescue
180 and relief efforts undertaken at the expense of the taxpayers; minimize business interruptions
181 and other economic disruptions; minimize damage to public facilities in the floodplain;
182 minimize the occurrence of future flood blight areas in the floodplain; discourage the
183 victimization of unwary land and home buyers; prevent increases in flood heights that could

increase flood damage and result in conflicts between property owners; and discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

31.03 Statutory Authorization.

This ordinance is adopted pursuant to the authorization in Wis. Stat. §§ 61.35 and 62.23 for villages and cities; Wis. Stats. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stat. § 87.30.

31.04 Finding of Fact.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

31.05 Warning and Disclaimer of Liability.

- (1) The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes.
- (2) This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages.
- (3) This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

PART II. DEFINITIONS.

31.06 Definitions.

“A zone” means an area shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. An A zone may be numbered or unnumbered. Depending on the availability of data for a given area, an A zone may not be reflective of the flood profile.

“Accessory structure or use” means a building, facility, structure, or use that is accessory or incidental to the principal use of a building, property, or structure.

“Accessory use” means a use that is incidental to the principal use of a building, facility, structure, or property.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a Flood Insurance Study (FIS) and depicted on a Flood Insurance Rate Map (FIRM).

232 “Basement” means any enclosed area of a building having its floor sub-grade, i.e., below
233 ground level, on all sides.

234
235 “Building” means a structure.

236
237 “Bulkhead line” means a geographic line along a reach of navigable water, which has been
238 adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stat. §
239 30.11 and which allows limited filling between this bulkhead line and the original ordinary
240 highwater mark, except where such filling is prohibited by the floodway provisions of this
241 ordinance.

242
243 “Campground” means a parcel of land that is designed, intended, maintained, or used for the
244 purpose of providing sites for nonpermanent overnight use by 4 or more camping units or that
245 is advertised or represented as a camping area.

246
247 “Camping unit” means any portable device, no more than 400 square feet in area, used as a
248 temporary shelter, including but not limited to a bus, camping trailer, motor home, pick-up
249 truck, tent, van, or any other mobile recreational vehicle.

250
251 “Certificate of compliance” means a written document certifying that the construction and use
252 of a structure, the use of the property, the elevation of fill, or the elevation of the lowest floor
253 of a structure is in compliance with all of the provisions of this ordinance.

254
255 “Channel” means a natural or artificial watercourse with a definite bed and banks to confine
256 and conduct normal flow of water.

257
258 “Crawl space” or “crawlway” means an enclosed area below the first usable floor of a
259 building, generally less than five feet in height, used for access to plumbing and electrical
260 utilities.

261
262 “Deck” means an unenclosed exterior structure that has no roof or sides, but has a permeable
263 floor which allows the infiltration of precipitation.

264
265 “Department” or “DNR” means the Wisconsin Department of Natural Resources.

266
267 “Development” means any artificial change to improved or unimproved real estate, including
268 but not limited to the construction of buildings, structures or accessory structures; the
269 construction of additions or alterations to buildings, structures or accessory structures; the
270 repair of any damaged structure or the improvement or renovation of any structure, regardless
271 of percentage of damage or improvement; the placement of buildings or structures;
272 subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation
273 or drilling operations; the storage, deposition or extraction of materials or equipment; and the
274 installation, repair or removal of public or private sewage disposal systems or water supply
275 facilities.

276
277 “Dryland access” means a vehicular access route that is above the regional flood elevation and
278 that connects land located in the floodplain to land outside the floodplain, such as a road with

its surface above regional flood elevation that is wide enough for wheeled rescue and relief vehicles.

“Encroachment” means any building, development, equipment, fill, structure, or use in the floodway.

“Existing manufactured home park or subdivision” means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Expansion to existing mobile/manufactured home park” or “expansion,” when used with reference to an existing mobile or manufactured home park, means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile or manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

“Federal Emergency Management Agency” or “FEMA” means the federal agency that administers the National Flood Insurance Program.

“Flood Insurance Rate Map” or “FIRM” means a map on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. A FIRM can only be amended by the Federal Emergency Management Agency.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions: the overflow or rise of inland waters; the rapid accumulation or runoff of surface waters from any source; the inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

“Flood frequency” means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

“Floodfringe” means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and is associated with standing water rather than flowing water.

“Flood hazard boundary map” means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

“Flood insurance study” means a technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood Insurance Rate Maps that accompany the Flood Insurance Study form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

“Floodplain” means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

“Floodplain island” means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

“Floodplain management” means the policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

“Flood profile” means a graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

“Floodproofing” means any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

“Flood protection elevation” means an elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

“Flood Storage” means those floodplain areas where storage of floodwater has been taken into account during analysis in reducing the regional flood discharge.

“Floodway” means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

“Freeboard” means a safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, and loss of flood storage areas due to development and aggregation of the river or stream bed.

“Habitable structure” means any structure or portion of a structure designed or used for human habitation.

“Hearing notice” means the publication or posting meeting the requirements of Wis. Stat. ch. 985. For appeals, a Class 1 notice, published once at least one week (7 days) before the

hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least one week before the hearing is required. Local ordinances or bylaws may require additional notice exceeding these minimums.

“High flood damage potential” means damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

“Historic structure” means any structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior or by the Secretary of the Interior in states without approved programs.

“Increase in regional flood height” means a calculated upward rise in the regional flood elevation equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions, which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

“Land use” means any nonstructural use made of unimproved or improved real estate. See also “development.”

“Manufactured home” means a structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home, but does not include a “mobile recreational vehicle.”

“Mobile recreational vehicle” means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried, or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily for use as a temporary living quarters for camping, recreational, seasonal, or travel use rather than for use as a permanent dwelling. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of a “mobile recreational vehicle.”

“Municipality” or “municipal” means a city, county, or village governmental unit enacting, administering, or enforcing this ordinance.

“National Geodetic Vertical Datum” or “NGVD” means the elevations referenced to mean sea level datum, 1929 adjustment.

“New construction” means, for floodplain management purposes, any structure for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the county and includes any subsequent improvements to the structure. For the purpose of determining flood insurance rates, it includes any structure for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to the structure.

“Nonconforming structure” means an existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain that it occupies, e.g., an existing residential structure in the floodfringe district is a conforming use, but the structure is nonconforming if the lowest floor is lower than the flood protection elevation.

“Nonconforming use” means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies, e.g., a residence in the floodway.

“North American Vertical Datum” or “NAVD” means the elevations referenced to mean sea level datum, 1988 adjustment.

“Obstruction to flow” or “obstruct flow” means any development that blocks the conveyance of floodwaters such that the development alone or together with any future development will cause an increase in regional flood height.

“Official floodplain zoning map” or “official map” means a map adopted and made part of this ordinance, as described in s. 31.15(2), which has been approved by the Department and FEMA.

“Open space use” means a use having a relatively low flood damage potential and not involving structures.

“Ordinary highwater mark” means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, prevention of terrestrial vegetation, predominance of aquatic vegetation, or any other easily recognized characteristic.

“Person” means any individual or group of individuals, corporation, partnership, association, municipality, or state agency.

“Private sewage system” means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

“Public utility” means a utility using underground or overhead transmission lines such as electric, telephone, and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.

“Reasonably safe from flooding” means that base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

“Regional flood” means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the regional flood elevation (RFE) is equivalent to the base flood elevation (BFE).

“Start of construction” means the date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement commences within 180 days of the permit date. “Actual start” means the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, any work beyond initial excavation, or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading, and filling; excavation for a basement, footings, pier, or foundation; the erection of temporary forms; the installation of streets or walkways; or the installation of any accessory building on the property, such as a garage or shed not occupied as a dwelling unit or not part of the main structure. “Actual start” of an alteration means the first alteration of any wall, ceiling, floor, or other structural part of a building, even if the alteration does not affect the external dimensions of the building.

“Structure” means any manmade object with form, shape, and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed, including but not limited to roofed and walled buildings, bridges, culverts, dams, and gas or liquid storage tanks.

“Subdivision” has the meaning given in Wis. Stat. § 236.02(12).

“Substantial damage” means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

“Unnecessary hardship” means that there are special conditions affecting a particular property, which were not self-created, that make strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

“Variance” means an authorization by the board of adjustment for the construction or maintenance of a building or structure in a manner that is inconsistent with dimensional standards contained in this ordinance. A variance may not be granted for a use that is inconsistent with the standards contained in this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway

encroachment calculations is presumed to be in violation until such time as that documentation is provided.

“Watershed” means the entire region contributing runoff or surface water to a watercourse or body of water.

“Water surface profile” means a graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

“Well” means an excavation or opening in the ground made by boring, digging, drilling, driving or other method to obtain groundwater regardless of its intended use.

PART III. APPLICABILITY AND COMPLIANCE.

31.07 Areas To Be Regulated.

- (1) This ordinance regulates all areas that would be covered by the base flood or regional flood.
- (2) Base flood elevations are derived from the flood profiles in the Flood Insurance Study, and areas covered by the base flood are identified as A zones on the Flood Insurance Rate Map.
- (3) Regional flood elevations may be derived from other studies.

31.08 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies.

31.09 Annexed Areas for Cities and Villages.

- (1) For any area that is annexed by a city or village, the floodplain zoning provisions in this ordinance that are in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wis. Admin. Code ch. NR 116 and the National Flood Insurance Program (NFIP).
- (2) The annexed lands will be described on the municipality’s official zoning map and all maps or plats of annexation will show the regional flood elevation and the location of the floodway.

- (3) The municipality shall place a copy of this ordinance on file in the office of its municipal zoning administrator and the municipality shall incorporate the provisions of this ordinance by reference for the purpose of administering this section.

31.10 Compliance.

Any development or use within the areas regulated by this ordinance must be in compliance with the terms of this ordinance and all other applicable local, state, and federal regulations.

31.11 Abrogation and Greater Restrictions.

- (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under Wis. Stat. § 59.69, 59.692 or 59.694 for counties; Wis. Stat. § 62.23 for cities; Wis. Stat. § 61.35 for villages; or Wis. Stat. § 87.30 that relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

31.12 Interpretation.

The provisions of this ordinance are minimum requirements and shall be liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance that is required by Wis. Admin. Code ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

31.13 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

PART IV. FLOODPLAIN DISTRICTS AND MAPS.

31.14 Establishment of Districts.

- (1) The regional floodplain is divided into the following three districts: floodway, floodfringe, and general floodplain.
- (2) The Floodway District (FW) consists of the channel of a river or stream and that portion of the floodplain adjoining the channel that is required to carry the regional floodwaters.
- (3) The Floodfringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

- (4) The General Floodplain District (GFP) consists of those areas that have been or may be covered by floodwater during the regional flood.

31.15 Official Maps and Revisions.

- (1) The boundaries of all floodplain districts are designated as A zones or floodplains on the official maps listed in this section and on each revision to the official map that is listed in the Manitowoc County Floodplain Study Appendix attached to this ordinance. The Planning and Zoning Department shall keep a copy of each official map and each revision on file in its office. If information about an area is shown on more than one map or revision, the most restrictive information applies.
- (2) Based on the Flood Insurance Study 5507CV000A dated August 2, 2011, the following Flood Insurance Rate Maps for Manitowoc and Incorporated Areas, issued by the Federal Emergency Management Agency with an effective date of August 2, 2011, are designated as the official maps for purposes of floodplain zoning:

55071C0010D	55071C0155D	55071C0235D	55071C0314D
55071C0020D	55071C0160D	55071C0245D	55071C0316D
55071C0030D	55071C0165D	55071C0255D	55071C0317D
55071C0034D	55071C0166D	55071C0256D	55071C0318D
55071C0037D	55071C0167D	55071C0257D	55071C0326D
55071C0040D	55071C0169D	55071C0258D	55071C0360D
55071C0041D	55071C0177D	55071C0259D	55071C0367D
55071C0042D	55071C0179D	55071C0265D	55071C0370D
55071C0044D	55071C0180D	55071C0270D	55071C0380D
55071C0055D	55071C0181D	55071C0276D	55071C0386D
55071C0059D	55071C0182D	55071C0277D	55071C0387D
55071C0060D	55071C0183D	55071C0278D,	55071C0388D
55071C0063D	55071C0184D	55071C0279D	55071C0389D
55071C0064D	55071C0188D	55071C0281D	55071C0395D
55071C0065D	55071C0189D	55071C0282D	55071C0403D
55071C0066D	55071C0191D	55071C0283D	55071C0404D
55071C0067D	55071C0192D	55071C0284D	55071C0410D
55071C0068D	55071C0193D,	55071C0290D	55071C0411D
55071C0078D	55071C0201D	55071C0295D	55071C0412D
55071C0080D	55071C0203D	55071C0301D	55071C0415D
55071C0083D	55071C0207D	55071C0302D	55071C0416D
55071C0091D	55071C0208D	55071C0303D	55071C0417D
55071C0093D	55071C0209D	55071C0304D	55071C0420D
55071C0094D	55071C0211D	55071C0306D	55071C0426D
55071C0110D	55071C0212D	55071C0307D	55071C0427D
55071C0120D	55071C0213D	55071C0308D	55071C0428D
55071C0130D	55071C0214D	55071C0309D	55071C0429D
55071C0135D	55071C0216D	55071C0311D	55071C0436D
55071C0140D	55071C0217D	55071C0312D	55071C0438D
55071C0145D	55071C0218D	55071C0313D	

(3) Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by DNR and FEMA before it is effective.

(4) Any change to the regional flood elevations (RFE) on non-FEMA maps must be reviewed and approved by DNR before it is effective.

31.16 Locating Floodplain Boundaries.

(1) Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in sub. (2) and (3). If a significant difference exists, the map must be amended according to s. 31.61.

(2) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations govern if there are any discrepancies.

(3) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection, and any information provided by the Department.

(4) The code administrator may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The code administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section.

(5) Disputes between the code administrator and an applicant over the district boundary line shall be settled according to s. 31.58 and the criteria in sub. (2) and (3) above.

(6) Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 31.61.

31.17 Removal of Land from Floodplain.

(1) Compliance with the provisions of this ordinance is not grounds for removing land from the floodplain unless the land is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 31.61.

(2) Compliance with the procedure provided in this section does not remove the requirement for the mandatory purchase of flood insurance, and the property owner must contact FEMA to request a Letter of Map Change (LOMC).

PART V. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

31.18 General Development Standards.

- 707 (1) The county shall review all permit applications to determine whether proposed
708 building sites will be reasonably safe from flooding.
709
- 710 (2) If a proposed building site is in a flood-prone area, all new construction and
711 substantial improvements shall be designed or modified and adequately anchored to
712 prevent flotation, collapse, or lateral movement of the structure resulting from
713 hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood
714 damage; be constructed by methods and practices that minimize flood damages; and
715 be constructed with electrical, heating, ventilation, plumbing, and air conditioning
716 equipment and other service facilities designed and/or located so as to prevent water
717 from entering or accumulating within the components during conditions of flooding.
718
- 719 (3) Subdivisions shall be reviewed for compliance with the above standards. All
720 subdivision proposals, including proposals for mobile or manufactured home parks,
721 shall include regional flood elevation and floodway data for any development that
722 meets the subdivision definition of this ordinance.
723

724 31.19 Hydraulic and Hydrologic Analyses.
725

- 726 (1) Except as allowed in sub. (3), no floodplain development shall:
727
- 728 (a) obstruct flow, defined as development which blocks the conveyance of
729 floodwaters by itself or with other development, increasing regional flood
730 height; or
731
- 732 (b) increase regional flood height due to floodplain storage area lost, which
733 equals or exceeds 0.01 foot.
734
- 735 (2) The code administrator shall deny permits if it is determined the proposed
736 development will obstruct flow or increase regional flood heights 0.01 foot or more
737 based on the officially adopted FIRM or other adopted map, unless the provisions of
738 sub. (3) are met.
739
- 740 (3) Obstructions or increases equal to or greater than 0.01 foot may be permitted only
741 if amendments are made to this ordinance, the official floodplain zoning maps,
742 floodway lines, and water surface profiles in accordance with s. 31.61.
743
- 744 (4) This section refers to obstructions or increases in base flood elevations as shown on
745 the officially adopted FIRM or other adopted map. Any such alterations must be
746 reviewed and approved by FEMA and the DNR.
747

748 31.20 Watercourse Alterations.
749

- 750 (1) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be
751 issued until the local official has notified in writing all adjacent municipalities, the
752 Department and FEMA regional offices and required the applicant to secure all
753 necessary state and federal permits. The flood carrying capacity of any altered or
754 relocated watercourse shall be maintained.

- (2) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the code administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates, and floodplain management regulations as required.

31.21 Development and Wis. Stat. chs. 30 and 31.

Development which requires a permit from the Department under Wis. Stat. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, other floodplain zoning maps, or the floodplain zoning ordinance are made according to s. 31.61.

31.22 Public or Private Campgrounds.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- (1) The campground is approved by the Department of Health Services.
- (2) A land use permit for the campground is issued by the code administrator.
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used, and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in sub. (4), to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations.
- (6) Only camping units are allowed.
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at

the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Part VI or Part VII for the floodplain district in which the structure is located.
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

PART VI. FLOODWAY DISTRICT (FW).

31.23 Applicability.

This part applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 31.44.

31.24 Permitted Uses.

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if they are not prohibited by any other ordinance, meet the standards in ss. 31.25 and 31.26, and all necessary permits or certificates must have been issued according to Part XI:

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 31.25(6).
- (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 31.25 and 31.26.
- (5) Extraction of sand, gravel, or other materials that comply with s. 31.25(6).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Wis. Stat. chs. 30 and 31.

(7) Public utilities, streets, and bridges that comply with s. 31.25(5).

31.25 Standards for Developments in Floodway Areas.

(1) Any development in floodway areas shall comply with Part V and have a low flood damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to s. 31.19:

(a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

(b) An analysis calculating the effects of this proposal on regional flood height.

(3) The code administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2)(b) above.

(4) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(a) The structure is not designed for human habitation and does not have a high flood damage potential;

(b) It must be anchored to resist flotation, collapse, and lateral movement;

(c) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(d) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(5) Public Utilities, Streets, and Bridges. Public utilities, streets, and bridges may be allowed by permit, if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of s. 31.19.

(6) Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:

- 899 (a) The requirements of s. 31.19 are met;
900
901 (b) No material is deposited in the navigable channel unless a permit is issued
902 by the Department pursuant to Wis. Stat. ch. 30 and a permit pursuant to sec.
903 404 of the Federal Water Pollution Control Act Amendments of 1972,
904 33 U.S.C. § 1344, has been issued, if applicable, and the other requirements
905 of this section are met;
906
907 (c) The fill or other materials will be protected against erosion by rip-rap,
908 vegetative cover, sheet piling, or bulkheading; and
909
910 (d) The fill is not classified as a solid waste or hazardous material.
911

912 31.26 Prohibited Uses.

913
914 All uses not listed as permitted uses in s. 31.24 are prohibited, including the following uses:

- 915
916 (1) Habitable structures, structures with high flood damage potential, or structures not
917 associated with permanent open-space uses;
918
919 (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water
920 quality, or human, animal, plant, fish, or other aquatic life;
921
922 (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
923
924 (4) Any private or public sewage systems, except portable latrines that are removed prior
925 to flooding and systems associated with recreational areas and Department-approved
926 campgrounds that meet the applicable provisions of local ordinances and Wis.
927 Admin. Code ch. COMM 83;
928
929 (5) Any public or private wells which are used to obtain potable water, except those for
930 recreational areas that meet the requirements of local ordinances and Wis. Admin.
931 Code chs. NR 811 and NR 812;
932
933 (6) Any solid or hazardous waste disposal sites;
934
935 (7) Any wastewater treatment ponds or facilities, except those permitted under Wis.
936 Admin. Code § NR 110.15(3)(b); and
937
938 (8) Any sanitary sewer or water supply lines, except those to service existing or
939 proposed development located outside the floodway which complies with the
940 regulations for the floodplain area occupied.
941

942 PART VII. FLOODFRINGE DISTRICT (FF).

943
944 31.27 Applicability.
945

This part applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 31.44.

31.28 Permitted Uses.

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 31.29 are met, the use is not prohibited by this or any other ordinance or regulation, and all permits or certificates specified in Part XI have been issued.

31.29 Standards for Development in Floodfringe Areas.

(1) The requirements in s. 31.19 apply to all development in flood fringe areas in addition to the requirements in this Part for the requested use.

(2) Residential Uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards:

(a) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation or fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;

(b) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d); and

(d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:

1. The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

31.30 Accessory Structures or Uses.

- 992 (1) Except as provided in sub. (2), an accessory structure which is not connected to a |
993 principal structure may be constructed with its lowest floor at or above the regional
994 flood elevation.
995
- 996 (2) An accessory structure which is not connected to the principal structure and which
997 is less than 600 square feet in size and valued at less than \$10,000 may be
998 constructed with its lowest floor no more than two feet below the regional flood
999 elevation if it is subject to flood velocities of no more than two feet per second and
1000 it meets all of the provisions of ss. 31.25(4)(a) - (d) and 31.33.
1001
- 1002 31.31 Commercial Uses.
1003
- 1004 Any commercial structure which is erected, altered, or moved into the floodfringe area shall
1005 meet the requirements of s. 31.29(2). Subject to the requirements of s. 31.33, storage yards,
1006 surface parking lots, and other such uses may be placed at lower elevations if an adequate
1007 warning system exists to protect life and property.
1008
1009
- 1010 31.32 Manufacturing and Industrial Uses.
1011
- 1012 Any manufacturing or industrial structure which is erected, altered, or moved into the
1013 floodfringe area shall be protected to the flood protection elevation using fill, levees,
1014 floodwalls, or other flood proofing measures in s. 31.53. Subject to the requirements of s.
1015 31.33, storage yards, surface parking lots, and other such uses may be placed at lower
1016 elevations if an adequate warning system exists to protect life and property.
1017
- 1018 31.33 Storage of Materials.
1019
- 1020 Materials that are buoyant, flammable, explosive, or injurious to property, water quality or
1021 human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection
1022 elevation or floodproofed in compliance with s. 31.53. Adequate measures shall be taken
1023 to ensure that such materials will not enter the water body during flooding.
1024
- 1025 31.34 Public Utilities, Streets, and Bridges.
1026
- 1027 (1) All utilities, streets, and bridges shall be designed to be compatible with
1028 comprehensive floodplain development plans.
1029
- 1030 (2) When failure of public utilities, streets, and bridges would endanger public health or
1031 safety, or where such facilities are deemed essential, construction of and substantial
1032 improvements to such facilities may only be permitted if they are floodproofed in
1033 compliance with s. 31.53 to the flood protection elevation.
1034
- 1035 (3) Minor roads or non-essential utilities may be constructed at lower elevations if they
1036 are designed to withstand flood forces to the regional flood elevation.
1037
- 1038 31.35 Sewage Systems.
1039

1040 All on-site sewage disposal systems shall be floodproofed pursuant to s. 31.53 to the flood
1041 protection elevation and shall meet the provisions of all local ordinances and Wis. Admin.
1042 Code ch. COMM 83.

1043
1044 31.36 Wells.

1045
1046 All wells shall be floodproofed pursuant to s. 31.53 to the flood protection elevation and
1047 shall meet the provisions of Wis. Admin. Code chs. NR 811 and NR 812.

1048
1049 31.37 Solid Waste Disposal Sites.

1050
1051 Disposal of solid or hazardous waste is prohibited in floodfringe areas.

1052
1053 31.38 Deposition of Materials.

1054
1055 Any deposited material must meet all the provisions of this ordinance.

1056
1057 31.39 Manufactured Homes.

1058
1059 (1) Owners or operators of all manufactured home parks and subdivisions shall provide
1060 adequate surface drainage to minimize flood damage, and prepare, secure approval,
1061 and file an evacuation plan, indicating vehicular access and escape routes, with local
1062 emergency management authorities.

1063
1064 (2) In existing manufactured home parks, all new homes, replacement homes on existing
1065 pads, and substantially improved homes shall:

1066
1067 (a) have the lowest floor elevated to the flood protection elevation; and

1068
1069 (b) be anchored so they do not float, collapse, or move laterally during a flood.

1070
1071 (3) Outside of existing manufactured home parks, including new manufactured home
1072 parks and all single units outside of existing parks, all new, replacement, and
1073 substantially improved manufactured homes shall meet the residential development
1074 standards for the floodfringe in s. 31.29(2).

1075
1076 31.40 Mobile Recreational Vehicles.

1077
1078 All mobile recreational vehicles that are on site for 180 consecutive days or more or that are
1079 not fully licensed and ready for highway use shall meet the elevation and anchoring
1080 requirements in s. 31.39(2) and (3). A mobile recreational vehicle is ready for highway use
1081 if it is on its wheels or jacking system, is attached to the site only by quick-disconnect
1082 utilities and security devices, and has no permanently attached additions.

1083
1084 PART VIII. GENERAL FLOODPLAIN DISTRICT (GFP).

1085
1086 31.41 Applicability.

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

31.42 Permitted Uses.

(1) Pursuant to s. 31.44, it shall be determined whether the proposed use is located within a floodway or floodfringe area.

(2) Uses that are permitted in floodway and floodfringe districts are allowed within the general floodplain district, according to the standards of s. 31.43, provided that all permits or certificates required under Part XI have been issued.

31.43 Standards for Development in the General Floodplain District.

(1) Part VI applies to all floodway areas within a general floodplain district.

(2) Part VII applies to all floodfringe areas within a general floodplain district.

31.44 Determining Floodway and Floodfringe Limits.

(1) Upon receiving an application for development within the general floodplain district, the code administrator shall require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;

(2) Upon receiving an application for development within the general floodplain district, the code administrator shall require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:

(a) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

(c) Profile showing the slope of the bottom of the channel or flow line of the stream;

(d) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.

- (3) Upon receiving an application for development within the general floodplain district, the code administrator shall transmit one copy of the information described in sub. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 31.52(4) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

PART IX. NONCONFORMING USES.

31.45 General.

- (1) If these standards conform with Wis. Stat. § 59.69(10) for counties or Wis. Stat. § 62.23(7)(h) for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance on its effective date may continue subject to the conditions contained in this Part.
- (3) No modification or addition to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing structure, use, or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification, or addition; these include painting, decorating, paneling and the replacement of doors, windows, and other nonstructural components and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- (4) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.
- (5) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure’s total current value those modifications represent.
- (6) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50%

of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with ss. 31.29(2) and 31.31.

- (7) The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

(a) Except as provided in par. (b), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(b) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 C.F.R. Part 60), or the regulations promulgated thereunder.

- (8) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 31.25, flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 31.53 are used.

31.46 Floodway Areas.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of s. 31.45;

(c) Will not increase the obstruction to flood flows or regional flood height;

(d) Any addition to the existing structure shall be floodproofed, pursuant to s. 31.53, by means other than the use of fill, to the flood protection elevation;

(e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code ch. COMM 83.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Wis. Admin. Code chs. NR 811 and NR 812.
- 31.47 Floodfringe Areas.
- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 31.29, except where s. 31.47(2) is applicable.
- (2) Where compliance with the provisions of sub. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment using the procedures established in s. 31.51, may grant a variance from those provisions of sub. (1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;

- (b) Human lives are not endangered;
- (c) Public facilities, such as water or sewer, will not be installed;
- (d) Flood depths will not exceed two feet;
- (e) Flood velocities will not exceed two feet per second; and
- (f) The structure will not be used for storage of materials as described in s. 31.33.
- (3) If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (a) Meets all other regulations and will be granted by permit or variance;
- (b) Does not exceed 60 square feet in area; and
- (c) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
- (4) All new private sewage disposal systems, or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (5) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

PART X. ADMINISTRATION.

31.48 Administration.

This ordinance will be administered by the code administrator, Planning and Park Commission, and Board of Adjustment, which have been appointed to administer the zoning ordinances adopted under Wis. Stat. §§ 59.69 and 59.692.

31.49 Code Administrator.

The code administrator has the following powers and shall:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

- (2) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
- (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions, such as:
 - (a) Permits issued, inspections made, and work approved;
 - (b) Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - (c) Records of floodplain zoning maps and ordinances, nonconforming uses and structures, and water surface profiles, including amendments, appeals, changes, and variances; and
 - (d) All substantial damage assessment reports for floodplain structures.
- (5) Submit copies of the following items to the Department's regional office:
 - (a) A copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments, within 10 days of the decision;
 - (b) A copy of any case-by-case analysis and any other information required by the Department, including an annual summary of the number and types of floodplain zoning actions taken; and
 - (c) A copy of each substantial damage assessment performed and all related correspondence concerning the assessment.
- (6) Investigate, prepare reports, and report ordinance violations to the Planning and Park Commission and to the corporation counsel for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

31.50 Planning and Park Commission.

- (1) The Planning and Park Commission shall:
 - (a) oversee the functions of the office of the code administrator; and
 - (b) review and advise the county board on all proposed amendments to this ordinance, maps, and text.
- (2) The Planning and Park Commission may not:

(a) grant variances to the terms of this ordinance in place of action by the Board of Adjustment; or

(b) amend the text or zoning maps in place of official action by the county board.

31.51 Board of Adjustment.

(1) The Board of Adjustment created pursuant to Wis. Stat. § 59.694 shall exercise the powers conferred by the Wisconsin Statutes to hear and decide appeals, boundary disputes, and variance requests for the purposes of this ordinance.

(2) The Board of Adjustment may adopt rules for the conduct of business. The code administrator may not be the secretary of the Board of Adjustment.

PART XI. PROCEDURE.

31.52 Land Use Permit.

(1) A person shall apply to the code administrator for and shall obtain a land use permit before any new development, structural repair, or change in the use of a building or structure, including sewer and water facilities, may be initiated.

(2) The land use permit application shall include the following general information:

(a) Name and address of the applicant, property owner, and contractor; and

(b) Legal description of the property, proposed use, and whether it is new construction or a modification.

(3) The land use permit application shall include a site development plan, drawn to scale, with the following information:

(a) Location, dimensions, area, and elevation of the lot;

(b) Location of the ordinary highwater mark of any abutting navigable waterways;

(c) Location of any structures, with distances measured from the lot lines and street center lines;

(d) Location of any existing or proposed on-site sewage systems or private water supply systems;

(e) Location and elevation of existing or future access roads;

(f) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

- 1423 (g) The elevation of the lowest floor of proposed buildings and any fill using
1424 either the National Geodetic Vertical Datum (NGVD) or North American
1425 Vertical Datum (NAVD) from the adopted study;
1426
- 1427 (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD
1428 at the location of the development and to determine whether or not the
1429 requirements of Part VI or Part VII are met; and
1430
- 1431 (i) Data to determine if the proposed development will obstruct flow or cause
1432 an increase in regional flood height or discharge according to s. 31.19. This
1433 may include any of the information noted in s. 31.25.
1434
- 1435 (4) Data Requirements to Analyze Developments.
1436
- 1437 (a) The applicant must provide all survey data and computations required to
1438 show the effects of the project on flood heights, velocities, and floodplain
1439 storage for all subdivision proposals as defined in Wis. Stat. ch. 236, for
1440 other proposed developments exceeding 5 acres in area, or where the
1441 estimated cost exceeds \$125,000. The applicant shall provide:
1442
- 1443 1. An analysis of the effect of the development on the regional flood
1444 profile, velocity of flow, and floodplain storage capacity;
1445
- 1446 2. A map showing location and details of vehicular access to lands
1447 outside the floodplain; and
1448
- 1449 3. A surface drainage plan showing how flood damage will be
1450 minimized.
1451
- 1452 (b) The estimated cost of the proposal shall include all structural development,
1453 landscaping, access and road development, utilities, and other pertinent
1454 items, but need not include land costs.
1455
- 1456 (5) Expiration. A permit issued under the authority of this ordinance expires one year
1457 from the date it is issued.
1458
- 1459 31.53 Floodproofing Requirements.
1460
- 1461 (1) No permit or variance may be issued until the applicant submits a plan certified by
1462 a registered professional engineer or architect showing the floodproofing measures
1463 that will protect the structure or development to the flood protection elevation.
1464
- 1465 (2) Floodproofing measures shall be designed to:
1466
- 1467 (a) Withstand flood pressures, depths, velocities, uplift and impact forces, and
1468 other regional flood factors;
1469
- 1470 (b) Protect structures to the flood protection elevation;

- 1471 (c) Anchor structures to foundations to resist flotation and lateral movement; and
1472
1473 (d) Insure that structural walls and floors are watertight to the flood protection
1474 elevation, and the interior remains completely dry during flooding without
1475 human intervention.
1476
- 1477 (3) Floodproofing measures may include:
1478
1479 (a) Reinforcing walls and floors to resist rupture or collapse caused by water
1480 pressure;
1481
1482 (b) Adding mass or weight to prevent flotation;
1483
1484 (c) Placing essential utilities above the flood protection elevation;
1485
1486 (d) Installing surface or subsurface drainage systems to relieve foundation wall
1487 and basement floor pressures;
1488
1489 (e) Constructing water supply wells and waste treatment systems to prevent the
1490 entry of flood waters; and
1491
1492 (f) Putting cutoff valves on sewer lines or eliminating gravity flow basement
1493 drains.
1494
- 1495 31.54 Certificate of Compliance.
1496
- 1497 (1) A person shall apply for a certificate of compliance concurrently with the application
1498 for a permit.
1499
- 1500 (2) No land may be occupied or used, and no building that is constructed, altered, added
1501 to, modified, repaired, rebuilt, or replaced after the effective date of this ordinance
1502 may be occupied until a certificate of compliance is issued by the code administrator,
1503 except where no permit is required.
1504
- 1505 (3) The applicant shall submit a certification signed by a registered professional
1506 engineer, architect, or land surveyor that the fill, lowest floor, and floodproofing
1507 elevations are in compliance with the permit issued. Floodproofing measures also
1508 require certification by a registered professional engineer or architect that
1509 floodproofing measures meet the requirements of s. 31.53.
1510
- 1511 (4) If all ordinance provisions are met, the code administrator shall issue the certificate
1512 of compliance within 10 days after written notification that the permitted work is
1513 completed.
1514
- 1515 (5) The certificate of compliance will show that the building or premises, or part thereof,
1516 and the proposed use, conform to the provisions of this ordinance.
1517
- 1518 31.55 Other Permits.

The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under sec. 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344.

31.56 Appeals.

- (1) Appeals. The Board of Adjustment shall hear and decide appeals where it is alleged there is an error in any decision, determination, order, or requirement made by the code administrator.
- (2) Notice of Appeal. Any person affected or aggrieved by a decision of the code administrator may appeal the decision to the Board of Adjustment by filing a written notice with the code administrator and the Board of Adjustment within 30 days of the decision. The notice must specify the reason for the appeal. The code administrator shall transmit all records regarding the matter to the Board of Adjustment within 30 days of receipt of the notice.
- (3) Hearing Notice. Upon receipt of notice of appeal, the Board of Adjustment shall:
 - (a) Fix a reasonable time for the hearing;
 - (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
 - (c) Assure that the hearing notice is mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
- (4) Hearing Procedure. Any party may appear at the hearing in person or by an agent.
- (5) Decision. The Board of Adjustment shall issue a final decision regarding the appeal, and the decision shall:
 - (a) Be made within a reasonable time;
 - (b) Be sent to the Department's regional office within 10 days of the decision;
 - (c) Be a written determination signed by the chairman or secretary of the Board;
 - (d) State the specific facts and reasons that are the basis for the Board's decision; and
 - (e) Affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction.

31.57 Appeal of Permit Denials.

- (1) The Board of Adjustment shall review all data related to the appeal. This may include:
- (a) Permit application data listed in s. 31.52.
 - (b) Floodway/floodfringe determination data in s. 31.44.
 - (c) Data listed in s. 31.25(2) where the applicant has not submitted this information to the code administrator.
 - (d) Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- (a) Follow the procedures of s. 31.51;
 - (b) Consider Planning and Park Commission recommendations; and
 - (c) Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
 - (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

31.58 Boundary Disputes.

- (1) The Board of Adjustment shall hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (2) Notice of Dispute. Any person may file a written notice of a boundary dispute with the code administrator and the Board of Adjustment. The notice must specify the reason for the dispute. The code administrator shall transmit all records regarding the matter to the Board of Adjustment within 30 days of receipt of the notice.
- (3) Hearing Notice. Upon receipt of notice of a boundary dispute, the Board of Adjustment shall:
- (a) Fix a reasonable time for the hearing;

- (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
- (c) Assure that hearing notice is mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
- (4) Hearing Procedure.
- (a) Any party may appear at the hearing in person or by an agent. The person contesting the boundary location will be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (b) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (c) If the boundary is incorrectly mapped, the Board shall inform the Planning and Park Commission or the person contesting the boundary location of the need to petition the county board for a map amendment according to s. 31.61.
- (5) Decision. The Board of Adjustment shall issue a final decision regarding the appeal, and the decision shall:
- (a) Be made within a reasonable time;
- (b) Be sent to the Department's regional office within 10 days of the decision;
- (c) Be a written determination signed by the chairman or secretary of the Board; and
- (d) State the specific facts and reasons that are the basis for the Board's decision.
- 31.59 Variances.
- (1) The Board of Adjustment shall hear and decide appeals or requests for variances from the standards of this ordinance.
- (2) Variance Request. Any person may file a written request for a variance with the code administrator and the Board of Adjustment. The notice must specify the reason for the request. The code administrator shall transmit all records regarding the matter to the Board of Adjustment within 30 days of receipt of the notice.
- (3) Hearing Notice. Upon receipt of a variance request, the Board of Adjustment shall:
- (a) Fix a reasonable time for the hearing;
- (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and

- (c) Assure that hearing notice is mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
- (4) Hearing Procedure.
- (a) Any party may appear at the hearing in person or by an agent.
- (b) The person making the request will be given a reasonable opportunity to present arguments and technical evidence to the Board.
- (5) Decision. The Board of Adjustment shall issue a final decision regarding the appeal, and the decision shall:
- (a) Be made within a reasonable time;
- (b) Be sent to the Department's regional office within 10 days of the decision;
- (c) Be a written determination signed by the chairman or secretary of the Board; and
- (d) State the specific facts and reasons that are the basis for the Board's decision. If the request is granted, the determination must describe the hardship demonstrated by the applicant, which must also be clearly stated in the recorded minutes of the Board's proceedings.
- (6) The Board may grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
- (a) Literal enforcement of the ordinance provisions will cause unnecessary hardship;
- (b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises, in which case the ordinance or map must be amended;
- (c) The variance is not contrary to the public interest; and
- (d) The variance is consistent with the purpose of this ordinance in s. 31.02.
- (7) In addition to the criteria in sub. (2), a variance may be granted only if the following FEMA criteria are met:
- (a) The variance may not cause any increase in the regional flood elevation; and
- (b) The lot for which the variance is requested is less than one-half acre and is contiguous to existing structures constructed below the regional flood elevation.

- (8) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (9) A variance may not:
- (a) Grant, extend, or increase any use prohibited in the zoning district;
 - (b) Be granted for a hardship based solely on an economic gain or loss;
 - (c) Be granted for a hardship that is self-created;
 - (d) Damage the rights or property values of other persons in the area;
 - (e) Allow any action without an amendment to this ordinance or the official map if an amendment is required by s. 31.61; or
 - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure;
- (10) When a floodplain variance is granted, the Board shall provide written notification to the property owner that the requested variance may increase flood insurance premiums and risks to life and property. A copy of the notice will be maintained with the variance record.

31.60 Public Information.

- (1) The code administrator may cause or require an applicant to place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data, and regulations shall be available and widely distributed.
- (3) Every real estate transfer should show the floodplain zoning district in which the real property is located.

31.61 Amendments.

- (1) The county board may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law.
- (2) The actions that require an amendment include, but are not limited to, the following:
 - (a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
 - (b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.

- (c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (e) Any changes to a floodplain zoning ordinance text required by Wis. Admin. Code § NR 116.05, otherwise required by law, or by a municipality.
- (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
- (3) Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stat. § 59.69. Petitions must include all necessary data required by ss. 31.44 and 31.52.
- (4) A person petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, must obtain flooding easements from, or make other appropriate legal arrangements with, all adversely affected property owners and notify local units of government before the amendment may be approved by the county board.
- (5) If there is no water surface profile for the area affected by a proposed amendment, the Planning and Park Commission shall consider data submitted by the Department, the code administrator's visual on-site inspections, and any other available information. See s. 31.16.
- (6) The proposed amendment will be referred to the Planning and Park Commission for a public hearing and recommendation to the county board. The amendment and notice of public hearing must be submitted to the Department's regional office for review prior to the hearing.
- (7) No amendment will become effective unless it has been reviewed and approved by the Department.
- (8) Consult the FEMA web site at www.fema.gov for the map change fee schedule.

PART XII. VIOLATIONS AND ENFORCEMENT.

31.62 Violations.

- (1) It is unlawful for any person to violate any provision of this ordinance or any condition contained in a permit issued pursuant to this ordinance.
- (2) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent,

board, commission, committee, department, employee, officer, or official acting in an official capacity under this ordinance.

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

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

31.63 Enforcement.

(1) The code administrator may enter any property for which a permit has been issued under this ordinance to conduct an inspection to determine whether there is any violation of this ordinance or whether the conditions stated in the permit have been met.

(2) The code administrator may issue an order to abate any violation of this ordinance.

(3) The code administrator may issue a citation for any violation of this ordinance.

(4) The code administrator may refer a violation of this ordinance to Corporation Counsel for legal action.

(5) Every violation of this ordinance is a public nuisance, the creation of which may be enjoined and the maintenance of which may be abated by action at suit of the county, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30.

(6) Nothing in this section may be construed to prevent the county from using any other lawful means to enforce this ordinance.

31.64 Penalties.

(1) A person will, upon conviction for a violation of this ordinance, forfeit not less than \$25 nor more than \$50 for each offense, together with any applicable assessments, costs, surcharges, and the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.

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

(3) In the event an offense is not abated as ordered, Manitowoc County may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the person's property and may be collected in the same manner as other taxes.

1853
1854 (4) The failure of any employee, official, or officer of the County to perform any official
1855 duty imposed by this code will not subject the employee, official, or officer to the
1856 penalty imposed for violation of this code unless a penalty is specifically provided.
1857
1858 31.65 Effective Date. This ordinance is effective August 1, 2011.

Dated this 19th day of July 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson gave a brief report.

Miscellaneous: Finance Committee and Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Hoffman to adopt Resolution 9 (2011/2012-40) Authorizing Lease with Option to Purchase Property Located at 2022 School Street, Two Rivers to Chard Development LLC. Upon vote, the motion carried unanimously.

No. 2011/2012 - 40

**RESOLUTION AUTHORIZING LEASE WITH OPTION TO PURCHASE
PROPERTY LOCATED AT 2022 SCHOOL STREET, TWO RIVERS
TO CHARD DEVELOPMENT LLC**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Public Works and Finance Committees have reviewed an offer to lease, with
2 an option to purchase, county-owned property located at 2022 School Street, Two Rivers, Wisconsin
3 from Richard Carey d/b/a Chard Development LLC ; and
4

5 WHEREAS, the lease is for an initial term of five years, with up to five one-year extensions,
6 and provides for a minimum monthly rent payment of \$1,342.05 with the first six months of rent
7 abated if Chard Development uses equivalent or greater funds to make improvements to the
8 property;
9

10 WHEREAS, Chard Development intends to seek funding to perform an environmental site
11 assessment and any necessary environmental remediation of the property; and
12

13 WHEREAS, the county agrees to assist Chard Development in seeking funding for
14 environmental assessment and remediation by submitting applications and undertaking other
15 reasonable measures to facilitate the application process; and
16

17 WHEREAS, Chard Development has the option to purchase the property for \$250,000, but
18 is entitled to certain credits against the purchase price; and
19

20 WHEREAS, the available credits include a credit for a portion of each rent payment based
21 on a mutually agreed upon amortization schedule allocating rent payments between principal and
22 interest; and
23

24 WHEREAS, the available credits include a dollar-for-dollar credit of up to \$125,000 in
25 documented, but unrecoverable environmental remediation costs borne by Chard Development in
26 connection with the property; and
27

28 WHEREAS, the county will terminate its present lease with Habitat for Humanity for a
29 portion of the premises; and
30

31 WHEREAS, Chard Development intends to enter into a new lease with Habitat for Humanity
32 for the current base rent, but with new terms that define the space available to Habitat for Humanity,
33 security protocols, and indemnity agreements; and
34

35 WHEREAS, the county acknowledges that Chard Development intends to pursue the
36 acquisition of three additional properties that are adjacent to 2022 School Street, including the
37 Seneca Products Co., Inc. property if that property were to be owned by the county; and
38

39 WHEREAS, Chard Development acknowledges the sale of any property owned by the
40 county must comply with the Wisconsin statutes and county ordinances; and
41

42 WHEREAS, the Public Works and Finance Committees have reviewed the conditions of the
43 sale agreement and recommend approval of the sale in order to place the property back on the tax
44 rolls in order to generate revenue for the county, reduce the cost to the county to manage the
45 property; and to facilitate the creations of jobs in the county;
46

47 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
48 approves entering into a lease with Chard Development LLC which contains an option to purchase
49 the property located at 2022 School Street, Two Rivers, Wisconsin to Chard Development LLC;
50

51 BE IT FURTHER RESOLVED that, due to the complexity of the proposed transaction, the
52 Public Works and Finance Committees may jointly approve changes to the terms of the proposed
53 lease and sale agreement upon the recommendation of the County Executive and county staff, except
54 that the purchase price may not be changed; and
55

56 BE IT FURTHER RESOLVED that the County Executive, the County Clerk, and such other
57 county personnel as may be required are authorized to take such action as may be necessary to
58 complete this transaction; and
59

60 BE IT FURTHER RESOLVED that the proceeds from the lease and sale be placed in a
61 separate account established for the sale of county owned property.

Dated this 19th day of July 2011.

Respectfully submitted by the Public Works Committee and Finance Committee.

FISCAL IMPACT: Generates revenues of \$125,000 to \$250,000 from lease payments or the sale of property, or a combination of both.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schmidt moved to adjourn, seconded by Supervisor Maresh and the motion was adopted by acclamation. The meeting adjourned at 9:33 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, August 16, 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 16th day of August, 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 Vogt gave the invocation, which was followed by the Pledge of Allegiance to the Flag recited 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, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Schmidt was excused.

On motion by Supervisor Markwardt, seconded by Supervisor Bauknecht, the July 19, 2011 meeting minutes were approved on a unanimous vote.

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

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl presented a Proclamation Declaring September and October United Way Months to United Way Board of Directors member Supervisor Susie Maresh. Supervisor Maresh thanked the Board for their support. She said that along with programs linked to health, education, and income, United Way will focus on helping children succeed.

Chairperson Tittl presented a Proclamation Recognizing Fall Prevention Awareness Month to Aging and Disability Resource Center Director Judy Rank. Director Rank said the Health Department and the Aging and Disability Resource Center will be working together on a Fall Focus Day Program that is open to the public on September 23 at the Holiday Inn.

Family Living Educator Faye Malek introduced Jefferson School Principal Joanne Metzen, and Wisconsin Nutrition Program Educators Melissa Giebel and Betsy Warmus. Ms. Malek talked about current projects that include a forum on September 23 addressing mental health services, an Alliance on Substance Use Prevention, and a Coalition for Activity and Nutrition. She invited anyone who would be interested in participating on a committee for any of these projects to contact her.

Jefferson Elementary Principal Joanne Metzen talked about the impact of UW-Extension programs on the 426 students at the school. Programs included a Health Fair that focused on health and safety for students, an open house for parents with representatives from the UW-Extension, a program for strengthening families, a “Kids in the Kitchen” Program, and a family night.

Public Works Director Jeff Beyer addressed safety precautions for the 2011 County Fair. A contracted private security company will partner with the Manitowoc City Police Department and Manitowoc County Sheriff’s Department. Also, a severe weather monitor system is in place, hand washing stations will be available near barns and food stands, the Health Department will inspect food stands, and a “lost child” system is in place.

Director Beyer introduced the 2011 Fairest of the Fair Kelsey Haelfrish. Kelsey, who is a senior at Brillion High School, talked about her dairy background and involvement in school, church, and community activities. She discussed daily fair events. Kelsey said she is honored to be the 2011 Fairest of the Fair and looks forward to the state competition in January.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:34 p.m. No one present wished to speak and public input was closed.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer’s appointments of Mary Coenen and alternate Marcia Donlon to the Local Emergency Planning Committee for a two year term expiring September 2013. Supervisor Schneider moved, seconded by Supervisor Hoffman to approve the appointments. Upon vote, the motion was 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 (2011/2012-41). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 41

RESOLUTION ENDORSING MULTIPLE COUNTY AGING AND DISABILITY RESOURCE CENTER (ADRC of the Lakeshore)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

- 1 WHEREAS, the State of Wisconsin has developed the Aging and Disability Resource
- 2 Center (ADRC) model to assist counties in creating a single point of entry to enhance individual
- 3 choice, support informed decision-making, and minimize confusion for the elderly and persons
- 4 with disabilities who are seeking long-term support; and

5
6 WHEREAS, Wisconsin's goal is to develop a statewide system of Aging and Disability
7 Resource Centers; and the Wisconsin Department of Health Services makes federal and state
8 funding available through annual grants in order to further that goal;
9

10 WHEREAS, Manitowoc County has already established an Aging and Disability
11 Resource Center and presently receives state and federal funding for its ADRC; and
12

13 WHEREAS, the ADRC of the Lakeshore Planning Group, which includes representatives
14 of Kewaunee and Manitowoc Counties, has received a planning grant for consulting services,
15 has been meeting to explore the possibility of providing aging and disability resource center
16 services for both counties through a single ADRC, and recommends that Kewaunee and
17 Manitowoc Counties enter into an intergovernmental cooperation agreement to provide ADRC
18 services to the residents of both counties;
19

20 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
21 Supervisors endorses the concept of providing services through a regional "ADRC of the
22 Lakeshore" and authorizes the ADRC Director and such other county officials as may be
23 necessary to meet and confer with Kewaunee County officials for the purpose of preparing an
24 intergovernmental cooperation agreement, as authorized by Wis. Stat. § 66.0301, between
25 Kewaunee and Manitowoc Counties for the operation of an ADRC that will provide services to
26 the residents of both counties; and
27

28 BE IT FURTHER RESOLVED that the Aging and Disability Resource Center Board
29 shall review the proposed intergovernmental cooperation agreement and make a
30 recommendation to the county board for an agreement with Kewaunee County that addresses the
31 composition and responsibilities of a joint ADRC board; the services and means by which those
32 services are to be provided to the residents of each county; the responsibilities of each county to
33 provide staff, office space, equipment, infrastructure, and other support; accounting, budgeting,
34 and funding procedures; and legal and personnel services.

Dated this 16th day of August 2011.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact.

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 gave a brief report.

Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 2 (2011/2012-42) Regarding Issuance of Approximately \$2,770,00 in General Obligation Refunding Bonds. Upon vote, the motion carried unanimously.

No. 2011/2012 - 42

**RESOLUTION REGARDING ISSUANCE OF APPROXIMATELY
\$2,770,000 IN GENERAL OBLIGATION REFUNDING BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is considering refunding the General Obligation
2 Corporate Purpose Bonds dated May 15, 2002, which mature in 2013 through 2017, along with
3 the interest due on these bonds; and
4

5 WHEREAS, refunding these bonds would require the issuance of general obligation
6 refunding bonds, pursuant to authority granted by Wis. Stat. § 67.04, in the principal amount of
7 approximately \$2,770,000;
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
10 Supervisors authorizes and directs the Comptroller/Auditor and such other county officials as
11 may be necessary to work with Robert W. Baird & Co. Incorporated, to take all actions
12 necessary to arrange for the sale of general obligation refunding bonds in the principal amount of
13 approximately \$2,770,00, and to advise the Finance Committee of the details regarding the
14 issuance of such bonds; and
15

16 BE IT FURTHER RESOLVED that if the Finance Committee determines that issuance
17 of general obligation refunding bonds is in the best interest of the County, it shall present the
18 County Board with a resolution authorizing the sale of the general obligation refunding bonds.

Dated this 16th day of August 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No fiscal impact. This resolution authorizes the issuance of bonds, but has no fiscal impact until the county board adopts a resolution for the sale of the first bond issue. That resolution will contain a fiscal note.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Markwardt moved, seconded by Supervisor Bauknecht to adopt Resolution 3 (2011/2012-43) Authorizing Joint Construction Agreement for County Trunk Highway B in the City of Manitowoc. Upon discussion and vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING JOINT CONSTRUCTION AGREEMENT
FOR COUNTY TRUNK HIGHWAY B IN THE CITY OF MANITOWOC**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County of Manitowoc (County) has jurisdictional control over the entire
2 portion of County Trunk Highway B in the City of Manitowoc (City) that is located between
3 Waldo Boulevard and Albert Drive; and
4

5 WHEREAS, the County and City believe that it would be to their mutual benefit to
6 cooperate on a joint construction project to make repairs and improvements to the remaining
7 portion of County Trunk Highway B that is located between Waldo Boulevard and Albert Drive,
8 and then transfer jurisdictional control over that portion of County Trunk Highway B from the
9 County to the City; and
10

11 WHEREAS, a Joint Construction Agreement between the County and the City has been
12 reviewed by the Corporation Counsel, recommended by the Highway Committee, and provided
13 to the County Board; and
14

15 WHEREAS, certain state funds are available to the County and the City for such a joint
16 construction project;
17

18 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
19 Supervisors that the County Executive and the County Clerk are authorized to enter into the Joint
20 Construction Agreement with the City of Manitowoc.

Dated this 16th day of August 2011.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: County's share of cost to repair and upgrade County Trunk Highway B is
\$201,000.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report and answered supervisors'
questions.

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Hansen to adopt Resolution 5 (2011/2012-44) Establishing Certain Employee Benefits (Education Incentive, Shift Premiums, Training Incentive, and Vacations). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 44

**RESOLUTION ESTABLISHING CERTAIN EMPLOYEE BENEFITS
(Education Incentive, Shift Premiums, Training Incentive, and Vacations)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

WHEREAS, the Manitowoc County Board authorized the maintenance of the status quo, pending policy development, of certain benefits that had been authorized under expired collective bargaining agreements; and

WHEREAS, the Personnel Committee has considered the benefits authorized for educational incentives for Sheriff's Department employees, shift premiums, training premiums, and vacation schedules and recommends that the following policies be adopted and included in the Policy Manual:

- Maintenance of the education incentives described in the expired Sheriff's Department AFSCME collective bargaining agreement, Appendix A, at the present amount being paid to employees who have earned the incentive, but end the practice of providing the incentive in all other cases;
- Payment of a 25¢ per hour shift premium for all shifts beginning at or after 2:00 p.m., with no shift premiums paid for shifts beginning at or after 4:00 a.m. up until 1:59 p.m.;
- Payment of a \$1.50 per hour incentive to Sheriff's Department and Joint Dispatch Center employees who are designated as field training officers during the hours that they are assigned to and act as field training officers;
- Placement of employees who are classified as a cook, corrections officer, or telecommunicator on the existing nonrepresented Sheriff's Department vacation schedule; and
- Placement of Sheriff's Department clerical staff on the existing nonexempt vacation schedule, maintenance of each employee's current vacation accruals, with further progression when the requirements of the nonexempt vacation schedule are met;

NOW, THEREFORE, BE IT RESOLVED that the Personnel Committee's recommendations are approved effective August 21, 2011.

Dated this 16th day of August 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Savings due to elimination of educational incentive pay is indeterminable; adopting a uniform shift premium of 25¢ per hour will increase the total shift premiums paid by approximately \$4,000 per year; maintenance of field training officer incentive does not increase costs; effect of changing vacation schedules and accruals is indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Planning and Park Commission: Supervisor Waack gave a brief report on the petitions requesting a moratorium on wind towers. Discussion followed.

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

Public Works Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Konen to adopt Resolution 6 (2011/2012-45) authorizing Clean Sweep and Drug Collection Program Grant Application. Upon vote, the motion carried unanimously.

No. 2011/2012 - 45

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County recognizes the benefit of programs to provide for the
2 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 offer
5 education and assistance to citizens in the identification, proper handling, and disposal of
6 household and agricultural hazardous waste and drugs through the distribution of public
7 information materials, presentations to citizen groups, and designated days for the collection and
8 disposal of household and agricultural hazardous waste and unwanted drugs and medications;
9 and
10

11 WHEREAS, Manitowoc County has successfully organized and conducted Clean Sweep
12 and Drug Collection Programs in the past, has declared its intent to conduct annual Clean Sweep
13 and Drug Collection Programs subject to public response and sufficient funding, are planning
14 collections for 2012, and wish to apply for state grants to support the Household/Agricultural

15 Clean Sweep and Drug Collection programs; and

16
17 WHEREAS, Calumet, Fond du Lac, and Sheboygan Counties have also successfully
18 organized and conducted Clean Sweep and Drug Collection Programs in the past, have declared
19 their intent to conduct annual Clean Sweep and Drug Collection Programs subject to public
20 response and sufficient funding, are planning collections for 2012, and wish to apply for state
21 grants to support the Household/Agricultural Clean Sweep and Drug Collection Programs; and
22

23 WHEREAS, Manitowoc, Calumet, Fond du Lac, and Sheboygan Counties have
24 successfully organized and conducted joint Clean Sweep and Drug Collection programs in the
25 past, realize the economic benefits and efficiencies that result from conducting joint programs,
26 and want to conduct joint programs again in 2012; and
27

28 WHEREAS, the Manitowoc County Public Works Director will serve as the Grant and
29 Program Coordinator and staff from the other counties will provide assistance and support in
30 their areas of expertise; and
31

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

40 WHEREAS, Manitowoc, Calumet, Fond du Lac, and Sheboygan Counties will submit a
41 final report to the Wisconsin Department of Agriculture, Trade and Consumer Protection
42 describing all Clean Sweep and Drug Collection Program activities, achievements, and
43 problems; comparing the actual programs with the activities and objectives proposed in the
44 application; providing samples of information and education brochures, data on participation
45 rates and waste quantities collected, and documentation of project costs; and making appropriate
46 recommendations;
47

48 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
49 Supervisors authorizes the Public Works Director to apply for and accept a state grant for the
50 purpose of conducting joint Manitowoc, Calumet, Fond du Lac, and Sheboygan County
51 Household/Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs during
52 2012; and
53

54 BE FURTHER RESOLVED that the Manitowoc County Board of Supervisors authorizes
55 the Public Works Director to enter into any agreements necessary to conduct the joint
56 Household/Agricultural Hazardous Waste Clean Sweep and Drug Collection Programs during
57 2012.

Dated this 16th day of August 2011.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact in 2011 or 2012. Equal revenue and expenses amounts will be included in the 2012 budget proposal.

APPROVED: Bob Ziegelbauer, County Executive.

Transportation Coordinating Committee: Supervisor Konen gave a brief report.

Supervisor Brey moved to adjourn, seconded by Supervisor Maresh 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 20, 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 20th day of September 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:03 P.M.

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

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

On motion by Supervisor Behnke, seconded by Supervisor Bauknecht, the August 16, 2011 meeting minutes were approved on a unanimous vote.

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

By unanimous consent, the Finance Committee report and resolution would be taken up immediately following reports of County Supervisors, Officers, and Department Directors, and the Planning and Park Commission Report would Follow public input.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl presented a Proclamation Declaring October Crime Prevention Month to Sheriff Rob Hermann. Sheriff Hermann invited everyone to the Crime Prevention Program that will be held on October 22 at the Expo.

Chairperson Tittl presented a Proclamation Honoring 4-H Week to Supervisor Maresh. Supervisor Maresh read the Proclamation and thanked everyone for their support of 4-H.

Chairperson Tittl read a Proclamation Recognizing Wisconsin Disability Employment Awareness Month.

COMMITTEE REPORTS, INCLUDING PETITIONS, RESOLUTIONS, AND ORDINANCES

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 2 (2011/2012-46) Authorizing Issuance and Sale of \$2,710,000 General Obligation Refunding Bonds. Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
\$2,710,000 GENERAL OBLIGATION REFUNDING BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the County Board of Supervisors of Manitowoc County, Wisconsin (the "County") hereby finds and determines that it is necessary, desirable and in the best interest of the County to raise funds for the purpose of paying the cost of refunding obligations of the County, including interest on them, specifically, the 2013 through 2017 maturities of the General Obligation Corporate Purpose Bonds, dated May 15, 2002 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding"), and there are insufficient funds on hand to pay said cost;

WHEREAS, the County Board of Supervisors deems it to be necessary, desirable and in the best interest of the County to refund the Refunded Obligations for the purpose of achieving debt service cost savings;

WHEREAS, counties are authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation refunding bonds to refinance their outstanding obligations; 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 authorize the issuance of and to sell its general obligation refunding bonds (the "Bonds") to Robert W. Baird & Co. Incorporated (the "Purchaser"), pursuant to the terms and conditions of its bond purchase proposal attached hereto as Exhibit A and incorporated herein by this reference (the "Proposal").

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 TWO MILLION SEVEN HUNDRED TEN THOUSAND DOLLARS (\$2,710,000) 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 TWO MILLION SEVEN HUNDRED TEN THOUSAND DOLLARS (\$2,710,000) 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 "General Obligation Refunding Bonds"; shall be issued in the aggregate principal amount of \$2,710,000; shall be dated October 11, 2011; 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 November 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 May 1 and November 1 of each year commencing on May 1, 2012. 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 shall not be subject to optional redemption.

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 2011 through 2016 for the payments due in the years 2012 through 2017 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 \$2,710,000 General Obligation Refunding Bonds, dated October 11, 2011" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The County Treasurer shall deposit in the Debt Service Fund Account (i) all accrued interest received by the County at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the County above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to reduce the next succeeding tax levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

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

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

accomplish the purpose for which the Bonds are issued, proceeds of the Bonds shall be transferred to the Escrow Account, as provided in Section 18 hereof. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose for which the Bonds have been issued has been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the County, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of the Code or Regulations.

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

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

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds 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 from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the County by the manual or facsimile signatures of the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin, which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of 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 13. Persons Treated as Owners; Transfer of Bonds. The County shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

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

Section 14. Record Date. The 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 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the County agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the County and on file in the County Clerk's office.

Section 16. 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 17. Undertaking to Provide Continuing Disclosure. The County hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the County to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

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

Section 18. Escrow Agent; Escrow Agreement; Escrow Account. Associated Trust Company, National Association, Green Bay, Wisconsin, is hereby appointed escrow agent for the County, for the purpose of ensuring the payment of the principal of and interest on the Refunded Obligations (the "Escrow Agent").

The Chairperson and County Clerk are hereby authorized and directed to execute an escrow agreement substantially in the form attached hereto as Exhibit E (the "Escrow Agreement") (such form may be modified by said officers prior to execution, the execution of

such agreement by said officers to constitute full approval of the County Board of Supervisors of any such modifications), with the Escrow Agent, for the purpose of effectuating the provisions of this Resolution.

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

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

Section 19. SLGS Subscriptions. The Escrow Agent and Robert W. Baird & Co. Incorporated are authorized to submit subscriptions for United States Treasury Securities - State and Local Government Series and to purchase other U.S. government securities on behalf of the County in such amount as is necessary in order to carry out the Refunding.

Section 20. Redemption of the Refunded Obligations. The Refunded Obligations are hereby called for prior payment and redemption on November 1, 2012 at a price of par plus accrued interest to the date of redemption.

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

Section 21. 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 Bonds in the Record Book.

Section 22. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, 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 Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds 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 be made in the form of Bond provided herein.

Section 23. Conflicting Resolutions; Severability; Effective Date. All prior resolutions, rules or other actions of the County Board of Supervisors or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Dated this 20th day of September, 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: See attachment Exhibit A Manitowoc County Summary of Refinancing Statement Final.

APPROVED: Bob Ziegelbauer, County Executive.

Manitowoc County

Summary of Refinancing

Prepared by Robert W. Baird & Co. Incorporated S:\Public Finance\counties\manitowoc co\existing debt\2011\ar3 manitowoc co final.xlsx /jaf 9/19/2011

Supervisor Muench reported that their next meeting will be October 10.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:16 p.m.

Edward VanderBloomen, City of Manitowoc, and a Wisconsin Professional Police Association Business Agent, addressed the Board regarding a concern that County Executive and State Representative Ziegelbauer has been politicizing matters of wages, hours, and conditions that should be taken up at the collective bargaining table. He urged the Board to follow the collective bargaining laws.

Kerry Trask, City of Manitowoc, and Chairman of the Manitowoc County Democratic Party, spoke in opposition to a moratorium on large wind energy systems. He noted that Manitowoc County has many green jobs, and LTC has a Renewable Energy Program. A moratorium would send the wrong message to businesses.

Laurie Krueger, Town of Liberty, and a Manitowoc County Dispatcher, talked about work schedules that included twelve hour shifts without overtime pay, working more than twelve hours in a twenty-four hour period, and being called in to work on a scheduled day off without overtime pay. Ms. Krueger commented that it has been reported that the creative manner in scheduling caused a sixty two percent decrease in overtime, when the decrease was actually due to no sick time taken by the dispatchers. She said that they are willing to make concessions to save money, but they should not have to bear the entire cost.

Dean Anhalt, Town of Mishicot, discussed the health and safety reasons for a moratorium on large wind towers. He referenced a family near Denmark that left their home because they were affected by low frequency noise from a nearby wind tower. He personally went to the site and could feel changes in pressure and hear the noise. Mr. Anhalt urged everyone to encourage the State to base their decisions on scientific findings when creating rules for erecting wind towers.

Doug Lindsey, Lakeshore Technical College Dean of Trade and Industry, talked about the Wind Energy Program graduates who are currently working in manufacturing in Manitowoc County. While he understands the concerns, he urged supervisors to vote against the moratorium.

Emily Matthews, Town of Schleswig, spoke in support of a moratorium on large wind towers. She talked about dirty steel from China that is used to build towers, pollution from the de-icing fluids used on wind turbine blades, and exploding bats caused by wind towers. Ms. Matthews expressed her opinion that wind farms should be at least three miles from residences.

Jeff Roberts, Town of Two Creeks, discussed reasons he is requesting a moratorium to be in place. He also expressed concern that the current large wind tower ordinance needs to be updated because it does not address low frequency noise.

Connie Loden, Executive Director Economic Development Corporation, addressed the Board in opposition to a moratorium. She asked everyone to take the time to gather information before making any decisions.

Jerome Hlinak, Town of Mishicot, spoke in support of a moratorium on large wind towers. He referenced the millions of dollars in subsidies received by a wind farm in Brown County where families are leaving their homes due to health issues.

Joe Junk, Town of Lincoln, addressed the Board regarding his support of a moratorium. Mr. Junk talked about the noise and loss of sleep while residing on a wind farm in the Town of Lincoln in Wood County. Legal action was taken against WPS and after four years, the majority of his land value was recovered.

Ron Hoyer, Kewaunee County, spoke in support of a moratorium on large wind towers. He declined a contract to have a wind tower on his property and talked about the homes purchased by WPS and then bulldozed when problems arose near the wind towers. Mr. Hoyer asked the Board to take time to study the health and safety issues.

Bill Gamble, Town of Manitowoc, spoke in support of a moratorium on large wind towers. He said that people come first and wind towers should not be erected near populated areas.

Dennis Janda, City of Manitowoc, spoke in opposition to a moratorium on large wind towers. Mr. Janda noted that Broadwind is the third largest tower manufacturer in the United States and all of their steel is American made. He also said that bats are the only animals that are sensitive to barometric pressure changes. He urged the Board to not pass a moratorium.

No one else present wished to speak, therefore Chairperson Tittl declared public input closed at 8:20 p.m.

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

Planning and Park Commission: Supervisor Waak moved, seconded by Supervisor Korinek to enact Ordinance 6 Creating a Moratorium on Large Wind Towers. Upon discussion and vote, the motion failed with 8 ayes, 14 noes, and 1 abstention. Supervisors Behnke, Henrickson, Hoffman, Konen, Korinek, Muench, Waack, and Wagner voted aye; all other supervisors voted no. Supervisor Tittl abstained.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Bob Ziegelbauer to the Lakeland Long Term Care District Board for a three year term expiring June 2014. Supervisor Brey moved, seconded by Supervisor Henrickson to approve the appointment. Upon vote, the motion carried with 21 ayes and 2 noes. Supervisors Burke and Metzger voted no; all other supervisors voted aye.

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 (2011/2012-47) Authorizing Aging and Disability Resource Center Services Agreement (ADRC of the Lakeshore). Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING AGING AND DISABILITY
RESOURCE CENTER SERVICES AGREEMENT
(ADRC of the Lakeshore)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Manitowoc County Board of Supervisors previously endorsed the concept of providing aging and disability resource center services through a regional “ADRC of the Lakeshore” and authorized the ADRC Director and other county officials to meet and confer with Kewaunee county officials for the purpose of preparing an intergovernmental cooperation agreement for the operation of an ADRC to provide services to the residents of both counties; and

WHEREAS, the Manitowoc County Board of Supervisors directed that the Aging and Disability Resource Center Board review the proposed intergovernmental cooperation agreement and make a recommendation to the county board for an agreement with Kewaunee County that addresses the composition and responsibilities of a joint ADRC board; the services and means by which those services are to be provided to the residents of each county; the responsibilities of each county to provide staff, office space, equipment, infrastructure, and other support; accounting, budgeting, and funding procedures; and legal and personnel services; and

WHEREAS, the Corporation Counsels for Kewaunee and Manitowoc Counties have prepared an Aging and Disability Resource Center Services Agreement which has been reviewed by representatives from both counties and by the Aging and Disability Resource Center Board, which recommends that Manitowoc County enter into the proposed agreement;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors authorizes the County Executive to sign the Aging and Disability Resource Center Service Agreement on behalf of Manitowoc County.

Dated this 20th day of September 2011.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Panosh gave a brief report. Their next meeting will be October 13.

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

Finance Committee: County Clerk Aulik explained that the Resolution Authorizing Issuance and Sale of \$2,710,000 General Obligation Refunding Bonds had been placed on the agenda in the amount of \$2,770,000. The discrepancy was due to the fact that the lending rate of the bond wasn't locked in until the day of the meeting.

Human Services Board: Supervisor Metzger read a brief report written by Supervisor Rappe.

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

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Hansen to adopt Resolution 3 (2011/2012-48) Authorizing Establishment of Manitowoc County Retiree Medical Savings Account. Upon discussion and vote, the motion carried with 21 ayes and 2 noes. Supervisors Metzger and Vogel voted no; all other supervisors voted aye.

No. 2011/2012 - 48

**RESOLUTION AUTHORIZING ESTABLISHMENT OF
MANITOWOC COUNTY RETIREE MEDICAL SAVINGS ACCOUNT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

WHEREAS, the Manitowoc County Board of Supervisors authorized the maintenance of the certain benefits that were provided under the expired AFSCME collective bargaining agreements pending policy development and adoption; and

WHEREAS, the cash payout of 50% of sick leave upon retirement for persons formerly covered under the expired AFSCME agreements differs from the payout of 58% of sick leave into a post-employment health plan authorized by the Manitowoc County Employee Policy Manual; and

WHEREAS, the Health Department Local 5068 and Sheriff's Department employees represented by WPPA participate in the post-employment health plan; and

WHEREAS, the post-employment health plan is being converted to a Manitowoc County Retiree Medical Savings Account as of November 1, 2011, which will allow increased flexibility in the use of funds, including all section 213(d) medical expenses; and

WHEREAS, in order for Manitowoc County to comply with the federal tax code, all covered employees must have their sick leave retirement payout deposited into the Manitowoc County Retiree Medical Savings Account plan; and

WHEREAS, depositing the sick leave retirement payout into the Manitowoc County

Retiree Medical Savings Account will provide an increased payout and favorable tax treatment at no additional cost to the county;

NOW THEREFORE, BE IT RESOLVED that all employees receiving a sick leave retirement payout upon retirement from Manitowoc County be enrolled in the Manitowoc County Retiree Medical Savings Account; and

BE IT FURTHER RESOLVED that this resolution will become effective upon the transfer of funds from the existing Post Employment Health Plan to the Manitowoc County Retiree Medical Savings Account.

Dated this 20th day of September 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 4 (2011/2012-49) Amending Employee Grievance Procedure. Upon vote, the motion carried unanimously.

No. 2011/2012 - 49

RESOLUTION AMENDING EMPLOYEE GRIEVANCE PROCEDURE

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Manitowoc County Board of Supervisors adopted Employee Policy Manual Section 14, Employee Grievances, on July 19, 2011 in order to comply with the requirements of 2011 Wisconsin Act 10; and

WHEREAS, the Personnel Committee has continued to review the actions necessary for Manitowoc County to conform its policies to the requirements of Act 10;

WHEREAS, the Personnel Committee has concluded that an employee should not be charged a filing fee when filing a grievance under the grievance procedure and recommends three changes to Section 14 to assure that it fully conforms to the requirements of Act 10;

NOW, THEREFORE, BE IT RESOLVED that Employee Policy Manual Section 14, Employee Grievances, is amended effective October 1, 2011, as follows:

Sec. 14.02(6) is amended by replacing the word "suspension" with the word "discipline."

Sec. 14.08(1) is amended by striking the words "and paying a \$250 filing fee."

Sec. 14.08(3) is amended by striking the words “and the filing fee.”

Dated this 20th day of September 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 5 (2011/2012-50) Amending Employee Policy Manual (Funeral Leave). Upon vote, the motion carried unanimously.

No. 2011/2012 - 50

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL
(Funeral Leave)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair and equal treatment of County employees and compliance with Federal and State employment laws; and

WHEREAS, this Policy will not impact Health Department employees represented by Local 5068 until the expiration of their Agreement and Sheriff's Department employees represented by WPPA; and

WHEREAS, the current funeral leave policy provides up to two working days with pay, depending on travel and other extenuating circumstances, in the event of the death of a brother-in-law or sister-in-law of either the employee or the employee's spouse; and

WHEREAS, providing up to two working days with pay, depending on travel and other extenuating circumstances, in the event of the death of a son-in-law or daughter-in-law corrects an omission in the current personnel policies;

NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual is amended to include up to two working days with pay, depending on travel and other extenuating circumstances, in the event of the death of a son-in-law or daughter in law.

Dated this 20th day of September 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Bauknecht to adopt Resolution 7 (2011/2012-51) Accepting Motorcycle Enforcement Grant. Upon vote, the motion carried unanimously.

No. 2011/2012 - 51

RESOLUTION ACCEPTING MOTORCYCLE ENFORCEMENT GRANT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Manitowoc County Sheriff's Department has been awarded a Motorcycle Enforcement Grant from Wisconsin Department of Transportation to supplement law enforcement wages and fringe benefits during special motorcycle events; and

WHEREAS, additional law enforcement personnel were utilized at the Hog Rally motorcycle event in June 2011;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors authorizes the Manitowoc County Sheriff's Department to accept a Motorcycle Enforcement Grant in the amount of \$1,477.37 for wages and fringe benefits from Wisconsin Department of Transportation; and

BE IT FURTHER RESOLVED that the 2011 budget is amended by the amount of the grant funds received and that the Comptroller/Auditor is directed to record such information in the official books of the County for the year ending December 31, 2011 as may be required.

Dated this 20th day of September 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by \$1,477.37.

APPROVED: Bob Ziegelbauer, County Executive.

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

Special Committee on Number and Apportionment of County Board Supervisory Districts: Supervisor Tittl moved, seconded by Supervisor Maresh to adopt Resolution 8 (2011/2012-52) Adopting Final Manitowoc County Supervisory District Plan. Upon vote, the motion carried unanimously.

**RESOLUTION ADOPTING FINAL
MANITOWOC COUNTY SUPERVISORY DISTRICT PLAN**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Wisconsin counties are required by the Wisconsin Statutes to adopt a tentative supervisory district plan, submit the tentative plan to municipalities in the county to permit the municipalities to divide their jurisdiction into wards in accordance with the tentative plan, conduct a public hearing upon receipt of the last municipal ward plan, and adopt a final county supervisory district plan; and

WHEREAS, Manitowoc County adopted a tentative Manitowoc County Supervisory District Plan on May 17, 2011, which provided for 25 supervisory districts, and submitted said plan to all of the municipalities for their consideration and preparation of municipal ward plans that are in accord with the county plan; and

WHEREAS, Manitowoc County amended the tentative Manitowoc County Supervisory District Plan on June 21, 2011 at the request of the City of Manitowoc and the Towns of Manitowoc, Two Rivers, and Schleswig; and

WHEREAS, the last municipal ward plan necessary to prepare a final Manitowoc County Supervisory District Plan was submitted to the Manitowoc County Clerk on August 24, 2011; and

WHEREAS, the Special Committee on Number and Apportionment of County Board Supervisory Districts held a public hearing on the final Manitowoc County Supervisory District Plan on September 12, 2011 to allow citizens the opportunity to express their views on the Plan;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors hereby adopts the Manitowoc County Supervisory District Plan dated September 20, 2011, which provides for 25 county supervisory districts with the district boundaries as described in detail in text and map form within the plan, a copy of which is on file in the office of the County Clerk; and

BE IT FURTHER RESOLVED that the Manitowoc County Board Chair shall file a certified copy of the Manitowoc County Supervisory District Plan with the Secretary of State.

Dated this 20th day of September 2011.

Respectfully submitted by the Special Committee on Number and Apportionment of County Board Supervisory Districts.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous: Supervisor Randy Vogel

Supervisor Vogel moved, seconded by Supervisor Henrickson to adopt Resolution 9 (2011/2012-53) Approving Town of Newton Zoning Map (Scott Konik). Upon vote, the motion carried with 22 ayes and 1 abstention. Supervisor Behnke abstained.

No. 2011/2012 - 53

**RESOLUTION APPROVING TOWN OF NEWTON ZONING MAP
(Scott Konik)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors approves the zoning ordinance that was adopted by the Town Board of the Town of Newton for Scott Konik on August 10, 2011.

Dated this 20th day of September 2011.

Respectfully submitted by Randy Vogel, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Tittl: Supervisor Tittl moved, seconded by Supervisor Vogt to enact Ordinance 10 (2011/2012-54) Amending MCC § 4.05(1) (County Executive's Budget). Upon discussion and vote, the motion carried with 17 ayes and 6 noes. Supervisors Brey, Hansen, Henrickson, Konen, Wagner, and Weiss voted no; all other supervisors voted aye.

**ORDINANCE AMENDING MCC § 4.05(1)
(County Executive's Budget)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the county code presently sets a date certain by which the county executive must present a proposed budget to the county board, even though the date of the annual meeting at which a public hearing on the budget is heard may sometimes be changed; and

WHEREAS, it is in the county's interest to allow sufficient time for the county executive to prepare, publish, and present a proposed budget to the county board, provided that the budget is presented to the county board at least 7 days prior to the county board's annual meeting;

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

Manitowoc County Code sec. 4.05(1) is amended by replacing the words "to be held on or before October 15" with the words "in October that takes place at least 7 days prior to the county board's annual meeting" so that the section reads as follows:

The county executive will prepare, publish, and present a proposed annual budget for the next year at a county board meeting in October that takes place at least 7 days prior to the county board's annual meeting.

Dated this 20th day of September 2011.

Respectfully submitted by Paul R. Tittl, County Board Chair.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Chairperson Tittl announced that the next meeting will be October 18.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Markwardt, and the motion was adopted by acclamation. The meeting adjourned at 9:25 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, October 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 October 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 Henrickson gave the invocation, which was followed by the Pledge of Allegiance to the Flag recited 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 Konen, seconded by Supervisor Brey the September 20th, 2011 meeting minutes were approved on a unanimous vote.

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

By unanimous consent, County Executive Bob Ziegelbauer's 2012 budget proposal would follow public input.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl presented a Proclamation Proclaiming America Recycles Day 2011 to Public Works Director Jeff Beyer. Director Beyer commented that Manitowoc County's solid waste has been reduced from 57 tons to 38 tons due to recycling. He answered supervisors' questions.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:11 p.m.

Don Zimmer, City of Two Rivers, and Chairperson of the Manitowoc County Republican Party, asked supervisors not to ban concealed carry of weapons in county owned buildings. He noted that they worked with legislators to properly put the concealed carry law in place.

Bill Gamble, Town of Manitowoc, spoke in support of allowing concealed weapons to be carried in county owned buildings.

John Glaeser, City of Manitowoc, addressed the Board in support of the concealed weapon carry law. He commented that the law was long overdue.

Jim Leist, City of Manitowoc, and the Chair of the local TEA Movement, spoke in support of concealed carry. He referred to the 2nd amendment and noted that like our Founding Fathers, he would rather have concealed carry than be at the mercy of someone with a gun. He asked supervisors to think long and hard before making rules banning concealed carry in county buildings.

Patricia Shemchak, Town of Newton, asked supervisors not to ban conceal carry of guns. She talked about the Appleseed Project which is a rifle marksmanship and historical awareness program developed by the Revolutionary War Veterans Association that teaches safe gun practices. She also commented that a posted sign banning concealed carry will not stop a criminal.

Cathy Shallue, City of Manitowoc, and an armed security guard at Two Creeks Nuclear Plant, spoke in opposition to a ban on concealed carry. She expressed the sentiment that having a concealed weapon will help you to be safe in your home.

Deb Keil, City of Manitowoc, read a statement written by her husband who is employed by the Manitowoc County Sheriff's Department. The letter referenced the sale of the Health Care Center, and staff reductions in Human Services and Highway Department took place to save costs. Now, for additional savings, a newly hired law enforcement officer is punished by having to contribute \$7,000 for a family plan for health insurance. She noted that to save tax dollars, we need to look at the Wisconsin welfare system and the immigrant who can live here tax free for seven years.

Steve Dietrich, City of Manitowoc, thanked Planning and Parks Director Tim Ryan and Corporation Counsel Steve Rollins for their work on rewriting Manitowoc County's zoning code. He asked the Board to adopt it in its present form.

Michelle Haese, City of Manitowoc, addressed the Board regarding her employment termination from Manitowoc County as a social worker and an AODA Counselor. She now works for the Kettle Moraine Correctional Institute. She commented that, to its detriment, Manitowoc County is losing educated and professional employees to other counties.

No one else present wished to speak, therefore Chairperson Tittl declared public input closed at 7:40 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer presented the 2012 Proposed Budget. He said that he had two goals in mind. The first goal is to hold the line on property taxes and the second goal is to provide stable employment for our employees. The challenges that we face this year include a loss of interest income due to extremely low interest rates, lower shared revenue, and a decline in rented jail space. This will be the sixth year that a typical taxpayer will see a slight decrease in the tax dollars that are paid to the county. He answered supervisors' questions.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Frank Hlinak and Donald Vorpahl to the Transportation Coordinating Committee for a three year term expiring April 2014. Supervisor Konen moved, seconded by Supervisor Maresh to approve the appointments. Upon vote, the motion carried by unanimous consent.

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

Supervisors Bauknecht and Rappe stepped out of the room.

Aging & Disability Resource Center Board: Supervisor Maresh moved, seconded by Supervisor Schneider to adopt Resolution 1 (2011/2012-55) Authorizing Addition of 3.3 Full-Time Equivalent Positions to ADRC. Upon vote, the motion carried with 23 ayes and 0 noes.

No. 2011/2012 - 55

RESOLUTION AUTHORIZING ADDITION OF 3.3 FULL-TIME EQUIVALENT POSITIONS TO ADRC

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

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

WHEREAS funding in the 2011 budget allows for the addition of one full-time Information and Assistance Specialist; and

WHEREAS, the demand for the services exceeds the available hours of service; and

WHEREAS, the Manitowoc County Board of Supervisors has authorized creation of the ADRC of the Lakeshore to collaboratively provide ADRC services to the citizens of Manitowoc and Kewaunee Counties; and

WHEREAS, two additional Information and Assistance Specialists and an additional 0.3 FTE Disability Benefit Specialist will be required as a result of the creation of the ADRC of the Lakeshore; and

WHEREAS, funding generated from the services provided to Kewaunee County residents under the ADRC of the Lakeshore Agreement will pay for the costs of the additional staff needed to provide the services required by the agreement;

NOW, THEREFORE, BE IT RESOLVED that the number of authorized positions for the Aging and Disability Resource Center be increased by 3.3 full time equivalent positions; and

BE IT FURTHER RESOLVED that one full-time Information and Assistance Specialist may be hired immediately; and

BE IT FURTHER RESOLVED that the Current Disability Benefit Specialist be increased from .7 FTE to 1.0 FTE and 2.0 FTE Information and Assistance Specialists be hired when the ADRC of the Lakeshore Agreement becomes effective; and

BE IT FURTHER RESOLVED that the current Disability Benefit Specialist be made full-time and the Information and Assistance Specialist positions be filled in accordance with the Employee Policy Manual; and

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

Dated this 18th Day of October 2011.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. The positions will be funded entirely with state and federal dollars received as a result of services provided to Kewaunee and Manitowoc County residents through the ADRC of the Lakeshore.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisors Bauknecht and Rappe returned.

Board of Health: Supervisor Schneider gave a brief report.

Supervisor Schneider moved, seconded by Supervisor Vogel to adopt Resolution 2 (2011/2012-56) Authorizing Contract with City of Appleton Health Department for Public Health Emergency Preparedness Planning Services. Upon vote, the motion carried unanimously.

No. 2011/2012 - 56

**RESOLUTION AUTHORIZING CONTRACT WITH CITY OF
APPLETON HEALTH DEPARTMENT FOR PUBLIC HEALTH
EMERGENCY PREPAREDNESS PLANNING SERVICES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Health Department is the official public health agency responsible for public health emergency preparedness (PHEP) for Manitowoc County and receives grant funding from the federal government for PHEP planning; and

WHEREAS, Manitowoc does not employ any PHEP planners and needs to purchase planning services in order to successfully complete its PHEP grant objectives; and

WHEREAS, the City of Appleton employs staff that are trained and qualified to provide PHEP planning services and is willing to provide the necessary planning services under a contract with Manitowoc County; and

WHEREAS, Health Department staff and the Corporation Counsel have reviewed a proposed contract and the Board of Health recommends that the county enter into a contract for Appleton to provide planning services that are necessary to coordinate, implement, and document the public health emergency preparedness activities required by the federal grants;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors authorizes the County Executive, County Clerk, and such other officials as may be necessary to sign a contract with the City of Appleton Health Department for up to 19 days of service of public health emergency preparedness planning services each fiscal year for a fee of \$7,000, with necessary travel to be billed at the then current IRS mileage reimbursement rate.

Dated this 18th day of October 2011.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No tax levy impact. \$7,000 for contracted services, plus mileage expenses to be paid from federal grant funds.

APPROVED: Bob Ziegelbauer, County Executive.

Executive Committee: Chairperson Tittl invited everyone to the Veterans' Day Commemoration that will take place at the Veterans Memorial at 1701 Michigan Avenue on November 11.

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

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to enact Ordinance 3 (2011/2012-57) Amending Manitowoc County Code § 1.03(4) (Supervisory Districts). Upon vote, the motion carried unanimously.

No. 2011/2012 - 57

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 1.03(4)
(Supervisory Districts)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Manitowoc County Board adopted a final supervisory district plan by Resolution No. 2011/2012-52 dated September 20, 2011; and

WHEREAS, the supervisory districts established in the final supervisory district plan need to be incorporated into the Manitowoc County Code;

NOW, THEREFORE, BE IT RESOLVED that Manitowoc County Code sec. 1.03(4) is amended to read as follows:

- (4) The following districts were established by Resolution No. 2011/2012-52, Resolution Adopting Final Manitowoc County Supervisory District Plan, dated September 20, 2011, and are effective for those elections for which nomination papers may be taken out on or after December 1, 2011:

	Municipality	Ward	Population
District No. 1:	City of Manitowoc	1	2,036
	<u>City of Manitowoc</u>	<u>2</u>	<u>1,318</u>
	Total		3,354
District No. 2:	City of Manitowoc	3	1,351
	<u>City of Manitowoc</u>	<u>4</u>	<u>2,037</u>
	Total		3,388
District No. 3:	City of Manitowoc	5	1,791
	<u>City of Manitowoc</u>	<u>6</u>	<u>1,604</u>
	Total		3,395
District No. 4:	City of Manitowoc	7	1,649
	<u>City of Manitowoc</u>	<u>8</u>	<u>1,654</u>
	Total		3,303
District No. 5:	City of Manitowoc	9	1,577
	<u>City of Manitowoc</u>	<u>10</u>	<u>1,831</u>
	Total		3,408
District No. 6:	City of Manitowoc	11	1,981
	<u>City of Manitowoc</u>	<u>12</u>	<u>1,312</u>
	Total		3,293
District No. 7:	City of Manitowoc	13	1,352
	<u>City of Manitowoc</u>	<u>14</u>	<u>2,070</u>
	Total		3,422
District No. 8:	City of Manitowoc	15	1,704
	<u>City of Manitowoc</u>	<u>16</u>	<u>1,765</u>
	Total		3,469
District No. 9:	City of Manitowoc	17	1,523
	<u>City of Manitowoc</u>	<u>18</u>	<u>1,866</u>
	Total		3,389

District No. 10:	City of Manitowoc	19	1,415
	City of Manitowoc	20	1,900
	Total		3,315
District No. 11:	Town of Liberty	2	729
	Town of Manitowoc	1	763
	Town of Manitowoc Rapids	5	172
	Town of Newton	2	694
	Town of Newton	3	807
	Total		3,165
District No. 12:	Town of Centerville		645
	Town of Meeme	3	120
	Town of Meeme	4	129
	Town of Newton	1	763
	Village of Cleveland	1	909
	Village of Cleveland	2	576
	Total		3,142
District No. 13:	City of Kiel	9	0
	Town of Meeme	1	702
	Town of Meeme	2	495
	Town of Schleswig	1	968
	Town of Schleswig	2	995
	Total		3,160
District No. 14:	City of Kiel	1	631
	City of Kiel	2	647
	City of Kiel	3	604
	City of Kiel	4	613
	City of Kiel	5	618
	City of Kiel	6	316
	Total		3,429
District No. 15:	Town of Eaton		833
	Town of Liberty	1	552
	Town of Rockland	1	445
	Town of Rockland	2	556
	Village of St. Nazianz	1	783
	Total		3,169
District No. 16:	Town of Franklin	1	604
	Town of Franklin	2	510
	Town of Maple Grove		835
	Village of Reedsville	1	707
	Village of Reedsville	2	499
	Total		3,155

District No. 17:	Town of Kossuth	1	747
	Town of Kossuth	2	741
	Town of Kossuth	3	602
	Village of Francis Creek		669
	Village of Kellnersville		<u>332</u>
	Total		3,091
District No. 18:	Town of Cato	1	588
	Town of Cato	2	978
	Village of Valders		962
	Village of Whitelaw		<u>757</u>
	Total		3,285
District No. 19:	Town of Cooperstown	1	638
	Town of Cooperstown	2	654
	Town of Franklin	3	150
	Town of Gibson	1	661
	Town of Gibson	2	683
	Village of Maribel		<u>351</u>
	Total		3,137
District No. 20:	Town of Mishicot	1	812
	Town of Mishicot	2	477
	Town of Two Creeks		437
	Village of Mishicot	1	761
	Village of Mishicot	2	<u>681</u>
	Total		3,168
District No. 21:	City of Manitowoc	21	2
	Town of Manitowoc	2	320
	Town of Manitowoc Rapids	1	489
	Town of Manitowoc Rapids	2	438
	Town of Manitowoc Rapids	3	481
	Town of Manitowoc Rapids	4	568
	Town of Two Rivers	1	<u>912</u>
	Total		3,210
District No. 22:	Town of Two Rivers	2	879
	City of Two Rivers	1	1,144
	City of Two Rivers	2	<u>1,143</u>
	Total		3,166
District No. 23:	City of Two Rivers	3	1,616
	City of Two Rivers	4	<u>1,595</u>
	Total		3,211

District No. 24:	City of Two Rivers	5	1,559
	City of Two Rivers	6	1,558
	Total		3,117
District No. 25:	City of Two Rivers	7	1,530
	City of Two Rivers	8	1,571
	Total		3,101

Dated this 18th day of October 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench reported that their next meeting will be November 14.

Highway Committee: Supervisor Markwardt gave a brief report.

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

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 adopt Resolution 4 Amending Employee Policy Manual (Workplace Violence Policy).

Supervisor Vogt moved, seconded by Supervisor Korinek to table Resolution 4 Amending Employee Policy Manual (Workplace Violence Policy) until November 15 County Board meeting. Upon discussion and vote, the motion carried unanimously.

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

Supervisor Waack moved, seconded by Supervisor Bauknecht to adopt Resolution 5 (2011/2012-58) 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:

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

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

WHEREAS, the Department of Natural Resources has provided Manitowoc County with a grant for 100% of the funding necessary to develop roughly 5 miles of the Devils River State Recreation Trail; and

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

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

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

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

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

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

BE IT FURTHER RESOLVED that revenues in the 2011 budget are amended by the amount of the grant, that expenditures in the 2011 budget are amended by an amount equal to the grant, and that the Comptroller/Auditor is directed to record such information in the official books of the County as may be required.

Dated this 18th day of October 2011.

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 Hoffman to enact Ordinance 6 (2011/2012-59) Amending MCC Chs. 20, 24, and 25 (Emergency Communications Corridors). Upon vote, the motion carried unanimously.

No. 2011/2012 - 59

**ORDINANCE AMENDING MCC CHS. 20, 24, AND 25
(Emergency Communications Corridors)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Manitowoc County is presently in the final stages of updating its emergency communications system; and

WHEREAS, it is in the public interest to protect the communications corridors used by the emergency communications system to protect the system against unwanted interference that could disrupt the operation of the system and jeopardize public safety;

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

Manitowoc County Code sec. 20.105 is created to read as follows:

20.105 Signal Interference.

A tower may not be located within an emergency communication corridor, which is defined as the area within 500 feet of a line connecting a specified pair of communication towers. Each of the following pairs of communication towers, whose locations are described using Manitowoc County coordinates, delineate a protected emergency communication corridor:

- (1) Kiel (X-133315.45; Y-236065.77) and Liberty Tower (X-172207.20; Y-271117.45);
- (2) Manitowoc (X-233381; Y-299218) and Cato (X-180750; Y-3209973);
- (3) Manitowoc (X-233381; Y-299218) and Mishicot (X-244031; Y-355404);
- (4) Cleveland WT (X-206682.6; Y-235358.04) and Liberty Tower (X-172207.20; Y-271117.45);
- (5) Liberty Tower (X-172207.20; Y-271117.45) and Franklin (X-185775.53; Y-333484.18);
- (6) Liberty Tower (X-172207.20; Y-271117.45) and Manitowoc C&T Tower (X-233194.94; Y-299313.57);
- (7) Manitowoc C&T Tower (X-233194.94; Y-299313.57) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
- (8) Franklin (X-185775.53; Y-333484.18) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
- (9) Franklin (X-185775.53; Y-333484.18) and Two Creeks (X-261373.03; Y-365817.48);
- (10) Franklin (X-185775.53; Y-333484.18) and Maribel WT (X-194873.32; Y-368261.55);
- (11) Two Rivers USCC Tower (X-250860.72; Y-335796.39) and Two Creeks (X-261373.03; Y-365817.48); and
- (12) Maribel WT (X-194873.32; Y-368261.55) and Two Creeks (X-261373.03; Y-365817.48).

Manitowoc County Code sec. 24.11(2) is amended to read as follows:

A large wind energy system or met tower may not be located within an emergency communication corridor, which is defined as the area within 500 feet of a line connecting a specified pair of communication towers. Each of the following pairs of communication towers, whose locations are described using Manitowoc County coordinates, delineate a protected emergency communication corridor:

- (a) Kiel (X-133315.45; Y-236065.77) and Liberty Tower (X-172207.20; Y-271117.45);

- (b) Manitowoc (X-233381; Y-299218) and Cato (X-180750; Y-3209973);
- (c) Manitowoc (X-233381; Y-299218) and Mishicot (X-244031; Y-355404);
- (d) Cleveland WT (X-206682.6; Y-235358.04) and Liberty Tower (X-172207.20; Y-271117.45);
- (e) Liberty Tower (X-172207.20; Y-271117.45) and Franklin (X-185775.53; Y-333484.18);
- (f) Liberty Tower (X-172207.20; Y-271117.45) and Manitowoc C&T Tower (X-233194.94; Y-299313.57);
- (g) Manitowoc C&T Tower (X-233194.94; Y-299313.57) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
- (h) Franklin (X-185775.53; Y-333484.18) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
- (i) Franklin (X-185775.53; Y-333484.18) and Two Creeks (X-261373.03; Y-365817.48);
- (j) Franklin (X-185775.53; Y-333484.18) and Maribel WT (X-194873.32; Y-368261.55);
- (k) Two Rivers USCC Tower (X-250860.72; Y-335796.39) and Two Creeks (X-261373.03; Y-365817.48); and
- (l) Maribel WT (X-194873.32; Y-368261.55) and Two Creeks (X-261373.03; Y-365817.48).

Manitowoc County Code sec. 25.06(10)(b) is amended to read as follows:

(b) A small wind energy system or met tower may not be located within an emergency communication corridor, which is defined as the area within 500 feet of a line connecting a specified pair of communication towers. Each of the following pairs of communication towers, whose locations are described using Manitowoc County coordinates, delineate a protected emergency communication corridor:

1. Kiel (X-133315.45; Y-236065.77) and Liberty Tower (X-172207.20; Y-271117.45);
2. Manitowoc (X-233381; Y-299218) and Cato (X-180750; Y-3209973);
3. Manitowoc (X-233381; Y-299218) and Mishicot (X-244031; Y-355404);

4. Cleveland WT (X-206682.6; Y-235358.04) and Liberty Tower (X-172207.20; Y-271117.45);
5. Liberty Tower (X-172207.20; Y-271117.45) and Franklin (X-185775.53; Y-333484.18);
6. Liberty Tower (X-172207.20; Y-271117.45) and Manitowoc C&T Tower (X-233194.94; Y-299313.57);
7. Manitowoc C&T Tower (X-233194.94; Y-299313.57) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
8. Franklin (X-185775.53; Y-333484.18) and Two Rivers USCC Tower (X-250860.72; Y-335796.39);
9. Franklin (X-185775.53; Y-333484.18) and Two Creeks (X-261373.03; Y-365817.48);
10. Franklin (X-185775.53; Y-333484.18) and Maribel WT (X-194873.32; Y-368261.55);
11. Two Rivers USCC Tower (X-250860.72; Y-335796.39) and Two Creeks (X-261373.03; Y-365817.48); and
12. Maribel WT (X-194873.32; Y-368261.55) and Two Creeks (X-261373.03; Y-365817.48).

Dated this 18th day of October 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Bauknecht gave a brief report.

Supervisor Bauknecht moved, seconded by Supervisor Henrickson to enact Ordinance 7 (2011/2012-60) Amending Manitowoc County Code § 4.13(3m) (Electronic Monitoring Program Fees). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 60

**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 4.13 (3m)
(Electronic Monitoring Program Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Manitowoc County presently charges an electronic monitoring program fee that is used to pay for the cost of the electronic monitoring program; and

WHEREAS, the Sheriff wishes to increase the electronic monitoring program one time processing fee and daily participation fee that is used to support the program;

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

The electronic monitoring program fee authorized by Manitowoc County Code sec. 4.13(3m)(b) one-time processing fee of \$40, tax included, is increased to \$50, tax included, for each period of time that a prisoner participates in the electronic monitoring program; and

The electronic monitoring program fee authorized by Manitowoc County Code sec. 4.13(3m)(b) daily fee is increased from \$22 per day to \$25 per day.

These amendments are effective November 1, 2011.

Dated this 18th day of October 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Increases revenue by approximately \$16,000 annually.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report.

Transportation Coordinating Committee: Supervisor Konen reported that their next meeting will be November 3.

Miscellaneous: Supervisor Tittl: Supervisor Tittl moved, seconded by Supervisor Brey to enact Ordinance 8 (2011/2012-61) Repealing Manitowoc County Code § 6.22 and Amending Manitowoc County Code § 14.07(3). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 61

**ORDINANCE REPEALING MANITOWOC COUNTY CODE § 6.22
AND AMENDING MANITOWOC COUNTY CODE § 14.07(3)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, 2011 Wisconsin Act 35, the Concealed Carry Weapons Law, repealed existing prohibitions against carrying concealed and dangerous weapons and authorized the Wisconsin Department of Justice to issue licenses permitting qualified citizens to carry concealed weapons; and

WHEREAS, Manitowoc County Code sec. 6.22, which prohibits carrying a concealed weapon, and Manitowoc County Code sec. 14.07(3), which pertains to firearms in county parks, contain provisions that are inconsistent with changes to the Wisconsin Statutes that were enacted as part of 2011 Wisconsin Act 35 and that will become effective on November 1, 2011;

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

Manitowoc County Code sec. 6.22 is repealed effective on November 1, 2011; and

Manitowoc County Code sec. 14.07(3) is amended to read as follows effective November 1, 2011:

- (3) Firearms. Except as authorized by Wis. Stat. § 941.23, it is unlawful for any person to have in his or her possession or under his or her control, any firearm or airgun as defined in Wis. Stat. § 939.22, unless it is unloaded and enclosed in a carrying case. No person shall take, catch, kill, hunt, trap, pursue, or otherwise disturb any wild animals or birds in any County Park or other areas under the supervision and control of the Commission.

Dated this 18th day of October 2011.

Respectfully submitted by Paul R. Tittl, County Board Chair.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Chairperson Tittl announced that the next meeting will be November 7.

Supervisor Maresh reminded supervisors to complete their United Way pledge forms.

Supervisor Bauknecht moved to adjourn, seconded by Supervisor Gerroll, and the motion was adopted by acclamation. The meeting adjourned at 8:49 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, November 7, 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 October 2011, for the purpose of transacting business as a Board of Supervisors.

Vice-Chairperson Kevin Behnke called the meeting to order at 7:01 P.M.

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

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

On motion by Supervisor Markwardt, seconded by Supervisor Vogel the October 18th, 2011 meeting minutes were approved on a unanimous vote.

There were no changes to the agenda. Supervisor Schmidt moved, seconded by Supervisor Bauknecht to approve the agenda. Upon vote, the motion carried unanimously.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer provided a brief overview of the County Executive's 2012 proposed annual budget explaining that his two principal themes are to hold the line on taxes and to provide employment stability. He asked the Board to resist the urge to micromanage the proposed budget because small changes may risk the entire operation.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Vice-Chairperson Behnke declared public input open on the 2012 County Executive's Proposed Annual Budget at 7:05 p.m.

Maura Yost, Town of Newton, and a member of the Human Services Board, addressed the Board regarding the position of Human Services Director. She thanked County Executive Ziegelbauer for his management of Human Services. Ms. Yost explained that the Human Services Board unanimously passed a proposal to fill the position of Human Services Director that is mandated by state statute. She also noted that a Human Services Director would enhance the programs in a department that has 84.3 FTE's and contracted employees with a \$35 million dollar budget.

No one else present wished to speak. Supervisor Gerroll moved, seconded by Supervisor Hoffman to close public input on the proposed 2012 budget. Upon vote, the motion was confirmed by unanimous consent.

Vice-Chairperson Behnke opened public input on non-budget issues at 7:12 p.m.

Larry Bonde, Town of Meeme, addressed the Board with concerns about the zoning ordinance. He read excerpts from a Dr. Seuss book to illustrate the irony of attempting to make a natural area more perfect with changes. To preserve the features of a natural area, he asked supervisors to add limitations to what can be done with a natural area.

Richard Salm, Town of Meeme, was concerned about potential consequences in the zoning code regarding farm residences in principle use and secondary use. He asked for more restrictive zoning language to preserve farmland.

Glenn Peterman, Town of Two Rivers, spoke in opposition to property owners turning homes into vacation rentals in a residential area. He was disturbed by the deterioration of the quality of living in his neighborhood due to excessive noise and public drunkenness involving the 15 or 20 vacationers who stay at the home in any given week. He asked the Board to not grandfather these owners into the current zoning ordinance.

Tom Jessesky, Town of Two Rivers, also spoke on vacation rentals in his neighborhood. He noted continued problems with excessive noise violations with as many as 20 vacationers in one home. He asked the Board to look at the zoning code and make necessary changes so that these problems will not continue.

Pam Wergin, Town of Two Rivers, discussed vacation homes. She noted that it was zoned for two family homes when they moved in 22 years ago. She asked the Board to not allow the grandfather clause in the zoning ordinance.

Joel Aulik, Town of Liberty, and a Town Board member, spoke in support of the current zoning ordinance. He noted that while the ordinance is not perfect, it is necessary to move forward.

Dan Christopherson, Town of Eaton Chair, spoke in support of the zoning ordinance. He expressed the opinion that the ordinance was properly reviewed.

Lee Engelbrecht, Town of Two Creeks Chair, urged the Board to pass the zoning ordinance. He noted that while the ordinance may not be perfect, it can be amended as needed.

No one else present wished to speak, therefore Vice-Chairperson Behnke declared public input closed at 7:38 p.m.

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

Finance Committee: Supervisor Muench moved, seconded by Supervisor Marsh, to adopt Resolution 1 (2011/2012-62) Canceling County Checks Not presented Within Two Years of Issuance. Upon vote, the motion carried unanimously.

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a few of the thousands of checks issued by Manitowoc County are
2 not presented for payment within two years of their date of issuance, and the County Treasurer is
3 required to account for these uncashed checks in the reserve to the County's checking account,
4 and

5
6 WHEREAS, Wis. Stat. § 59.64(4e) provides that the County Board may, at its
7 annual meeting, cancel checks which have not been presented for payment within two years of
8 their issuance;

9
10 NOW, THEREFORE, BE IT RESOLVED that those checks which are shown on
11 the attached, which were issued by Manitowoc County prior to October 31, 2009, and which
12 have not been presented for payment within two years of their issuance, are hereby canceled and
13 without value; and

14
15 BE IT FURTHER RESOLVED that the payee of a canceled check may make
16 application to the County Board Chair and County Clerk to have a new check issued for the
17 original amount, without interest, and that the County Treasurer shall issue such a check within
18 sixty days of written notice of approval of such application by the County Board Chair and
19 County Clerk.

Dated this 7th day of November 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT:	Increase in available cash balance in Account 100-001:	\$3,464.55
	Increase in available cash balance in Account 160-485:	\$1,921.10
	<u>Increase in available cash balance in Account 126-770:</u>	<u>\$ 250.51</u>
	Total increase in available cash balance:	\$5,636.16

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench reported that their next meeting will be November 14.

Planning and Park Commission:

Tim Ryan, Director of Planning and Zoning, gave a presentation on the proposed revision to Manitowoc County Code Chapter 8.

Supervisor Waack moved, seconded by Supervisor Hoffman, to enact Ordinance 2 (2011/2012-63) Repealing Existing Ordinance and Reenacting Comprehensive Revision to Manitowoc County Code Ch. 8 (General Zoning and Land Use Regulation). Upon discussion and vote, motion carried with 18 ayes and 5 noes. Supervisors Burke, Henrickson, Konen, Rappe, and Schneider voted no; all other supervisors vote aye.

No. 2011/2012 - 63

**ORDINANCE REPEALING EXISTING ORDINANCE AND REENACTING
COMPREHENSIVE REVISION TO MANITOWOC COUNTY CODE CH. 8
(General Zoning and Land Use Regulation)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County adopted a general zoning ordinance more than 40 years
2 ago in order to provide for reasonable regulations that would promote the public health, safety,
3 convenience, and general welfare; encourage planned and orderly land use development; protect
4 property values and the property tax base; and achieve the other purposes set forth in Wis. Stat. §
5 59.69(1) and other statutes; and

6
7 WHEREAS, the Wisconsin Department of Agriculture, Trade and Consumer Protection
8 (DATCP) has required that Manitowoc County revise its general zoning ordinance and
9 associated zoning maps by January 1, 2012 if the county wants to continue its participation in the
10 farmland preservation program, which is now part of the Working Lands Initiative that was
11 adopted into law in 2009; and

12
13 WHEREAS, the farmland preservation program provides tax credits to Manitowoc
14 County farmers that total approximately \$1,000,000 annually; and

15
16 WHEREAS, the Planning and Park Commission recommended a comprehensive revision
17 of the general zoning ordinance in order to modernize the code, address changes in land use
18 planning that have taken place over the past 40 years, and update the ordinance and zoning maps
19 to meet DATCP requirements; and

20
21 WHEREAS, the Planning and Zoning Department secured grant funds to assist in
22 preparing a comprehensive revision of the general zoning ordinance and the associated zoning
23 maps; and

24
25 WHEREAS, the Planning and Park Commission, after providing the required notice,
26 held a hearing on October 17, 2011 to consider the proposed comprehensive revision to the
27 general zoning ordinance and associated zoning maps; and

28
29 WHEREAS, the Planning and Park Commission, after careful consideration of the
30 testimony at the hearing and an examination of the facts, recommends that the following
31 comprehensive revision of the general zoning ordinance and associated maps be approved;

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

34
35 Manitowoc County Code Chapter 8, General Zoning, Manitowoc County Zoning
36 Ordinance, Use Regulations, is repealed in its entirety and reenacted to read as follows:

37
38 CHAPTER 8

39
40 **GENERAL ZONING AND**
41 **LAND USE REGULATION**

42
43 Part I. General Provisions.

- 44
45 8.01 Title.
46 8.02 Authority.
47 8.03 Purpose.
48 8.04 Applicability.
49 8.05 Severability.
50 8.06 Effective Date.

51
52 Part II. Definitions.

- 53
54 8.07 Definitions.

55
56 Part III. Zoning Districts.

- 57
58 8.08 Establishment of Districts.
59 8.09 Exclusive Agriculture (EA).
60 8.10 General Agriculture (GA).
61 8.11 Large Estate Residential (LE).
62 8.12 Small Estate Residential (SE).
63 8.13 Rural Residential (RR).
64 8.14 High Density Residential (HD).
65 8.15 Lake Residential (LR).
66 8.16 Commercial/Business (CB).
67 8.17 Industrial (ID).
68 8.18 Natural Area (NA).

69
70 Part IV. Standards.

- 71
72 8.19 Nonconforming Lots of Record.
73 8.20 Nonconforming Structures.
74 8.21 Nonconforming Uses.
75 8.22 Farm Consolidation.
76 8.23 Site Restrictions.

77	8.24	Use Restrictions.
78	8.25	Height Exception.
79		
80		Part V. Supplemental Regulations.
81		
82	8.26	General Standards.
83	8.27	Accessory Structures.
84	8.28	Adult Entertainment Establishments.
85	8.29	Airports and Landing Strips.
86	8.30	Antennas.
87	8.31	Automobile Wrecking Yards, Dumping Grounds, Junk Yards, Sanitary Land Fills, and
88		Salvage Yards.
89	8.32	Cemeteries.
90	8.33	Conservation Clubs, Shooting Clubs, and Shooting Ranges.
91	8.34	Convalescent Homes, Hospitals, Public Buildings, Nursing Homes, Sanitariums, and
92		Utilities.
93	8.35	Driveways; Parking Spaces; and Loading, Standing, and Unloading Areas.
94	8.36	Home Occupations.
95	8.37	Hunting Cabins or Warming Shacks.
96	8.38	Manmade Ponds.
97	8.39	Manufactured Homes and Mobile Homes.
98	8.40	Manufactured Home Parks.
99	8.41	Outdoor Wood Burning Furnaces or Units.
100	8.42	Recreation Vehicles.
101	8.43	Sand, Gravel, and Rock Excavation.
102	8.44	Signs.
103	8.45	Vacation Home Rentals.
104		
105		Part VI. Administration and Amendments.
106		
107	8.46	Planning and Park Commission.
108	8.47	Planning and Zoning Department.
109	8.48	Board of Adjustment.
110	8.49	Amendments.
111		
112		Part VII. Applications and Appeals.
113		
114	8.50	Zoning Permits.
115	8.51	Reasonable Accommodation for Disabled or Handicapped Persons.
116	8.52	Conditional Use Permits.
117	8.53	Site Plan Requirements.
118	8.54	Appeals.
119		
120		Part VIII. Violations, Enforcement, and Penalties.
121		

- 8.55 Violations.
8.56 Enforcement.
8.57 Penalties.

PART I. GENERAL PROVISIONS.

8.01 Title.

This ordinance may be referred to as the General Zoning and Land Use Regulation Ordinance, the General Zoning Ordinance, or the Zoning Ordinance.

8.02 Authority.

This ordinance is adopted pursuant to authority granted by Wis. Stat. § 59.51, 59.69, 59.694, 59.696, 59.697, and 56.698 and all other applicable provisions of the Wisconsin Statutes.

8.03 Purpose.

The purpose of this ordinance is to implement the county's policies by classifying and regulating the use of land and structures in accordance with the county's comprehensive plan in order to promote the best and highest use of property; protect property values; encourage conservation and protection of the county's agricultural land and natural resources; protect the character and qualities of historic sites and scenic areas; preserve and improve the quality of life in the county; and promote and protect the public health, safety, and general welfare.

8.04 Applicability.

This ordinance applies to all development, structures, and land uses within the unincorporated areas of the county.

8.05 Severability.

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

8.06 Effective Date.

Following enactment by the county, this ordinance will become effective in a town when it is approved by a resolution adopted by the town board and a certified copy of the resolution is filed with the county clerk.

PART II. DEFINITIONS.

8.07 Definitions.

“Accessory building” means a building, or any portion of a building, that is subordinate to the main building and that is used for a purpose incidental to the permitted use of the main building or the premises.

“Accessory use” means any use that is subordinate to the principal use and that is incidental to the principal use.

“Agricultural accessory use” means any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - (a) A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (b) A facility used to keep livestock on the farm.
 - (c) A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (d) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (e) A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
 - (f) A manure digester, biofuel facility, or other facility that produces energy primarily for use on the farm and that primarily uses materials grown or produced on the farm.
 - (g) A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- (3) A business, activity, or enterprise, regardless of whether it is associated with an agricultural use, which meets all of the following requirements:
 - (a) It is conducted on a farm by an owner or operator of that farm.
 - (b) It requires no building, structure, or improvement that is not an

212 integral part of or incidental to an agricultural use or that is not a
213 farm residence or a normal appurtenance to a farm residence.

214
215 (c) It employs no more than 4 full-time employees at any time.

216
217 (d) It does not impair or limit the current or future agricultural use of
218 the farm or other protected farmland.

219
220 (4) Hunting shacks or warming shacks provided that no water or sewage
221 facilities are included.

222
223 “Agricultural use” means any of the following activities conducted for the purpose of
224 producing an income or livelihood:

225
226 (1) Aquaculture.

227
228 (2) Beekeeping.

229
230 (3) Crop or forage production.

231
232 (4) Enrolling land in a federal agricultural commodity payment program or a
233 federal or state agricultural land conservation payment program.

234
235 (5) Floriculture.

236
237 (6) Forest management.

238
239 (7) Fur farming.

240
241 (8) Keeping livestock.

242
243 (9) Nursery, sod, or Christmas tree production.

244
245 “Agriculture-related uses” means a facility, regardless of whether it is located on a farm,
246 that has at least one of the following as a primary and not merely incidental purpose:

247
248 (1) Marketing livestock to or from farms.

249
250 (2) Processing agricultural by-products or wastes received directly from
251 farms.

252
253 (3) Providing agricultural supplies, agricultural equipment, agricultural inputs
254 or agricultural services directly to farms.

255
256 (4) Slaughtering livestock.

- (5) Storing, processing or handling raw agricultural commodities obtained directly from farms.

“Airport” means any area of land or water which is used, or intended for use, for the landing and take-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

“Animal unit” means the value used to establish the maximum number of animals permitted on a tract of land. Animal units are calculated by multiplying the number of animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The Animal Unit Factor for each type of livestock is set by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. ATCP 51, Appendix A, Worksheet 1.

“Automobile wrecking yard” means any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

“Basement” means a story partly underground which, if occupied for living purposes, is counted as a story when measuring height.

“Bed and breakfast” means a place of lodging for transient guests that is the owner’s personal residence, that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

“Board” means the board of adjustment.

“Boarding house” means a building, other than a hotel or motel, where lodging, meals, or both, are furnished for compensation for 4 or more persons who are not members of a family.

“Building” means any structure designed, intended, or used for the enclosure, protection, shelter, or support of animals, persons, or property. Each part of a building that is divided into separate parts by unpierced walls extending from the ground up is deemed to be a separate building.

“Commercial” means the use of land or a structure for the purpose of generating income.

“Common ownership” means ownership by the same person or persons or by a legal entity that is owned, in whole or in part, by the same person or persons. For the purposes of this ordinance, ownership by one member of a married couple is deemed to be common ownership by the married couple.

“Community use” means a structure and related premises used to provide athletic, civic, cultural, educational, medical, recreational, religious, or social programs and services to

the community. Community uses include, but are not limited to such things as a church, clinic, community center, fire station, hospital, library, mausoleum, municipal hall, museum, park, playground, police station, or school.

“Conditional use permit” means a permit issued by the department when authorized to do so by the board of adjustment.

“Contiguous” means adjacent to or sharing a common boundary. A lot, parcel, or tract is contiguous with another lot, parcel, or tract if they have all, part, or any point of any boundary line in common. Lots, parcels, or tracts that are separated by a pipeline, private road, public road, railroad, right-of-way, river, section line, stream, transportation easement, transmission line, or transmission right-of-way are contiguous.

“Department” means the Manitowoc County Planning and Zoning Department.

“Department director” means the director of the Manitowoc County Planning and Zoning Department or the department director’s designee. Any reference in the county code to a code administrator or a zoning administrator is deemed to be a reference to the department director.

“Essential service” means electric, gas, sewer, telephone, or water service, including the overhead, surface, or underground distribution or transmission systems necessary to supply the service. It includes the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services, but does not include any buildings necessary to supply these services. It does not include wind energy systems, wireless communications facilities, or any structure or use listed as a permitted, accessory, or conditional structure or use in any other district.

“Farm consolidation” means the joining together of all or part of 2 or more farm operations, which were in existence before the adoption or amendment of this ordinance, into a single farm operation.

“Farm livestock” means beef cattle, dairy cattle, horses, sheep, swine, or veal calves.

“Farm residence” means any of the following structures that is located on a farm:

- (1) A single family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.
 - (c) An individual who earns more than 50 percent of his or her gross income from the farm.

347 (2) A migrant labor camp that is certified under Wis. Stat. § 103.92.
348

349 “Farm” means all land under common ownership that is primarily devoted to agricultural
350 use. For purposes of this ordinance, land is deemed to be primarily devoted to
351 agricultural use if:

352
353 (1) A majority of the land area is in agricultural use, or
354

355 (2) The land produces at least \$6,000 in annual gross farm revenues to its
356 owner or renter, regardless of whether a majority of the land area is in
357 agricultural use.
358

359 “Farm operation” means an activity conducted primarily for the production of one or
360 more agricultural products or commodities, for home use or for sale, in a quantity
361 sufficient to contribute to the operator’s support.
362

363 “Family” means one or more persons living together in a dwelling unit as a single
364 housekeeping unit.
365

366 “Feed lot” means a facility at which feeder cattle or veal calves are assembled for feeding
367 prior to slaughter.
368

369 “Frontage” means that part of a property that abuts a street or highway or that lies
370 between the front of a building and a street or highway.
371

372 “Garage, private” means a building or a space for the storage of private property,
373 vehicles, or both.
374

375 “Garage, public” means a building or premises where motor-driven vehicles are
376 equipped, hired, repaired, serviced, sold, or stored. It does not include a private garage or
377 a storage garage that is only used for the storage of motor-driven vehicles pursuant to a
378 prior arrangement, provided that the private garage or storage garage is not used by
379 transients and provided that the private garage or storage garage does not sell equipment,
380 fuel, lubricants, or parts and does not equip, service, repair, hire, or sell motor-driven
381 vehicles
382

383 “Gross farm revenue” means the gross receipts from all agricultural uses, less the cost or
384 other basis of livestock and other agricultural items purchased for resale which are sold
385 or otherwise disposed of during the taxable year. Gross farm revenue includes receipts
386 accruing to a renter, but does not include rent paid to the land owner.
387

388 “Height” when used with respect to a building means the vertical distance from the
389 finished grade to the highest point of the coping of a flat roof, the deck line of a mansard
390 roof, or the highest gable of a gambrel, hip, or pitched roof.
391

392 “Home occupation” means a gainful occupation conducted by one or more members of a
393 family within the family residence provided that no article is sold or offered for sale on
394 the premises that is not produced by the home occupation, that no stock in trade is kept or
395 sold, and that only 1 person other than a member of the immediate family living on the
396 premises is employed on the premises.

397
398 “Hotel” means a place where sleeping accommodations are offered for pay to transients,
399 in 5 or more rooms, and all related areas, buildings, and rooms.

400
401 “Household livestock” means an animal that weighs less than 25 pounds.

402
403 “Junk” means any material or object that is broken, deteriorated, inoperable, worn out, or
404 in such condition as to be generally unusable in its present state for its original purpose
405 and that has been collected or is stored for conversion to some other use or for
406 destruction or salvage. Any material or object that can be used for its original purpose as
407 readily as when new without being altered, changed, or reconditioned is not considered
408 junk. Junk materials include, but are not limited to, building supplies, cardboard, fabric,
409 glass, metal, organics, paper, plastic, rubber, synthetics, and wood. Junk objects include,
410 but are not limited to, appliances, automobiles, batteries, furniture, implements,
411 machinery, tools, trailers, trash, used tires (including used tires that are holding down
412 covers over hay or straw if the sidewalls of those tires have not been cut to provide
413 drainage), and vehicles. Junk also includes debris, garbage, refuse, trash, waste, and
414 other material and objects commonly designated as junk. However, nothing in this
415 ordinance is intended to prohibit the storage of idle but operable farm equipment.

416
417 “Junk yard” means any parcel of land or structure, or any portion of a parcel of land or
418 structure, on or in which there is an accumulation of junk, unless the accumulation is
419 completely contained within an enclosed structure.

420
421 “Kennel” means any lot or premises on which household animals are boarded, bred,
422 groomed, sold, or trained on a regular basis for commercial purposes.

423
424 “Livestock” means bovine animals, camelids, equine animals, farm-raised deer,
425 farm-raised game birds, farm-raised fish, goats, poultry, ratite, sheep, and swine.

426
427 “Lot” means a contiguous tract of land with defined boundaries. A lot’s boundaries may
428 not necessarily conform to parcel lines.

429
430 “Lot, corner” means a lot abutting on 2 or more streets at their intersection, provided that
431 the interior angle of the intersection is less than 135 degrees.

432
433 “Lot depth” means the horizontal distance of a straight line drawn from the midpoint of
434 the front property line of the lot to the midpoint of the rear property line.

435
436 “Lot line” means a boundary line of a lot.

“Lot line, adjoining” means a lot line on a contiguous parcel that is not under common ownership.

“Lot line, front” means a lot line that is common to an access easement or a public or private road. If a lot abuts more than one road, the lot owner must designate the lot line that abuts one of the roads as the front lot line at the time the lot is developed.

“Lot line, rear” means the lot line that is most opposite or most distant from the designated front lot line. If the front lot line is curved, the rear property line will be determined by using a line tangent to the front property line at its midpoint. If the property abuts a waterfront property, the rear lot line is the lot line that adjoins the ordinary high water line, unless otherwise designated by the Department.

“Lot line, side” means a lot line that intersects a front lot line and a lot line that is not a front or rear lot line.

“Lot size” means the total area of a tract of land. Roads, rights of way, and open spaces that are dedicated to the public are excluded when calculating lot size.

“Lot size, minimum” means the smallest tract of land permitted in a zoning district. The minimum lot size depends on the zoning district in which the land is located.

“Lot width” means the distance between the side lot lines measured along a line that is at right angles to the lot depth line at a point which is set back the minimum required distance from the front lot line.

“Manmade pond” means a pond created or constructed by human activity, such as excavating gravel, sand, stone, or topsoil from a property, but does not include a family swimming pool and manure storage pit.

“Manufactured home” means a structure that is designed to be used as a dwelling unit with or without a permanent foundation, built on a permanent chassis, transportable in one or more sections, and certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426 and that includes required utilities, such as air conditioning, electrical, heating, and plumbing systems.

“Manufactured home park” means any camp, court, lot, parcel, park, site, or tract of land designed, intended, maintained, or used to supply a location for two or more manufactured or mobile homes and includes all equipment and facilities used or intended to be used with the manufactured homes, but does not include an automobile, manufactured home, or mobile home sales lot on which unoccupied manufactured homes or mobile homes are parked for the purpose of inspection or sale or both.

“Mobile home” means a structure that is transportable in one or more sections, built on a chassis, and designed to be used as a dwelling unit with or without permanent foundation,

and that was built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976. When connected to the required utilities, it includes the air conditioning, electrical, heating, and plumbing systems contained in the mobile home.

“Motel” means a hotel that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a “motel” rather than a “hotel” at the request of the operator.

“Nonconforming lot of record” means a single nonconforming parcel that was recorded with the Register of Deeds prior to the date that the town in which the parcel is located initially adopted this ordinance. It also means one or more nonconforming parcels that were recorded with the Register of Deeds prior to the date that the town in which they are located initially adopted this ordinance and that, taken collectively with all adjacent parcels held in common ownership, do not conform to the requirements of this ordinance for the zoning district in which they are located.

“Nonconforming parcel” means a parcel that does not conform to the requirements of this ordinance for the zoning district in which it is located, was established prior to the date that the town in which it is located initially adopted this ordinance, and was lawful when it was established.

“Nonconforming sign” means a sign whose dimensions, location, or other physical characteristics do not conform to the requirements of this ordinance, but that conformed to the requirements of the ordinance in effect at the time it was constructed or placed in its current location.

“Nonconforming structure” means a building or other structure whose dimensions, location, or other physical characteristics do not conform to the requirements of this ordinance, but that conformed to the requirements of the ordinance in effect at the time it was constructed or placed in its current location.

“Nonconforming use” means a use of land or a structure that does not conform to the use regulations for the zoning district in which it is located, but that conformed to the use requirements of the ordinance in effect at the time that the current use began.

“Open space area” or “open space parcel” means a tract of land on which no structures, other than hunting blinds or small sheds, have been constructed or may be approved for construction.

“Outdoor wood burning furnace” means a device, located outside of the principal structure, that generates heat by burning wood or other solid fuel for the purpose of heating the principal or any other structure on the premises.

“Parcel” means a tract of land which is identified by a tax identification number.

“Park trailer” means a travel trailer that is certified as complying with American National Standards Institute Standard A119.5 and that is designed, intended to be, or actually placed on a site for an extended period of time for the purposes of providing living quarters for camping, recreational, or seasonal use. Typically, a park trailer will not have a holding tank or dual-voltage appliances and will require electrical, water, and sewage connections in order to function.

“Parking space” means a 200 square foot area for the parking of one vehicle, exclusive of aisles, driveways, or internal traffic lanes.

“Person” means any individual and any association, cooperative, corporation, estate, firm, joint venture, limited liability company, limited liability partnership, local government unit, municipality, organization, partnership, proprietorship, service corporation, trust, or other legal entity.

“Premises” means a building and the grounds on which the building is located.

“Prime farmland” means any area identified as having a class I or class II land capability classification as defined in United States Department of Agriculture, Natural Resources Conservation Service, National Soil Survey Handbook, or that is identified as prime farmland in the county’s certified farmland preservation plan.

“Professional office” means the office of an architect, author, dentist, doctor, lawyer, minister, musician, professional engineer, or other recognized professional practitioner.

“Protected farmland” means any land that is:

- (1) Covered by a farmland preservation agreement under Wis. Stat. ch. 91;
- (2) Covered by an agricultural conservation easement under Wis. Stat. § 93.73;
- (3) Located in a farmland preservation zoning district certified under Wis. Stat. ch. 91; or
- (4) Otherwise legally protected from nonagricultural development.

“Public use” means a structure and related premises used by a private or public entity to provide a public service. Public use includes, but is not limited to, such things as an emergency service facility, exposition space, incinerator, mechanical shop, recycling facility, sewage disposal facility, sewage treatment plant, solid waste storage or transfer station, storage yard, storm water management facility, or warehouse.

“Reasonable accommodation” means a deviation from the strict requirements of this ordinance which is necessary to provide equal housing opportunity for a disabled person

or persons. An accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or undue hardship on the county and does not undermine the basic purpose of this ordinance.

“Recreational camp” means an area, parcel, premises, or tract of land on which facilities are provided for overnight or short-term camping in bedrolls, camping trailers, motor homes, pick-up coaches, tents, or travel trailers, or that otherwise meets the criteria specified in Wis. Admin. Code ch. DHS 178. A recreational camp includes accessory buildings and service facilities required by the State Board of Health and a residence or living quarters for the owner or caretaker on the premises. For purposes of this ordinance, a recreational camp means the same as and is synonymous with camp and campground.

“Recreation center” means a facility where recreational activities or amenities are made available to the general public for a fee or are restricted to members.

“Recreation vehicle” means any unit other than a mobile or manufactured home, whether self-propelled, mounted on, or towed by another vehicle, that is used for recreational purposes. It includes, but is not limited to, an all-terrain vehicle, boat, camper, folding tent trailer, motor home, park trailer, snowmobile, travel trailer, or truck camper.

“Recreation vehicle park” means an area, parcel, premises, or tract of land with 2 or more sites intended to be occupied by recreation vehicles used for camping, travel, recreation, or vacation purposes. A recreation vehicle park may include accessory buildings, service facilities, and a residence or living quarters for the owner or caretaker on the premises.

“Residence, single family” means a building designed for or occupied exclusively by one family.

“Residence, multiple” means a building designed for or occupied by 2 or more families.

“Residence, two family” means a building designed for or occupied by 2 families.

“Resort” means a self-contained and integrated development that provides some meals, short-term overnight accommodations, and a range of developed on-site recreational facilities.

“Roadside stand” means a structure with an area of 100 square feet or less that is readily removable in its entirety, not wholly enclosed, and not permanently attached to the ground and that is used solely for the sale of farm products produced on the premises.

“Setback” means the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line.

“Sign” means any artifact, device, or object that is used or intended to be used to

communicate information about, direct attention to, or identify an activity, business, entity, institution, person, place, product, service, or thing.

“Sign, directional” means a sign that provides information about a place that is deemed by the Wisconsin Department of Transportation or the board of adjustment to be of interest to the traveling public. Such places include areas of natural scenic beauty, that contain natural phenomena, or that are naturally suited for outdoor recreation; places that are owned or operated by a government authority; and public or privately owned cultural, educational, historic, and scientific sites.

“Sign, electronic” means any sign that displays an image or text that can be changed by a computerized, electrical, electronic, or mechanical process.

“Sign, government” means a sign erected by or on the order of a public official in the performance of his or her official duties, including, but not limited to, danger, directional, traffic control, notice, public safety, public utility, railroad crossing, regulatory, and warning signs.

“Sign, marquee” means a sign that is attached to or constructed in, on, or under a canopy or other permanent roof-like structure projecting from a wall over the entrance to a building or other structure.

“Sign, vehicular” means a sign that is attached to or painted on a bus, trailer, truck, or other vehicle that is primarily used for the purpose of providing a surface area for signage and that is not regularly used to provide transportation in the normal day-to-day operation of a business.

“Sign, wall” means a sign that is affixed to or painted on an exterior wall of a structure, projects not more than 12 inches from the structure, and does not extend more than 6 feet above the eaves, facade, parapet, or roof of the structure on which it is located.

“Stable” means an accessory building in which horses are kept.

“Story” means that portion of a structure between the surface of a floor and the surface of the next higher floor, except that the highest story is that portion of a structure between the surface of the floor and the ceiling or roof. A basement or cellar having one-half or more of its height above grade is deemed to be a story.

“Street” means a right-of-way, 21 feet or more in width, that is dedicated to, intended to, subject to a public easement for, or that provides a roadway for general vehicular circulation and is the principal means of vehicular access to abutting properties, regardless of whether it has been developed. A street may include space for drainage, pedestrian walkways, sidewalks, and utilities.

“Street line” means the boundary between a lot, tract, or parcel of land and a contiguous

street.

“Structural alteration” means any change in a supporting member of a building, such as a beam, bearing partition, bearing wall, column, exterior wall, foundation, or girder and any structural change in the roof.

“Structure” means anything constructed or erected on the ground or any improvement built up or composed of parts joined together in some definite manner and affixed or attached to the ground, including signs and walls, but not including flowerbed frames and other such minor incidental improvements.

“Trade or contractor storage” means the inside storage of materials associated with a trade such as carpentry, construction, electric, remodeling, plumbing, roofing, or siding, where the principal business activity is performed off-site.

“Travel trailer” means a recreation vehicle that is primarily designed to provide temporary living quarters for camping, recreation, or seasonal use; that is built on a single chassis, mounted on wheels, and has gross trailer area not exceeding 400 square feet when set-up; and that is certified as complying with ANSI A119.5.

“Utility” means a building and related premises used to provide essential services, such as an electrical power substation, gas regulation station, microwave radio relay, sewage pumping station, static transformer station, telegraph and telephone exchange, water pumping station, water tower, or water well. It includes any conduit, duct, equipment, line, pipe, pipeline, pole, tank, tower, wire, or other structure located on the premises that are used to deliver the service, but does not include high-voltage transmission lines used for the transmission or distribution of electricity.

“Vacation home rental” means a dwelling unit that is advertised or held out to the public as a place where sleeping accommodations are furnished to the public for a period of less than 1 month at a time; that is not a bed and breakfast, hotel, motel, or resort; and that is not the owner’s primary residence.

“Variance” means a deviation from a zoning requirement that has been authorized by the board of adjustment in a specific case.

“Variance, area” means a variance that permits a deviation from a zoning requirement that pertains to construction, dimensions, placement, or size.

“Variance, use” means a variance that permits a deviation from a zoning requirement that pertains to use.

“Yard” means an open area on a lot that is unobstructed and unoccupied from the ground upward, except as permitted by this ordinance.

“Yard, front” means a yard extending the full width of a lot between the front lot line and the nearest part of any structure.

“Yard, rear” means a yard extending the full width of a lot between the rear lot line and the nearest part of any structure.

“Yard, side” means a yard extending from the front yard to the rear yard and from a side lot line to the nearest part of any structure.

PART III. ZONING DISTRICTS.

8.08 Establishment of Districts.

(1) The following zoning districts are created:

- (a) Exclusive Agriculture (EA).
- (b) General Agriculture (GA).
- (c) Large Estate Residential (LE).
- (d) Small Estate Residential (SE)
- (e) Rural Residential (RR),
- (f) High Density Residential (HD).
- (g) Lake Residential (LR).
- (h) Commercial/Business (CB).
- (i) Industrial (ID).
- (j) Natural Areas (NA).

(2) Official Zoning Maps.

- (a) The Planning and Zoning Department shall keep an official zoning map and a copy of each revision to the official zoning map for each town that adopts this ordinance.
- (b) The official zoning map for each town will be captioned as the “Manitowoc County Zoning Map” followed by the name of the town.
- (c) The boundaries of each district within each town will be shown on its

official zoning map.

(d) In addition to zoning district boundaries, any legend, notation, reference, symbol, or other information shown on the official zoning map is incorporated into this ordinance.

(e) A town that does not adopt this ordinance is responsible for maintaining its own zoning map.

(3) Interpretation of District Boundaries.

(a) Where a district boundary is shown as approximately following the centerline of a highway or street, a highway right-of-way line, or a street line; the centerline, highway right-of-way line, or street line will be construed to be the boundary.

(b) Where a district boundary is shown as approximately following a lot line, the lot line will be construed to be the boundary.

(c) Where a district boundary is shown as a line approximately parallel to and offset a specific distance from the centerline of a street or highway, a street line, or highway right-of-way line, the offset line will be construed to be the boundary.

(d) Where a district boundary follows a railroad line, the middle of the main track of the railroad line will be construed to be the boundary.

8.09 Exclusive Agriculture (EA).

(1) Purpose. The purpose of the Exclusive Agriculture (EA) district is to provide areas for agricultural development and to prevent scattered nonagricultural development that could displace agricultural uses. This district will contain land that is suitable for productive farm operations and that has historically exhibited good crop yields or is capable of such yields; demonstrated productivity for dairying, grazing, and livestock; produced specialty crops such as fruits, plant materials, trees, and vegetables; or is integral to such farm operations. This district is not intended to accommodate or facilitate nonagricultural growth.

(2) Principal Uses. The following uses are allowed in the EA district:

(a) Agricultural uses.

(b) Essential services.

(c) Facilities used to keep cattle, goats, poultry, sheep, or swine, subject to the

- 797 requirements of ch. 28 if the facility is for more than 750 animal units.
798
- 799 (d) Farm residence, one single family.
800
801 (e) Kennels.
802
803 (f) Open space areas.
804
805 (g) Private garages.
806
807 (h) Undeveloped natural resource areas.
808
809 (i) Other uses that are authorized or required to be located in a specific place
810 by state or federal law.
811
- 812 (3) Accessory uses. The following uses are allowed in the EA district, subject to any
813 applicable provisions contained in Part V.
814
- 815 (a) Agricultural accessory uses.
816
817 (b) Farm residence, one additional.
818
819 (c) Roadside stand, one, which must be placed outside the right-of-way and
820 which may not interfere with or present a hazard to any person, property,
821 or traffic.
822
- 823 (4) Conditional Uses. The following uses may be allowed in an EA district upon the
824 issuance of a conditional use permit:
825
- 826 (a) Agriculture-related uses.
827
828 (b) Community uses.
829
830 (c) Directional signs.
831
832 (d) Infrastructure that is compatible with the district, including agricultural
833 aeronautic facilities; communication uses, such as antennae, broadcast
834 towers, cell towers, and transmission lines; drainage facilities; electrical
835 transmission lines; gas, oil, and other pipelines; large wind energy
836 systems; rail facilities; roads; solar energy facilities; and transportation
837 uses.
838
839 (e) Nonmetallic mining.
840
841 (f) Public uses.

- (g) Utilities.
- (6) Yard Requirements. The following requirements apply to the EA district:
- (a) The minimum lot size is 20 acres, exclusive of road right-of-way.
 - (b) The minimum lot width is 150 feet.
 - (c) The minimum setback for principal and conditional use structures is 25 feet.
 - (d) The minimum setback for accessory structures is 10 feet.
 - (e) The maximum height for any structure is 60 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.
- (7) Rezoning Land Out of the EA District.
- (a) Land may not be rezoned out of an EA district unless the planning and park commission makes the following findings on the record, following a public hearing:
 - (1) The land to be rezoned is better suited for a use not allowed in the farmland preservation zoning district.
 - (2) The proposed rezoning is consistent with the town comprehensive plan and the county comprehensive plan that are in effect at the time of the rezoning.
 - (3) The proposed rezoning is substantially consistent with the county's farmland preservation plan which has been certified under Wis. Stat. ch. 91 and which is in effect at the time of the rezoning.
 - (4) The proposed rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 - (b) Any ordinance amendments and any comprehensive ordinance revision must be certified by Wisconsin Land and Water Conservation Board in order for landowners in the EA district to qualify for tax credits.

8.10 General Agriculture (GA).

- (1) Purpose. The purpose of the General Agriculture (GA) district is to provide a rural area with a mixture of agricultural, low-density residential, and rural

commercial activity. The district provides for residential development at modest densities consistent with a generally rural environment and allows for nonresidential uses that require relatively large land areas or that are compatible with the surrounding rural land. The district also accommodates agricultural uses and may serve as a transitional district between the Exclusive Agriculture district and more intensely developed areas.

(2) Principal Uses. The following uses are allowed in the GA district:

- (a) Agricultural uses.
- (b) Dairies and cheese factories.
- (c) Essential services.
- (d) Facilities used to keep cattle, goats, poultry, sheep, or swine, subject to the requirements of ch. 28 if the facility has more than 750 animal units.
- (e) Kennels.
- (f) Open space areas.
- (g) Park trailers.
- (h) Private garages.
- (i) Single family residences.
- (j) Undeveloped natural resource areas.
- (k) Other uses that are authorized or required to be located in a specific place by state or federal law.

(3) Accessory Uses. The following uses are allowed in the GA district, subject to any applicable provisions contained in Part V.

- (a) Agricultural accessory uses.
- (b) Home occupations.
- (c) Hunting shacks or warming shacks with no water or sewage facilities.
- (d) On-premise business signs of up to 32 square feet for allowable uses.
- (e) Other accessory structures and uses that are incidental to the principal use,

- 932 provided that the structure or use does not include any activity commonly
933 conducted as a business.
- 934
- 935 (f) Roadside stand, one, which must be placed outside the right-of-way and
936 which may not interfere with or present a hazard to any person, property,
937 or traffic.
- 938
- 939 (g) Small wind energy systems.
- 940
- 941 (h) Trade or contractor storage.
- 942
- 943 (4) Conditional Uses. The following uses may be allowed in the GA district upon the
944 issuance of a conditional use permit:
- 945
- 946 (a) Agricultural related uses.
- 947
- 948 (b) Airports, air strips, and landing fields.
- 949
- 950 (c) Bulk storage of agricultural products, cooperatives, feed mills, fertilizer
951 plants, and fuel used for agricultural purposes.
- 952
- 953 (d) Camps and campgrounds.
- 954
- 955 (e) Commercial riding stables.
- 956
- 957 (f) Community uses.
- 958
- 959 (g) Directional signs.
- 960
- 961 (h) Farm implement sales and service.
- 962
- 963 (i) Fruit and vegetable processing plants.
- 964
- 965 (j) Infrastructure that is compatible with the district, including agricultural
966 aeronautic facilities; communication uses, such as antennae, broadcast
967 towers, cell towers, and transmission lines; drainage facilities; electrical
968 transmission lines; gas, oil, and other pipelines; large wind energy
969 systems; rail facilities; roads; solar energy facilities; and transportation
970 uses.
- 971
- 972 (k) Junk yards, salvage yards, or other facilities for the baling, handling,
973 processing, reclamation, recycling, remanufacture, sale, salvage, or
974 storage of junk or other second-hand or used materials.
- 975
- 976 (l) Landscape businesses.

- 977 (m) Nonmetallic mining.
- 978
- 979 (n) Public garages.
- 980
- 981 (o) Public uses.
- 982
- 983 (p) Recreation vehicle parks.
- 984
- 985 (q) Sawmills.
- 986
- 987 (r) Utilities.
- 988
- 989 (s) Vacation home rentals.
- 990
- 991 (5) Yard Requirements. The following requirements apply to the GA district:
- 992
- 993 (a) The minimum lot size is 10 acres, exclusive of road right-of-way.
- 994
- 995 (b) The minimum lot width is 150 feet.
- 996
- 997 (c) The minimum setback for principal and conditional use structures is 25
- 998 feet.
- 999
- 1000 (d) The minimum setback of accessory structures is 10 feet.
- 1001
- 1002 (e) The maximum height for any structure is 60 feet, unless a different
- 1003 maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However,
- 1004 all structures are subject to the Airport Approach Protection Ordinance.
- 1005

1006 **8.11 Large Estate Residential (LE).**

1007

- 1008 (1) Purpose. The purpose of the Large Estate Residential (LE) district is to provide
- 1009 areas for single-family residential and planned residential developments on large
- 1010 lots while allowing for agricultural activity in mostly rural areas of the county.
- 1011 The low-density requirements are intended to provide for areas where the
- 1012 presence of vegetation and open space helps create quiet and visually attractive
- 1013 residential areas.
- 1014
- 1015 (2) Principal Uses. The following uses are allowed in the LE district:
- 1016
- 1017 (a) Single-family residences.
- 1018
- 1019 (b) Agricultural uses, such as a garden, greenhouse, nursery, and usual farm
- 1020 buildings, subject to the following restrictions:
- 1021

- 1022 1. A building in which animals are kept must be at least 25 feet from
1023 any adjoining lot line.
1024
- 1025 2. No more than 1 animal unit of farm livestock and no more than 5
1026 household livestock animals are allowed per acre.
1027
- 1028 3. The storage or use of manure or any odor or dust-producing
1029 substance is prohibited within 25 feet of any adjoining lot line.
1030
- 1031 4. A greenhouse heating plant must be at least 25 feet from any
1032 adjoining lot line.
1033
- 1034 (c) Community living arrangements with a capacity for 8 or fewer persons
1035 and foster homes, subject to the provisions set forth in Wis. Stat. § 60.63.
1036
- 1037 (d) Essential services.
1038
- 1039 (3) Accessory Uses. The following uses are allowed in the LE district, subject to any
1040 applicable provisions contained in Part V.
1041
- 1042 (a) Contractor or trade storage. |
1043 |
1044
- 1045 (b) Home occupations.
1046
- 1047 (c) Private garages.
1048
- 1049 (d) Roadside stand, one, which must be placed outside the right-of-way and
1050 which may not interfere with or present a hazard to any person, property,
1051 or traffic.
1052
- 1053 (e) Small wind energy systems.
1054
- 1055 (f) Solar energy systems.
1056
- 1057 (g) Other accessory structures and uses that are incidental to the principal use,
1058 provided that the structure or use does not include any activity commonly
1059 conducted as a business.
- 1060 (4) Conditional Uses. The following uses may be allowed in the LE district upon the
1061 issuance of a conditional use permit:
1062
- 1063 (a) Community living arrangements with a capacity of 9 or more persons,
1064 subject to the provisions set forth in Wis. Stat. § 60.63.
1065
- 1066 (b) Community uses.

- (c) Day care.
 - (d) Kennels.
 - (e) Infrastructure that is compatible with the district, including agricultural aeronautic facilities; communication uses, such as antennae, broadcast towers, cell towers, and transmission lines; drainage facilities; electrical transmission lines; gas, oil, and other pipelines; large wind energy systems; rail facilities; roads; solar energy facilities; and transportation uses.
 - (f) Utilities.
 - (g) Vacation home rentals
- (5) Yard Requirements. The following requirements apply to the LE district:
- (a) The minimum lot size is 5 acres, exclusive of road right-of-way.
 - (b) The minimum lot width is 150 feet.
 - (c) The minimum setback for principal and conditional use structures is 25 feet.
 - (d) The minimum setback for accessory structures is 10 feet.
 - (e) The maximum height for any structure is 35 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.

8.12 Small Estate Residential (SE).

- (1) Purpose. The purpose of the Small Estate Residential (SE) district is to provide areas for mixed residential and agricultural activity in mostly rural areas of the county. This district provides for residential development at modest densities consistent with a generally rural environment; provides for specific nonresidential uses that require relatively large land areas and that are compatible with the surrounding residential uses; and still allows for some agricultural uses.
- (2) Principal Uses. The following uses are allowed in the SE district:
 - (a) Single-family residences.
 - (b) Community living arrangements with a capacity for 8 or fewer persons and foster homes, subject to the provisions set forth in Wis. Stat. § 60.63.

- 1112 (c) Agricultural uses, such as a garden, greenhouse, nursery, and usual farm
1113 buildings, subject to the following restrictions:
1114
1115 1. A building in which animals are kept must be at least 25 feet from
1116 any adjoining lot line.
1117
1118 2. No more than 1 animal unit of farm livestock and no more than 5
1119 household livestock animals are allowed per acre.
1120
1121 3. The storage or use of manure or any odor or dust-producing
1122 substance is prohibited within 25 feet of any adjoining lot line.
1123
1124 4. A greenhouse heating plant must be at least 25 feet from any
1125 adjoining lot line.
1126
1127 (d) Essential services.
1128
1129 (3) Accessory Uses. The following uses may be allowed in the SE district, subject to
1130 any applicable provisions contained in Part V.
1131
1132 (a) Contractor or trade storage.
1133
1134 (b) Home occupations.
1135
1136 (c) Private garages.
1137
1138 (d) Roadside stand, one, which must be placed outside the right-of-way and
1139 which may not interfere with or present a hazard to any person, property,
1140 or traffic.
1141
1142 (e) Small wind energy systems.
1143
1144 (f) Solar energy systems.
1145
1146 (g) Other accessory structures and uses that are incidental to the principal use,
1147 provided that the structure or use does not include any activity commonly
1148 conducted as a business.
1149
1150 (4) Conditional Uses. Conditional Uses. The following uses may be allowed in the
1151 SE district upon the issuance of a conditional use permit:
1152
1153 (a) Community living arrangements with a capacity of 9 or more persons,
1154 subject to the provisions set forth in Wis. Stat. § 60.63.
1155
1156 (b) Community uses.

- (c) Kennels.
- (d) Utilities.
- (e) Vacation home rentals.
- (5) Yard Requirements. The following requirements apply to the SE district:
 - (a) This minimum lot size is 2 acres, exclusive of road right-of-way.
 - (b) The minimum lot width is 150 feet.
 - (c) The minimum setback for principal and conditional use structures is 25 feet.
 - (d) The minimum setback for accessory structures is 10 feet.
 - (e) The maximum height for any structure is 35 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.

8.13 Rural Residential (RR).

- (1) Purpose. The purpose of the Rural Residential (RR) district is to provide areas for mixed residential and low-impact non-residential development on relatively small lots.
- (2) Principal uses. The following uses are allowed in the RR district:
 - (a) Single-family residences.
 - (b) Community living arrangements with a capacity for 8 or fewer and foster homes, subject to the limitations set forth in Wis. Stat. § 60.63.
 - (c) Agricultural uses, such as a garden, greenhouse, nursery, and usual farm buildings, subject to the following restrictions:
 - 1. A building in which farm animals are kept must be at least 25 feet from any adjoining lot line.
 - 2. No more than 1 animal unit of farm livestock and no more than 5 household livestock animals are allowed per acre.
 - 3. The storage or use of manure or any odor or dust-producing substance is prohibited within 25 feet of any adjoining lot line.

- 1202 4. A greenhouse heating plant must be at least 25 feet from any
1203 adjoining lot line.
- 1204
- 1205 (d) Essential services.
- 1206
- 1207 (3) Accessory Uses. The following uses are allowed in the RR district, subject to any
1208 applicable provisions contained in Part V.
- 1209
- 1210 (a) Contractor or trade storage.
- 1211
- 1212 (b) Home occupations.
- 1213
- 1214 (c) Private garages.
- 1215
- 1216 (d) Roadside stand, one, which must be placed outside the right-of-way and
1217 which may not interfere with or present a hazard to any person, property,
1218 or traffic.
- 1219
- 1220 (e) Small wind energy systems.
- 1221
- 1222 (f) Solar energy systems.
- 1223
- 1224 (g) Other accessory structures and uses that are incidental to the principal use,
1225 provided that the structure or use does not include any activity commonly
1226 conducted as a business.
- 1227
- 1228 (4) Conditional Uses. The following uses are allowed in the RR district, subject to
1229 the issuance of a conditional use permit:
- 1230
- 1231 (a) Cemeteries.
- 1232
- 1233 (b) Community living arrangements with a capacity of 9 or more persons,
1234 subject to the provisions set forth in Wis. Stat. § 60.63.
- 1235
- 1236 (c) Community uses.
- 1237
- 1238 (d) Day care.
- 1239
- 1240 (e) Kennels.
- 1241
- 1242 (f) Mini-warehouses.
- 1243
- 1244 (g) Two-family residences.
- 1245
- 1246 (h) Utilities.

- (i) Vacation home rentals.
 - (j) Veterinary clinics.
 - (k) Other small businesses not specifically listed, but which are deemed by the Board of adjustment to be similar to those listed.
- (5) Yard Requirements. The following requirements apply to the RR district:
- (a) The minimum lot size is 1 acre, exclusive of road right-of-way.
 - (b) The minimum lot width is 150 feet.
 - (c) The minimum setback for principal and conditional use structures is 25 feet.
 - (d) The minimum setback for accessory structures is 10 feet.
 - (e) The maximum height for any structure is 35 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.

8.14 High Density Residential (HD).

- (1) Purpose. The purpose of the High Density Residential (HD) district is to provide areas for a variety of residential uses, including single-family residential development at fairly high densities and multiple occupancy developments. This district will be located in areas with an existing mixture of residential types, certain regions that are served by public sewer, and other locations where high-density residential developments are appropriate.
- (2) Principal Uses. The following uses are allowed in the HD district:
 - (a) Single-family and two-family residences.
 - (b) Community living arrangements with a capacity for 8 or fewer and foster homes, subject to the limitations set forth in Wis. Stat. § 60.63.
 - (c) Community living arrangements with a capacity for 9 to 15 persons, subject to the limitations set forth in Wis. Stat. § 60.63.
 - (d) Essential services.
 - (e) Manufactured home parks.

- 1292 (f) Multi-family dwellings.
- 1293
- 1294 (3) Accessory Uses. The following uses are allowed in the HD district, subject to any
- 1295 applicable provisions contained in Part V.
- 1296
- 1297 (a) Home occupations.
- 1298
- 1299 (b) Private garages.
- 1300
- 1301 (c) Roadside stand, one, which must be placed outside the right-of-way and
- 1302 which may not interfere with or present a hazard to any person, property,
- 1303 or traffic.
- 1304
- 1305 (d) Small wind energy systems.
- 1306
- 1307 (e) Solar energy systems.
- 1308
- 1309 (f) Other accessory structures and uses that are incidental to the principal use,
- 1310 provided that the structure or use does not include any activity commonly
- 1311 conducted as a business.
- 1312
- 1313 (4) Conditional Uses. The following uses are allowed in the HD district upon the
- 1314 issuance of a conditional use permit:
- 1315
- 1316 (a) Community living arrangements with a capacity for serving 16 or more
- 1317 persons, subject to the limitations set forth in Wis. Stat. § 60.63.
- 1318
- 1319 (b) Community uses.
- 1320
- 1321 (c) Day care.
- 1322
- 1323 (d) Utilities.
- 1324
- 1325 (e) Vacation home rentals.
- 1326
- 1327 (5) Yard Requirements. The following requirements apply to the HD district:
- 1328
- 1329 (a) The minimum lot size is 21,780 square feet ($\frac{1}{2}$ acre), exclusive of road
- 1330 right-of-way.
- 1331
- 1332 (b) The minimum lot width is 100 feet.
- 1333
- 1334 (c) The minimum setback for principal and conditional use structures is $7\frac{1}{2}$
- 1335 feet.
- 1336

(d) The minimum setback for accessory structures is 5 feet.

(e) The maximum height of any structure is 35 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.

8.15 Lake Residential (LR).

(1) Purpose. The purpose of the Lake Residential (LR) district is to provide areas for single-family residential and planned residential development. This district will generally be located along a waterfront and uses are restricted in order to maintain a strictly residential character.

(2) Principal Uses. The following uses are allowed in the LR district:

(a) Single-family residences.

(b) Community living arrangements with a capacity for 8 or fewer and foster homes, subject to the limitations set forth in Wis. Stat. § 60.63.

(c) Essential services.

(3) Accessory Uses. The following uses are allowed in the LR district, subject to any applicable provisions contained in Part V.

(a) Home occupations.

(b) Hunting or warming shacks with no water or sewage facilities included.

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

(d) Small wind energy systems.

(e) Solar energy systems.

(f) Private garages.

(g) Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.

(4) Conditional Uses. The following uses are allowed in the LR district upon the issuance of a conditional use permit:

- (a) Baits shops.
 - (b) Community living arrangements with a capacity of 9 or more persons, subject to the limitations set forth in Wis. Stat. § 60.63.
 - (c) Community uses.
 - (d) Resorts.
 - (e) Restaurants.
 - (f) Sports shops.
 - (g) Taverns.
 - (h) Two-family residences.
 - (i) Utilities.
 - (j) Vacation home rentals.
- (5) Yard Requirements. The following requirements apply to the LR district:
- (a) The minimum lot size is 10,000 square feet for sewered lots, exclusive of road right-of-way.
 - (b) The minimum lot size is 20,000 square feet for unsewered lots, exclusive of road right-of-way.
 - (c) The minimum lot width is 100 feet.
 - (d) The minimum setback for principal and conditional use structures is 7½ feet.
 - (e) The minimum setback for accessory structures is 5 feet.
 - (f) The maximum height of any structure is 35 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.

8.16 Commercial/Business (CB).

- (1) Purpose. The purpose of the Commercial/Business (CB) district is to provide areas for mixed residential and commercial use. It will encompass areas that already have this mixed use, as well as those areas where expansion of this mixed

1427 use is desired. It will typically be located within or near existing communities,
1428 but may also be used in outlying areas and to facilitate small development nodes.
1429

1430 (2) Principal Uses. The following uses are allowed in the CB district:
1431

- 1432 (a) Activity and recreation centers.
- 1433
- 1434 (b) Auto, truck, trailer, and other equipment sales and rentals.
- 1435
- 1436 (c) Bowling alleys.
- 1437
- 1438 (d) Building, electrical, heating, lumber, and plumbing supply yards.
- 1439
- 1440 (e) Bulk storage of agricultural products, cooperatives, feed mills, and
- 1441 fertilizer plants.
- 1442
- 1443 (f) Business and professional offices and services.
- 1444
- 1445 (g) Cabinet making and woodworking.
- 1446
- 1447 (h) Car washes.
- 1448
- 1449 (i) Commercial storage.
- 1450
- 1451 (j) Community uses.
- 1452
- 1453 (k) Contractor or trade storage.
- 1454
- 1455 (l) Dairies and dairy-processing businesses, such as cheese factories.
- 1456
- 1457 (m) Essential services.
- 1458
- 1459 (n) Farm equipment and implement sales.
- 1460
- 1461 (o) Food lockers.
- 1462
- 1463 (p) Fruit and vegetable stands.
- 1464
- 1465 (q) Funeral homes and crematoriums.
- 1466
- 1467 (r) Furniture repair, sales, and upholstery.
- 1468
- 1469 (s) Gas stations and convenience stores.
- 1470
- 1471 (t) Hotels.

- 1472
1473 (u) Manufactured home sales and service.
1474
1475 (v) Mini-warehouses.
1476
1477 (w) Motels.
1478
1479 (x) Parking areas and ramps.
1480
1481 (y) Printing and duplicating shops.
1482
1483 (z) Private clubs and lodges, except adult entertainment establishments.
1484
1485 (aa) Public uses.
1486
1487 (bb) Restaurants.
1488
1489 (cc) Self-service laundromats.
1490
1491 (dd) Signs and billboards.
1492
1493 (ee) Single-family residences.
1494
1495 (ff) Small wind energy systems.
1496
1497 (gg) Stores for conducting retail, service, or wholesale business.
1498
1499 (hh) Taverns.
1500
1501 (ii) Theaters, except outdoor theaters.
1502
1503 (jj) Trailer and truck rentals.
1504
1505 (kk) Vehicle and equipment sales, service, and showrooms.
1506
1507 (ll) Utilities.
1508
1509 (3) Accessory Uses. The following accessory use is allowed in the CB district:
1510
1511 (a) Roadside stand, one, which must be placed outside the right-of-way and
1512 which may not interfere with or present a hazard to any person, property,
1513 or traffic.
1514
1515 (4) Conditional Uses. The following uses may be allowed in the CB district upon the
1516 issuance of a conditional use permit:

- (a) Adult entertainment establishments, subject to any applicable provisions contained in Part V.
 - (b) Auto salvage yards.
 - (c) Banquet and dance halls.
 - (d) Drive-in theaters.
 - (e) Outdoor amusement centers.
 - (f) Race tracks.
 - (g) Shopping centers.
 - (h) Sports arenas.
 - (i) Telecommunication towers.
 - (j) Transportation terminals.
 - (k) Truck stops.
 - (l) Water parks.
- (5) Yard Requirements. The following requirements apply to the CB district:
- (a) The minimum lot size is 10,000 square feet, exclusive of road right-of-way.
 - (b) The minimum lot width is 100 feet.
 - (c) The minimum setback for principal and conditional use structures is 7.5 feet.
 - (d) The minimum setback for accessory structures is 5 feet.
 - (e) The maximum height of any structure is 60 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.
- 8.17 Industrial (ID).**
- (1) Purpose. The purpose of the Industrial (ID) district is to provide areas for manufacturing, warehousing, and other light industrial operations. It may also be

used for commercial storage facilities, contractor and trade establishments, and similar businesses. However, such use may not be detrimental to the surrounding area or to the county as a whole because of dust, groundwater degradation, noise, odor, physical appearance, smoke, traffic, or other nuisance factors.

(2) Principal Uses. The following uses are allowed in the ID district provided that a site plan is submitted and approved by the planning and park commission:

- (a) Agricultural implement and equipment manufacture, sales, and service.
- (b) Analyzing, controlling, measuring, and recording instruments, including clocks; medical, optical, and photographic equipment; and watches.
- (c) Apparel and other finished products made from fabrics and similar materials.
- (d) Billboard manufacture.
- (e) Clay, concrete, glass, and stone products.
- (f) Coating, engraving, and allied services.
- (g) Computers and office equipment.
- (h) Contractor or construction shops, including air conditioning, building, cement, electrical, heating, refrigeration, masonry, painting, plumbing, roofing, and ventilation.
- (i) Electrical and electronic equipment and machinery.
- (j) Essential services.
- (k) Fabricated metal, wood, or plastic products, except machinery and transportation equipment.
- (l) Food and kindred products.
- (m) Furniture and fixtures.
- (n) Garages for the repair, sales, service, or storage of automobiles, tractors, trucks, and accessory equipment.
- (o) Infrastructure that is compatible with the district, including agricultural aeronautic facilities; communication uses, such as antennae, broadcast towers, cell towers, and transmission lines; drainage facilities; electrical

- 1607 transmission lines; gas, oil, and other pipelines; large wind energy
 1608 systems; rail facilities; roads; solar energy facilities; and transportation
 1609 uses.
- 1610
- 1611 (p) Laboratories and research and development facilities.
- 1612
- 1613 (q) Printing, publishing, and allied products.
- 1614
- 1615 (r) Public uses.
- 1616
- 1617 (s) Radio and television offices, towers, and transmission facilities.
- 1618
- 1619 (t) Research facilities.
- 1620
- 1621 (u) Secondhand household equipment, store fixtures, and office furniture
 1622 sales, storage, and reconditioning.
- 1623
- 1624 (v) Sign painting studio.
- 1625
- 1626 (w) Signs identifying the name and business of the occupant of a premises.
- 1627
- 1628 (x) Small wind energy systems.
- 1629
- 1630 (y) Substations for electrical power and light.
- 1631
- 1632 (z) Utilities.
- 1633
- 1634 (aa) Warehousing.
- 1635
- 1636 (bb) Other uses not specifically listed, but which are deemed by the board of
 1637 adjustment to be similar to the uses listed above.
- 1638
- 1639 (3) Accessory Uses.
- 1640
- 1641 (a) Accessory structures and uses incidental to the principal use or to a
 1642 permitted conditional use are allowed in the ID district, subject to any
 1643 applicable provisions contained in Part V, provided that a site plan is
 1644 submitted and approved by the planning and park commission.
- 1645
- 1646 (b) Roadside stand, one, which must be placed outside the right-of-way and
 1647 which may not interfere with or present a hazard to any person, property,
 1648 or traffic.
- 1649
- 1650 (4) Conditional Uses. The following uses may be allowed in the ID district upon the
 1651 issuance of a conditional use permit:

- 1652 (a) Chemical and allied products production or storage facilities.
1653
1654 (b) Community Uses.
1655
1656 (c) Dwelling units for caretakers or guards.
1657
1658 (d) Foundries.
1659
1660 (e) Incinerators.
1661
1662 (f) Junk yards, salvage yards, or other facilities for the baling, handling,
1663 processing, reclamation, recycling, remanufacture, sale, salvage, storage
1664 of junk or other second-hand or used materials.
1665
1666 (g) Leather and leather products.
1667
1668 (h) Lumber and wood products.
1669
1670 (i) Paper and allied products.
1671
1672 (j) Petroleum and other inflammable liquid bulk production, refining, or
1673 storage facilities.
1674
1675 (k) Plastic products.
1676
1677 (l) Quarries and gravel, sand, or stone crushing, grading, milling, mining, and
1678 washing operations.
1679
1680 (m) Rubber products.
1681
1682 (n) Textile mills and textile products.
1683
1684 (o) Machinery manufacturing.
1685
1686 (p) Mini-warehouses.
1687
1688 (q) Transportation equipment and parts.
1689
1690 (r) Truck distribution, dispatching, loading, and transfer depots.
1691
1692 (s) Solid waste facilities and transfer stations.
1693
1694 (5) Yard Requirements. The following requirements apply to the ID district:
1695
1696 (a) The minimum lot size is 1 acre, exclusive of road right-of-way.

- 1697 (b) The minimum lot width is 150 feet.
1698
1699 (c) The minimum setback for principal and conditional use structures is 25
1700 feet.
1701
1702 (d) The minimum setback for accessory structures is 10 feet.
1703
1704 (e) The maximum height of any structure is 60 feet, unless a different
1705 maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However,
1706 all structures are subject to the Airport Approach Protection Ordinance.
1707
1708 (6) Site Plan Requirement. A site plan must be reviewed and approved by the
1709| planning and park commission prior to the start of any new construction or any
1710 addition or alteration that adds more the 25% to the area of an existing structure
1711 or to the total area of all existing structures on the site.
1712
1713 (7) Development Standards. The development standards contained in this section are
1714 minimum standards and must be met by any industrial use established after the
1715 effective date of this ordinance or any applicable amendment and by any prior
1716 nonconforming use that is added to, altered, expanded, extended, or modified
1717 after the effective date of this ordinance or any applicable amendment.
1718
1719 (a) Driving Surfaces. All driveways, parking areas, and roads must be
1720 maintained in a durable and dustless condition.
1721
1722 (b) Enclosures. All allowed and permitted uses must be conducted within
1723 completely enclosed buildings, unless outdoor uses have been included in
1724 a site plan that has been review and approved by the planning and park
1725 commission and subject to any conditions set by the board of adjustment.
1726
1727 (c) Landscaping. All landscaping shown on an approved site plan must be
1728 established and maintained in a healthy condition. Landscaping materials
1729 must be replaced when necessary.
1730
1731 (d) Lighting. Lighting used to illuminate any portion of the site must be
1732 shielded and arranged so that it does not directly shine on any abutting
1733 property.
1734
1735 (e) Litter. The site must be kept free of debris and refuse.
1736
1737 (f) Loading and unloading. Adequate space must be provided for the loading,
1738 parking, standing, and unloading of motor vehicles without undue
1739 interference with the public use of roadways. No portion of a vehicle that
1740 is loading, parked, standing, or unloading may project into a public
1741 roadway. A 12-foot by 65-foot loading space with a 15-foot clearance

1742 must be provided for each 20,000 square feet, or fraction thereof, of floor
1743 area or lot area used for other than incidental purposes.

1744
1745 (g) Noise. The sound generated by a use may not exceed 70 decibels at the
1746 lot line.

1747
1748 (h) Odor. No use may cause or result in the emission of any substance or
1749 combination of substances into the ambient air and produce an
1750 objectionable odor unless preventative measures satisfactory to the
1751 department are taken to abate or control the emission. An odor will be
1752 deemed objectionable when either or both of the following tests are met:

1753
1754 1. If the department, upon investigation, determines that the odor is
1755 objectionable based upon the nature, intensity, frequency, and
1756 duration of the odor, taking into consideration the type of area
1757 involved and any other pertinent factor identified by the
1758 department.

1759
1760 2. If 60% of a sample of persons exposed to the odor in their place of
1761 residence or employment, other than the place that is the odor's
1762 source, find the odor to be objectionable based upon its nature,
1763 intensity, frequency, and duration.

1764
1765 (i) Outdoor Storage. Outdoor storage is permitted if the storage area is
1766 screened and the stored materials are not visible from any public road.

1767
1768 (j) Parking. At least 2 parking spaces must be provided for every 3
1769 employees, based on the maximum number of persons employed during
1770 any shift.

1771
1772 (k) Screening. Required screening may be provided by use of fences, hedges
1773 or other plantings, and walls that are at least four feet in height. Any
1774 required screening must be maintained in good condition.

1775
1776 (l) Storm Water Drainage. A storm water drainage plan must be included as
1777 part of the site plan.

1778
1779 (m) Vibration. Ground vibrations generated by a use must not be perceptible
1780 at any point on the lot line without the use of instruments.

1781
1782 (n) Other. No use may emit dangerous or obnoxious fumes, glare, heat, or
1783 radiation that extends beyond any lot line on which the use is located.

1784
1785 **8.18 Natural Area (NA).**

- 1787 (1) Purpose. The purpose of Natural Area (NA) district is to provide areas that
1788 conserve existing, mostly undeveloped natural land. The district may be used in
1789 upland areas adjacent to or surrounded by wetland areas or in other areas where
1790 natural features are considered significant. General agriculture, institutional,
1791 recreational, and very low density residential uses are allowed, but commercial
1792 and industrial uses are not permitted.
- 1793
- 1794 (2) Principal Uses. The following uses are allowed in the NA district:
- 1795
- 1796 (a) Agricultural uses.
- 1797
- 1798 (b) Essential services.
- 1799
- 1800 (c) Forestry.
- 1801
- 1802 (d) Hunting, fishing, and trapping.
- 1803
- 1804 (e) Kennels.
- 1805
- 1806 (f) Non-residential structures used for raising fish and wildlife and for the
1807 practice of forestry.
- 1808
- 1809 (g) Park trailers.
- 1810
- 1811 (h) Shooting clubs, clubhouses, and ranges.
- 1812
- 1813 (i) Tree and shrub nurseries.
- 1814
- 1815 (3) Accessory Uses. The following uses are allowed in the NA district, subject to any
1816 applicable provisions contained in Part V.
- 1817
- 1818 (a) Home occupations.
- 1819
- 1820 (b) Hunting or warming shacks with no water or sewage facilities.
- 1821
- 1822 (c) Roadside stand, one, which must be placed outside the right-of-way and
1823 which may not interfere with or present a hazard to any person, property,
1824 or traffic.
- 1825
- 1826 (d) Small wind energy systems.
- 1827
- 1828 (e) Other accessory structures and uses that are incidental to the principal use,
1829 provided that the structure or use does not include any activity commonly
1830 conducted as a business.
- 1831

- (4) Conditional Uses. The following uses may be allowed in the NA district upon the issuance of a conditional use permit:
- (a) Camps and campgrounds.
 - (b) Commercial recreational areas, such as a golf course, nature center, or other low impact activity.
 - (c) Community uses.
 - (d) Non-metallic mining.
 - (e) Private garages.
 - (f) Recreation vehicle parks.
 - (g) Sawmills.
 - (h) Single family residences.
 - (i) Utilities.
 - (j) Vacation home rentals.
- (5) Yard Requirements. The following requirements apply to the NA district.
- (a) The minimum lot size is 20 acres, exclusive of road right-of-way.
 - (b) The minimum lot width is 150 feet.
 - (c) The minimum setback for principal and conditional use structures is 25 feet.
 - (d) The minimum setback for accessory structures is 10 feet.
 - (e) The maximum height for any structure is 35 feet, unless a different maximum height is permitted by sec. 8.25 or chs. 20, 24, or 25. However, all structures are subject to the Airport Approach Protection Ordinance.

PART IV. STANDARDS.

8.19 Nonconforming Lots of Record.

A nonconforming lot of record may be developed even though it does not meet the minimum lot size and lot width requirements of this ordinance if the proposed use is a

single family dwelling or a principal or accessory use in the district in which it is located. A nonconforming lot of record is subject to all other requirements contained in this ordinance.

8.20 Nonconforming Structures.

- (1) An uncompleted structure for which a zoning permit was issued and construction commenced may be completed if the completed structure complies with the ordinance in effect at the time the permit was issued, even if the structure does not conform to the requirements of this ordinance at the time construction is completed, and the completed structure will be deemed a nonconforming structure.
- (2) A nonconforming structure may continue to be used and maintenance and repairs may be made to the nonconforming structure.
- (3) A nonconforming structure's area may not be increased by more than 50% of the structure's square footage at the time that it became nonconforming, except to comply with public health and safety law requirements or to make it a conforming structure.
- (4) A nonconforming structure's exterior dimensions may be changed provided that the change does not reduce any existing nonconforming setback or increase any existing nonconforming height.
- (5) Restoration of Certain Nonconforming Structures. In accordance with Wis. Stat. § 60.61(5m), a nonconforming structure that is damaged or destroyed by fire, flood, ice, infestation, mold, snow, vandalism, or violent wind may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the nonconforming structure may be enlarged, but only to the extent necessary for the structure to comply with applicable state and federal requirements.

8.21 Nonconforming Uses.

- (1) A nonconforming use may not be enlarged or expanded.
- (2) A nonconforming use that has ceased or otherwise been discontinued for a period of 12 months may not be resumed, and any further use must conform to the requirements of this ordinance.
- (3) A nonconforming use may not be moved to any other part of the parcel on which it is located.
- (4) A nonconforming use may not be moved to another parcel unless the use is

1922 allowed or permitted on the parcel to which it is moved. A conditional use permit
1923 must be obtained if the use is a conditional use on the parcel to which it is moved.
1924

1925 (5) A nonconforming use may not be changed to another nonconforming use.
1926

1927 (6) A nonconforming use may be changed to a conforming use, but a conditional use
1928 permit must be obtained if the new use is a conditional use.
1929

1930 (7) A nonconforming use that has been changed to a conforming use may not be
1931 returned to the prior nonconforming use or to any other nonconforming use.
1932

1933 **8.22 Farm Consolidation.**
1934

1935 (1) Any parcel that is part of a farm consolidation and that contains a farm residence
1936 or structure that existed at the time the town in which the parcel is located
1937 originally adopted exclusive agriculture zoning may be divided into two parcels,
1938 both of which will retain Exclusive Agriculture EA zoning, provided that:
1939

1940 (a) the first parcel contains the farm residence, is at least 1 acre, but less than
1941 20 acres, and has at least 100 feet of frontage; and
1942

1943 (b) the second parcel is at least 20 acres.
1944

1945 (2) The residence and any other structures on the first parcel will be deemed to be
1946 nonconforming structures subject to the provisions contained in sec. 8.20.
1947

1948 **8.23 Site Restrictions.**
1949

1950 (1) No structure may be constructed, erected, or moved onto land that is unsuitable
1951 by reason of adverse soil or rock formations, concentrated runoff, flooding,
1952 inadequate drainage, low percolation rate or bearing strength, susceptibility to
1953 erosion, unfavorable topography, or any other reason deemed likely to be harmful
1954 to the aesthetics, general welfare, health, prosperity, and safety of the community.
1955

1956 (2) A lot must have a minimum of 100 feet of frontage abutting upon a public street
1957 or an approved private street.
1958

1959 (3) The depth, width, and overall area of a lot must be sufficient to permit the
1960 location of a conforming and legal private onsite wastewater treatment system
1961 (POWTS) if it is not serviced by a municipal wastewater treatment system.
1962

1963 **8.24 Use Restrictions.**
1964

1965 (1) No land or structure, and no part of any land or structure, may be used or
1966 occupied for any purpose unless the use or occupancy complies with the

requirements of this ordinance.

- (2) No land or structure, and no part of any land or structure, may be used for any purpose if it is unsuitable for that purpose by reason of adverse soil or rock formations, concentrated runoff, flooding, inadequate drainage, low percolation rate or bearing strength, susceptibility to erosion, unfavorable topography, or any other reason deemed likely to be harmful to the aesthetics, general welfare, health, prosperity, and safety of the community.
- (3) Principal uses in a zoning district are limited to those principal uses specified for the district in this ordinance.
- (4) A principal structure must be located on a lot and only one principal structure may be constructed, erected, or moved onto a lot.
- (5) Conditional uses in a zoning district are limited to those conditional uses specified for the district in this ordinance.
- (6) Conditional uses and accessory uses to conditional uses are special uses that require an application, review, public hearing, approval by the board of adjustment, and issuance of a conditional use permit.
- (7) Temporary structures that are constructed using a frame made out of metal, pvc, wood, or a similar material; that are covered by canvas, fabric, vinyl, or a similar material; and that are used as a boat or other vehicle enclosure; screen house; storage building for materials during construction; or for a similar purpose are subject to the following requirements:
 - (a) The structure may not be in place for more than a total of 180 days during any consecutive 12-month period.
 - (b) The entire structure, including the frame and covering, must be totally disassembled and removed once it has been in place for a total of 180 days during any consecutive 12-month period.
 - (c) The structure must be set back at least 3 feet from any side lot line.

8.25 Height Exception.

The height limitation specified for a zoning district may be exceeded for the following structures if the front, rear, and side setbacks for the structure are increased by one foot for each foot that the structure exceeds the district's height limitation, provided that the structure does not exceed the maximum height permitted by the Airport Approach Protection Ordinance:

- (1) accessory farm structures, such as gas tanks, grain elevators, scenery lofts, and silos;
- (2) architectural projections such as belfries, chimneys, cupolas, domes, flues, parapet walls, and spires;
- (3) communication structures, such as aials, antenna, and towers;
- (4) electric power lines and substations;
- (5) essential services;
- (6) manufacturing equipment and necessary mechanical appurtenances;
- (7) smoke stacks;
- (8) towers, including cooling towers, fire towers, radio, microwave, and television towers, and water towers;
- (9) utilities and utility services;

PART V. SUPPLEMENTAL REGULATIONS.

8.26 General Standards.

This Part contains standards that apply to principal, accessory, and conditional structures and uses that are in addition to the applicable requirements contained in Part III or in any other applicable section of the county code.

8.27 Accessory Structures.

- (1) An accessory structure is not permitted unless a principal structure exists on the same zoning lot or unless a zoning permit for a principal structure is issued at the same time that the accessory structure permit is issued.
- (2) An accessory structure may not exceed the maximum permitted height for the zoning district in which it is located.
- (3) An accessory structure may not be erected within any required front setback.
- (4) Campers, ice shanties, manufactured homes, and truck trailers may not be used as accessory structures and cannot be converted for storage or other purposes.

8.28 Adult Entertainment Establishments.

- (1) In recognition of the protection afforded to the citizens under the 1st and 14th Amendments of the Constitution of the United States, the purpose of this section is to regulate the location of specifically defined activities and materials consistent with the county's interest in the present and future character of its development, and this section is not intended to inhibit any person's freedom of speech or the freedom of the press. For that reason, commercial establishments dealing in adult entertainment activities and materials are permitted as a conditional use in any Commercial/Business (CB) district.
- (2) The following uses are only permitted as conditional uses:
- (a) Commercial establishments that display, disseminate, give away, lease, offer for view, possess for sale, publish, rent, sell, or otherwise deal in any facsimile, film, machine, mechanical device, model, picture, printed matter, sound recording, written matter, or other material or paraphernalia depicting sexual conduct or nudity and that exclude minors by reason of age.
 - (b) Commercial establishments that display for viewing any film or pictures depicting sexual conduct or nudity and that exclude minors by reason of age.
 - (c) Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.
- (3) The conditional uses allowed by this section are subject to the following provisions:
- (a) No permit may be granted where the proposed establishment is within 2,000 feet of any church, funeral parlor, historic district or site listed in the State or National Register of Historic Places, hospital, library, museum, park, playground, restaurant, school, or any other private or public building or premises likely to be utilized by persons under the age of 18 years.
 - (b) No permit may be granted if the proposed establishment is within 2,000 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
 - (c) No permit may be granted where the proposed establishment is within 2,000 feet of any area zoned residential in the same or a contiguous town or municipality.
 - (d) The applicant must provide the county with detailed information regarding

2102 use of the proposed establishment. If the application is for an
2103 establishment under subpar. (2)(a) or (2)(b), the applicant must furnish
2104 representative samples of the materials that will be available at the
2105 establishment. If the application is for an establishment under subpar.
2106 (2)(c) of this subsection, the applicant must provide a detailed description
2107 of the proposed activity to be conducted at the proposed establishment.
2108

2109 (e) The applicant must provide the name and address of the owners and
2110 occupants of all property within 1,000 feet of the proposed establishment.
2111

2112 (f) Billboards, portable signs, and towers are prohibited on the premises. No
2113 flashing or traveling lights may be located on or visible from the exterior
2114 of the structure in which the establishment is located. No sign may depict
2115 specified anatomical areas or specified sexual activity.
2116

2117 (g) All access points to the establishment and all windows or other openings
2118 must be constructed, covered, located, or screened in a manner that
2119 prevents viewing the interior of the establishment from any public or
2120 semipublic area.
2121

2122 (h) Adequate parking must be provided in a lighted area.
2123

2124 (i) The hours of operation for such establishments are limited to the same
2125 hours of operations for bars and taverns within the community in which
2126 the district is located.
2127

2128 (j) When acting on an application for a conditional use permit for an adult
2129 entertainment establishment, the Board of adjustment shall consider, in
2130 addition to usual factors taken into consideration for all conditional use
2131 permits, the protection of property values in the affected area; the
2132 preservation of neighborhoods; the tendency of such establishments to
2133 cause increases in noise, traffic, and other factors interfering with the quiet
2134 and peaceful enjoyment of the neighborhood; the tendency of such
2135 establishments to encourage residents and businesses to move elsewhere;
2136 the tendency of such establishments to attract an undesirable quantity or
2137 quality of transients; the tendency of such establishments to cause
2138 increases in crime, especially prostitution and sex-related crimes; the
2139 tendency of such establishments to increase the need for policing; the
2140 protection of minors from the activities conducted and materials available
2141 at such establishments; and any other factors related to the proposed use
2142 that may affect the health, safety, and general welfare of the community.
2143

2144 (k) If a protest signed by 51 percent or more of the adult residents and
2145 property owners within 500 feet of the proposed establishment is filed
2146 with the department, a unanimous vote of the Board of adjustment is

required to issue a conditional use permit.

8.29 Airports and Landing Strips.

- (1) A tract of land used for an airport or landing strip must be of sufficient size and adequate in all other respects to provide for the safe operation of the facility and to prevent hazards to surrounding property.
- (2) An airport or landing strip may not interfere with the development of any thoroughfare in the area.

8.30 Antennas.

- (1) In order to protect the health and safety of all citizens, as well as the aesthetic values embodied in this ordinance, every antenna is subject to the requirements contained in this section.
- (2) A maximum of 3 antennas per residence are allowed on a parcel in a residential district.
- (3) An antenna installation must be constructed of noncombustible, corrosive-resistant material and must be able to withstand winds of not less than 80 miles per hour.
- (4) An antenna must be filtered or shielded, or both, so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with radio or television broadcasting or reception on any adjacent property. If harmful interference results subsequent to an antenna's installation, the antenna's owner must, in accordance with Federal Communications Commission regulations, promptly take steps to eliminate the harmful interference.
- (5) An antenna is subject to the height requirements for the district in which it is located, except that a ground-mounted satellite antenna that is greater than 3 feet in diameter may not exceed 15 feet in height.
- (6) A ground-mounted antenna must be located at least one foot from the nearest lot line for each foot of height above the surrounding grade.
- (7) A roof-mount antenna must be mounted at least one foot from the nearest lot line for each foot of height above the roof line.
- (8) A satellite antenna must be designed and located so as to reduce its visual impact on surrounding properties.
- (9) A satellite antenna must be set back at least 5 feet from a side or rear lot line.

- (10) A portable or trailer-mounted antenna is not permitted, except for temporary installation of an antenna for on-site testing or demonstration purposes for a period not to exceed 2 days at any one location.

8.31 Automobile Wrecking Yards, Dumping Grounds, Junk Yards, Sanitary Land Fills, and Salvage Yards.

- (1) Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard must be located so that it does prevent or interfere with the proper development of the surrounding area.
- (2) Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard must be adequately fenced or otherwise screened year round with a dense shrub growth to prevent unsightliness and the blowing of materials off of the premises.
- (3) The minimum side and rear setback for any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard is 50 feet.
- (4) The board of adjustment shall take into consideration the temporary nature of dumping and sanitary land fill operations and the public necessity for waste disposal in considering the application for a conditional use permit for a dumping ground or sanitary landfill operation.

8.32 Cemeteries.

- (1) The site of a proposed cemetery must not prevent or interfere with the proper development of thoroughfares in the area.
- (2) Any burial plot or structure must be set back at least 100 feet from any street or highway right-of-way line.

8.33 Conservation Clubs, Shooting Clubs, and Shooting Ranges.

- (1) The club or range and any structure associated with the club or range must be located so that the use of a firearm on the premises does not create a nuisance or danger to any person or property on any adjacent parcel.
- (2) Accessory uses, such as a bar, dining facility, kitchen, or storage shed that is incidental to the operation of the club or range, are allowed.

8.34 Convalescent Homes, Hospitals, Public Buildings, Nursing Homes, Sanitariums, and Utilities.

- (1) The site of a proposed convalescent home, hospital, public building, nursing

home, sanitarium, or utility must not interfere with or prevent the development and use of the surrounding land in the principal uses of the district.

- (2) The minimum side and rear setback for any convalescent home, hospital, public building, nursing home, sanitarium, or utility is 50 feet.
- (3) The grounds surrounding any convalescent home, hospital, public building, nursing home, sanitarium, or utility must be appropriately landscaped.
- (4) A sufficient number of off-street parking spaces must be provided to assure that employees, visitors, or others to a convalescent home, hospital, public building, nursing home, sanitarium, or utility do not need to park on any public right-of-way during normal periods of activity.

8.35 Driveways; Parking Spaces; and Loading, Standing, and Unloading Areas.

- (1) General Requirements. The following general requirements apply to driveways; parking spaces; and loading, standing, and unloading areas:
 - (a) Access. A parking space or loading, standing, or unloading area must be served by separate ingress and egress driveways or by an adequate turn-around that is always available and useable.
 - (b) Bumper guards or wheel barriers. Any parking space or loading, standing, and unloading area associated with a commercial use must have bumper guards or wheel barriers installed so that no portion of a vehicle will project into a public right-of-way or over adjoining property.
 - (c) Location. A parking space or loading, standing, or unloading area may not be located in any yard that is adjacent to a street or highway.
 - (d) Screening. A parking, loading, standing, or unloading area that abuts a neighboring property in a residential district must be screened by a fence, hedge, or wall.
 - (e) Surfacing. A driveway; parking space; and loading, standing, and unloading area must have an all-weather surface, such as asphalt, gravel, or concrete, and must be graded and drained.
 - (f) Lighting. Any light used to illuminate a driveway; parking; or loading, standing, and unloading area must be directed away from any adjacent public street and away from any residence on an adjacent parcel.
- (2) Automobile Parking Spaces.

- (a) A minimum number of off-street automobile parking spaces are required for certain uses.
1. A bed and breakfast must provide at least 1 space for each lodging unit.
 2. A bowling alley must provide at least 5 spaces for each alley or lane.
 3. A commercial use must provide at least 1 space for every 300 square feet of floor area devoted to the primary use and 1 space for every 5,000 square feet of storage or warehouse area.
 4. A dance hall or skating rink must provide at least 1 space for every 100 square feet of floor area used for dancing or skating.
 5. A hotel must provide at least 1 space for each lodging unit.
 6. A motel must provide at least 1 space for each dwelling unit.
 7. An office must provide at least 1 space for every 3 employees.
 8. A place of public assembly, such as an auditorium, church, meeting hall, or theater, must provide at least 1 space for every 6 seats, based maximum seating capacity.
 9. A private club must provide at least 1 space for every 100 square feet of floor area.
 10. A publicly owned service building must provide at least 1 space for every 400 square feet of floor area.
 11. A residential use must provide at least 2 spaces per dwelling unit.
 12. A restaurant must provide at least 1 space for every 200 square feet of floor area, plus 1 space for every 3 employees.
 13. A retail operation must provide at least 1 space for every 200 square feet of floor area, plus 1 space for every 3 employees.
 14. A tavern must provide at least 1 space for every 200 square feet of floor area, plus 1 space for every 3 employees.
 15. A wholesale operation must provide at least 1 space for every 200 square feet of floor area, plus 1 space for every 3 employees.

- 2327 (b) Each parking space must be not less than 9 feet wide and 17 feet long.
2328
2329 (c) The department may specify the number of spaces for any unlisted use
2330 based upon the nature and location of the use.
2331
2332 (d) The board of adjustment may require a greater number of spaces based
2333 upon the nature and location of the use when authorizing the issuance of a
2334 conditional use permit.
2335
- 2336 (3) Driveways. Any driveway that is installed, replaced, or extended, and any portion
2337 of a driveway that is modified, after the effective date of this ordinance must meet
2338 the following requirements:
2339
- 2340 (a) The opening for vehicular ingress and egress may not be less than 20 feet
2341 wide at the right of way line.
2342
- 2343 (b) A driveway must have an all-weather driving surface that is not less than
2344 14 feet wide and must have a typical road grade that is sloped to provide
2345 drainage.
2346
- 2347 (c) The turn radius for any curve in a driveway must be at least 30 feet for the
2348 inside radius and at least 50 feet for the outside radius.
2349
- 2350 (d) A driveway that exceeds 500 feet in length must have a turnout at least
2351 every 500 feet that will allow vehicles to pass. The turnout area must be
2352 at least 60 feet in length, 30 feet in width, and have a connecting turn
2353 radius of at least 30 feet.
2354
- 2355 (e) A driveway must provide a turn around at any structure or terminal point.
2356 The turn around may be a cul du sac that is at least 100 feet in diameter or
2357 one or more one rectangular areas at least 60 feet in length and 20 feet in
2358 width. The turnaround must have a connecting turn radius of at least 30
2359 feet.
2360
- 2361 (f) Any culvert or bridge associated with the driveway must be capable of
2362 handling a 30-ton vehicle.
2363
- 2364 (g) A driveway must be located within a clear space that is free of any trees or
2365 other obstructions. The clear space must be at least 20 feet wide and 14
2366 feet high.
2367
- 2368 (4) Loading, Standing, and Unloading Spaces.
2369
- 2370 (a) A parcel that is used for commercial purposes must provide adequate
2371 space for loading, standing, and unloading motor vehicles in order to

avoid undue interference with the public use of roadways, and no portion of a vehicle that is loading, standing, or unloading may project into a public roadway.

- (b) A space for loading, standing, or unloading motor vehicles must be not less than 12 feet wide, 65 feet long, and 15 feet high.
- (c) One space must be provided for each 20,000 square feet, or any fraction thereof, on a parcel that is used for commercial purposes.
- (d) The loading, standing, and unloading space requirements may be modified or waived for a proposed commercial use if a site review determines that the use is of a kind that does not require the loading, standing, or unloading of motor vehicles or that adequate provisions have been made for the loading, standing, and unloading of motor vehicles associated with the proposed use. Any modification or waiver granted pursuant to this subsection becomes void if the use that was subject to the site review is changed.

8.36 Home Occupations.

- (1) The use of a residential dwelling for a home occupation may not occupy more than 25 percent of the floor area of one floor and must be clearly incidental and subordinate to the residential use. Typical home occupations include, but are not limited to, baby sitting, barber or beauty shops, canning, crafts, dance studios, desktop publishing and other computer services, dressmaking, insurance agencies, laundering and ironing, millinery, music instruction, photographic studios, real estate agencies, telephone marketing, and word processing. Auto body, construction trades, and engine repair are not allowable home occupations.
- (2) Only 1 person other than a member of the immediate family living on the premises may be employed to work on the premises.
- (3) Traffic generated by the home occupation must not be greater in volume than would normally be expected in a residential neighborhood. Sufficient off-street parking must be provided for any traffic generated by the home occupation, but no parking is permitted in the front yard.
- (4) On-site retail sales are limited to goods made on the premises or, with the approval of the department, to goods associated with the normal operation of the home occupation, such as beauty supplies, shampoo, and personal care products for a beauty shop.
- (5) One on-premises sign is allowed.

2417 **8.37 Hunting Cabins or Warming Shacks.**

- 2418
- 2419 (1) The maximum number of days that a hunting cabin or warming shack may be
- 2420 used during a calendar year is 60.
- 2421
- 2422 (2) The maximum ground floor area allowed for any hunting or warming shack is
- 2423 300 square feet.
- 2424
- 2425 (3) A hunting cabin or warming shack may not be equipped with sewage or water
- 2426 facilities.
- 2427

2428 **8.38 Manmade Ponds.**

- 2429
- 2430 (1) The minimum setback from a side or rear lot line to the beginning slope of a
- 2431 manmade pond is 25 feet.
- 2432
- 2433 (2) The minimum setback from an existing or proposed soil absorption on-site
- 2434 sanitary waste disposal system to the beginning slope of an existing or proposed
- 2435 manmade pond is 50 feet.
- 2436
- 2437 (3) The minimum setback from an existing or proposed holding tank sanitary waste
- 2438 disposal system is 25 feet from the beginning slope of an existing or proposed
- 2439 manmade pond.
- 2440
- 2441 (4) The side slope of a manmade pond must provide no greater than a 1-foot vertical
- 2442 change for every 3-feet of horizontal change, and this ratio must be maintained
- 2443 until the slope extends 6 vertical feet below the high water mark.
- 2444
- 2445 (5) Normal maintenance and repairs may be made to an existing manmade pond, but
- 2446 a zoning permit is required for any activity that increases the surface area of a
- 2447 manmade pond to more than 10 percent of its original size.
- 2448

2449 **8.39 Manufactured Homes and Mobile Homes.**

- 2450
- 2451 (1) A manufactured home used for human habitation must meet the construction
- 2452 standards contained in Wis. Admin. Code ch. Comm 27.
- 2453
- 2454 (2) A manufactured home may not be parked or used as a residence unless it is
- 2455 located in a manufactured home park, except as otherwise permitted in this
- 2456 section.
- 2457
- 2458 (3) A manufactured home is considered to be single-family residence and is an
- 2459 allowed use in any zoning district where single family dwellings are an allowed
- 2460 principal use provided that:
- 2461

- (a) A site plan is submitted with the zoning permit application to the department for review and approval. The site plan must show the size of the manufactured home, its location on the lot, all yard measurements, and the location of the septic tank, filter bed, and water supply.
- (b) The manufactured home must be set on an enclosed foundation in accordance with Wis. Stat. § 70.043(1) and Wis. Admin. Code ch. Comm 21, subchs. III, IV, and V. The department may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
- (c) The manufactured home must be securely anchored to its foundations with tie-downs having a minimum tensile strength of 2,800 lbs. and the anchors must be embedded in concrete that is sufficient to withstand the tie-down strain. The amount of tie-downs must conform to the manufacturer's recommendations, provided that there are at least four tie-downs.
- (d) The manufactured home must be installed in accordance with the manufacturer's instructions and is properly connected to utilities.
- (e) The hitch and wheels must be removed.
- (f) The roof must be double pitched so that there is at least a 3-inch vertical rise for each 12-inches of horizontal run. The roof must have a minimum 8-inch overhang on each perimeter wall and the overhang must be architecturally integrated into the design of the dwelling. The roof must be residential in appearance; must be covered with an approved material, such as wood, asphalt, composition, or fiberglass shingles; and may not be covered with corrugated aluminum or corrugated fiberglass.
- (g) The exterior siding material must be residential in appearance; may consist of clapboards, concrete, masonry, simulated clapboards such as conventional vinyl or metal siding, stucco, wood, wood shingle shakes, or a similar material; but may not include smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material must extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- (4) A manufactured home may not be located on a lot outside of an approved and licensed manufactured home park for more than 6 months unless it meets the requirements of a permanent dwelling and is taxed accordingly.
- (5) A manufactured home may be used as a single family residence on a farm provided that the manufactured home is occupied by a family member or

employee of the farm's owner. The family member must be related to the father, mother, son, daughter, brother, or sister of the farm owner. The employee must be actively employed and receive 50 percent of his or her income from the farm operation.

- (6) Skirting. Skirting specifically designed for manufactured homes, or some other material, must enclose the area between the ground and the bottom of the manufactured home. Skirting must be installed within 2 weeks of the date that the manufactured home is placed on its site.

- (7) A mobile home may not be used as a residence within the county unless it is located in a manufactured home park.

8.40 Manufactured Home Parks.

- (1) Drainage, Erosion Control, and Landscaping.

- (a) A manufactured home park and each manufactured home within the park must be located on a well-drained area and the premises properly graded so as to prevent the accumulation of storm or other waters. No manufactured home park may be located in an area where runoff of contaminated liquids or from contaminated solids is likely to be deposited.

- (b) A construction site erosion control plan must be submitted to and approved by the department prior to the commencement of any work on a new manufactured home park or the expansion of an existing park.

- (c) The open areas of a manufactured home park must be seeded or sodded and properly landscaped.

- (2) Parking.

- (a) A graveled or paved parking area of at least 350 square feet is required for each manufactured home site. Additional parking spaces must be provided within the park so that there are at least 1¼ parking spaces for each manufactured home space.

- (b) Parking in the front yard of a manufactured home is prohibited.

- (c) The parking area for a manufactured home site must be connected to the entrance of the manufactured home by a hard surface walkway that is at least two feet wide.

- (d) Parking areas and walkways must have adequate drainage and be maintained in good condition.

- 2552
2553 (e) Unlicensed vehicles, collections of debris, junk, or personal property are
2554 prohibited in any parking area or space.
2555

2556 (3) Setbacks and Other Dimensional Requirements.
2557

- 2558 (a) The minimum lot size is 3 acres.
2559
2560 (b) The maximum number of manufactured home sites per acre is 8.
2561
2562 (c) The minimum width of a manufactured home site is 30 feet.
2563
2564 (d) The maximum height of a manufactured home is 15 feet.
2565
2566 (e) The minimum distance between manufactured homes is 20 feet.
2567
2568 (f) The minimum side yard setback for each manufactured home site is 8 feet.
2569
2570 (g) The minimum rear yard setback for each manufactured home site is 25
2571 feet.
2572
2573 (h) The minimum setback for an accessory structure is 5 feet.
2574
2575 (i) Each site in a manufactured home park must be a clearly marked or
2576 delineated area of not less than 3,600 square feet. A manufactured home
2577 may not occupy more than one-third of a site, and the manufactured home
2578 and all accessory structures may not occupy more than one-half of the site.
2579 Any modification or expansion of an existing and operating manufactured
2580 home park must conform to current regulations.
2581

2582 (4) Sewage Disposal.
2583

- 2584 (a) A manufactured home park and each unit within a manufactured home
2585 park must be connected to and use a public sewage facility if it is available
2586 to the manufactured home park.
2587
2588 (b) A private sewage system as defined in Wis. Stat. § 145.01(12) is allowed
2589 when a public sewage facility is not available. The system must be
2590 located on the premise and must be designed, constructed, and operated in
2591 accordance with Wis. Stat. § 144.245 and Wis. Admin. Code chs. Comm
2592 82 and 83. Plans and installation details covering the design and
2593 construction, alteration, or extension of a private sewage system must be
2594 approved by the department and the Department of Commerce prior to
2595 construction. Prior to construction, sanitary permits are required for any
2596 work done to a private sewage system.

- 2597 (5) Streets.
- 2598
- 2599 (a) Each site in a manufactured home park must abut upon a street.
- 2600
- 2601 (b) The maximum length of a one-way street is 500 feet.
- 2602
- 2603 (c) A one-way street must be at least 14 feet wide if parking is prohibited on
- 2604 the street, 18 feet wide if parking is permitted on only one side of the
- 2605 street, and 24 feet wide if parking is allowed on both sides of the street.
- 2606
- 2607 (d) A two-way street must be at least 18 feet wide if parking is prohibited on
- 2608 the street, 24 feet wide if parking is permitted on only one side of the
- 2609 street, and 32 feet wide if parking is allowed on both sides of the street.
- 2610
- 2611 (e) Each street must be adequately graveled for year round use or be paved;
- 2612 have natural drainage, be adequately lighted at night, and maintained in
- 2613 good condition.
- 2614
- 2615 (6) Plumbing. All plumbing must meet the requirements contained in Wis. Admin.
- 2616 Code chs. Comm 82–84 and Wis. Admin. Code ch. HSS 177.
- 2617
- 2618 (7) Uses.
- 2619
- 2620 (a) The operation of laundry, recreation room, and washroom facilities for
- 2621 benefit of the residents of the manufactured home park is allowed.
- 2622
- 2623 (b) The operation of maintenance equipment storage facilities and one
- 2624 business office for the management of the manufactured home park is
- 2625 allowed.
- 2626
- 2627 (c) The management of the manufactured home park shall not allow, and no
- 2628 person may conduct, any other business activity in the park.
- 2629
- 2630 (8) Miscellaneous Provisions.
- 2631
- 2632 (a) Pre-existing Parks. Any expansion of an existing park must comply with
- 2633 this and all other county ordinances. All existing parks must be licensed
- 2634 and comply with this ordinance, except for certain design requirements
- 2635 not previously in effect. All replacement manufactured homes must
- 2636 comply with this section of the ordinance.
- 2637
- 2638 (b) Recreation Area. Each park must contain a relatively level, well-drained
- 2639 recreation area. The minimum recreation area required is ½ acre for the
- 2640 first 50 sites. An additional ½ acre is required for every 50 sites
- 2641 thereafter.

- (c) Setback Zones. No occupied or unoccupied dwelling, manufactured home, mobile home, or recreation vehicle may be located between the established setback lines for the zoning district in which it is located and a highway, lot line, stream, street, or lake.
- (d) Screening. Each manufactured home park must be completely enclosed, except for permitted entrances and exits, by a temporary planting of fast growing material capable of reaching 15 feet or more or by a permanent evergreen planting of such a number and arrangement of individual trees that a dense screen will be formed within 10 years. Other screening that is harmonious with the surrounding area may be approved by the department.
- (e) Small Manufactured Homes. Any manufactured home with less than 400 square feet of living space must be located within a manufactured home park.
- (f) Collections of personal property, debris, junk, and unlicensed vehicles are prohibited outside of a building anywhere within the boundaries of any manufactured home park.

8.41 Outdoor Wood Burning Furnaces.

- (1) This section applies to detached energy systems such as an outdoor wood burning furnace or unit, but does not apply to lawfully operated barbeques, fire pits, fryers, or grills. It does not apply to the chimney attached to any structure, such as a residence or garage.
- (2) A zoning permit is required for any detached energy system.
- (3) No detached energy system may be located in a front or side yard.
- (3) Setbacks and Other Minimums.
- (a) A detached energy system in an agricultural district must be setback at least 100 feet from any side or rear lot line.
- (b) A detached energy system in an agricultural district must be setback at least 200 feet from any residence on an adjacent parcel.
- (c) A detached energy system in an agricultural district must be setback at least 100 feet from the front or side yard of any residence on an adjacent parcel.
- (d) A detached energy system in a residential district must be setback at least

2687 200 feet from any side or rear lot line.

2688
2689 (e) A detached energy system in an agricultural district must be setback at
2690 least 200 feet from any residence on an adjacent parcel.

2691
2692 (f) A detached energy system in a residential district must be setback at least
2693 200 feet from the front or side yard of any residence on an adjacent parcel.

2694
2695 (g) The minimum stack height for any detached energy system is 20 feet,
2696 except that a lesser stack height which meets the manufacturer's minimum
2697 specifications is allowed for any system that is Phase 2 Qualified under
2698 the U.S. Environmental Protection Agency's 2008 Hydronic Heater
2699 Program.

2700
2701 **8.42 Recreation Vehicles.**

2702
2703 (1) A recreation vehicle other than a park trailer, a transporting device for a
2704 recreation vehicle; or a recreation vehicle on a transporting device may be parked
2705 or stored on its owner's property as an accessory use.

2706
2707 (2) A recreation vehicle or a transporting device for a recreation vehicle may not
2708 have its wheels removed, except for repairs, or be altered in any way that would
2709 make it unable to be readily removed from the property.

2710
2711 (3) A recreation vehicle may not be used to provide permanent habitation in any
2712 district.

2713
2714 (4) A recreation vehicle other than a park trailer may be used to provide temporary
2715 living quarters or overnight accommodations subject to the following conditions:

2716 (a) It may not be located in a Lake Residential LR District.

2717 (b) It may not be located on a riparian lot.

2718 (c) It may not be located in a floodplain or wetland.

2719 (d) It must meet all accessory use setback requirements for the district in
2720 which it is located.

2721 (e) It may not have or be attached to any structure, such as a deck, patio, shed,
2722 or other appurtenance.

2723 (f) If it is located on a residential parcel, it may be used to provide living
2724 space or overnight accommodations for up to 14 days at a time, but for no
2725 more than a total of 30 days in a calendar year.

- (g) If it is located on an open space parcel or on an improved parcel on which no structure is used for habitation, it may be used continuously or intermittently to provide living space or overnight accommodations for a period of up to 30 consecutive days at a time. On the thirty-first day following the first day of any 30-day period, it must be removed from the parcel for at least 10 days and no other recreation vehicle may be located or used on the parcel during this 10-day period.
- (h) No more than 2 recreation vehicles may be located or used on a parcel at any one time, except that up to 5 recreation vehicles may be used on a parcel for a special event, such as a family reunion, for a period of no more than a total of 7 calendar days in any calendar year.
- (5) A park trailer may be used to provide temporary living quarters or overnight accommodations subject to the following conditions:
- (a) It may only be located in a General Agriculture GA or Natural Area NA District.
- (b) It may not be located on a riparian lot.
- (c) It may not be located in a floodplain or wetland.
- (d) It must meet all accessory use setback requirements.
- (e) It must be connected to septic and water utilities.
- (f) A deck, patio, shed, or other appurtenance may be attached to a park trailer.
- (g) It may be used to provide living space or overnight accommodations for no more than a total of 180 days in a calendar year.
- (h) No more than 1 park trailer may be located or used on a parcel at any one time, except in a recreation vehicle park.

8.43 Sand, Gravel, and Rock Excavation.

- (1) Purpose. These supplemental regulations are intended to assure that sand, gravel, and rock extraction operations are properly controlled, while providing the maximum degree of flexibility in dealing with mineral deposits whose locations are not precisely known, and are in addition to any requirements contained in the Nonmetallic Mining Operations Ordinance.
- (2) Aerial Photograph and Map. An application for a sand, gravel, or rock extraction

conditional use permit must include an aerial photograph and map that provides the following information:

- (a) The boundaries of the affected parcel and any adjacent parcel and the location and name of all pipelines, railroads, roads, streams, utilities, and wetlands on the affected parcel and any adjacent parcel.
 - (b) The name of the owner of each adjacent parcel and the location of all structures within 1,000 feet of the outer perimeter of the area, the purpose for which the structure is used, and the names of each structure's occupants.
 - (c) The proposed location, extent, and depth of the intended sand, gravel, and rock excavation, showing the setback distances.
 - (d) The proposed location of any ponds, sediment basins, stockpiles, and waste dumps, showing the setback distances.
 - (e) The surface drainage of the affected land and the estimated depth to groundwater.
- (3) Operational Information. An application for a sand, gravel, or rock extraction conditional use permit must include the following operation information:
- (a) The duration of any applicable lease.
 - (b) The estimated date that operations will commence and terminate.
 - (c) The anticipated hours of operation.
 - (d) The proposed primary travel routes to transport material to and from the property.
 - (e) A description of the excavation and processing equipment to be used.
 - (f) A description of measures to be taken to screen the operation from view from any residence on an adjacent parcel.
 - (g) A description of measures to be taken to control dust, noise and vibrations from the operation.
- (4) Operations.
- (a) All blasting must be done by a state licensed and certified blaster, who must have a certificate of liability or proof of liability insurance.

- 2822 (b) All excavation equipment must be constructed, maintained, and operated
2823 in such a manner as to eliminate, as far as practicable, any dust, noise, or
2824 vibration that might adversely affect or injure any person living in the
2825 vicinity of the operation.
2826
- 2827 (c) Any excavation access road must have and be maintained with a dustless
2828 surface, and a stop sign must be placed where the access road intersects a
2829 public road.
2830
- 2831 (d) Any part of an excavation in which water collects to a depth of 2 feet or
2832 greater for 30 consecutive days or more must be drained or filled so as to
2833 prevent such a collection of water.
2834
- 2835 (e) Operations must be conducted in such a manner that any water runoff
2836 from operation does not adversely affect any adjacent parcel.
2837
- 2838 (f) All equipment and temporary structures, such as an asphalt plant,
2839 conveyor, or screener, must be removed from the parcel within 90 days of
2840 the termination of extraction operations.
2841
- 2842 (g) All rubble and other debris must be removed from the parcel within 90
2843 days of the termination of extraction operations.
2844
- 2845 (5) Setback Requirements.
2846
- 2847 (a) The excavation must be setback at least 1,000 feet from any existing
2848 residence unless the board of adjustment determines that it is in the public
2849 interest to permit an excavation at a distance that is less than 1,000 from
2850 an existing residence.
2851
- 2852 (b) The excavation must be setback at least 200 feet from all right-of-way
2853 lines.
2854
- 2855 (c) The excavation must be setback at least 100 feet from any lot line, except
2856 that the board of adjustment may set a smaller setback or waive the
2857 setback requirement if the adjacent parcel is or will be excavated.
2858
- 2859 (6) Options.
2860
- 2861 (a) The board of adjustment may require fencing if warranted by existing
2862 conditions.
2863
- 2864 (b) The board of adjustment may restrict the hours of operation if warranted
2865 by existing conditions.
2866

- (c) The board of adjustment may require the testing of wells adjacent to the proposed operation for turbidity, water levels, or other factors after the conditional use permit is granted.

8.44 Signs.

(1) Permit Requirement.

A zoning permit is required for any directional sign, business sign in a Commercial/Business CB zoning district, or on-premises business sign. A permit is not required for any other sign.

(2) General requirements. The general requirements described in this subsection apply to any sign.

(a) A sign and its supporting structure must be properly constructed, installed, and maintained.

(b) A sign must be securely anchored or otherwise fastened, suspended, or supported so as not to present a hazard to any person or property.

(c) A sign must be designed and constructed to safely withstand a wind pressure of at least 30 pounds per square foot of surface area.

(d) A sign may not be suspended by chains or other devices that allow the sign to swing due to wind action.

(e) Dimensions. The following dimensional limits, which are inclusive of border and trim, but exclusive of supports, apply to all signs:

1. The maximum width of any sign is 20 feet.

2. The maximum height of any sign is 20 feet.

3. The maximum surface area of any sign is 150 square feet.

(f) Public Decency. A sign may not display images or text that violate standards of public decency.

(g) Residential Protection. A sign that faces a residential zoning district may not be located within 25 feet of the residential zoning district boundary.

(3) Nonconforming signs.

(a) A nonconforming sign may continue to be used and the copy displayed on

the sign may be changed.

(b) Normal maintenance may be performed on and repairs made to a nonconforming sign, but a nonconforming sign may not be structurally altered unless the alteration brings the sign into compliance with this ordinance.

(c) Normal maintenance may be performed on the structure supporting a nonconforming sign, but the structure supporting a nonconforming sign may not be repaired unless the sign is brought into compliance with this ordinance. If repairs are made to the supporting structure and the sign cannot be brought into compliance with this ordinance, the sign must be removed.

(d) A nonconforming sign may not be enlarged.

(e) A nonconforming sign may not be relocated.

(f) A nonconforming sign may not be replaced.

(4) Prohibitions. The design elements, signs, and uses of signs described in this subsection are prohibited.

(a) A sign may not advertise an activity that is illegal under any federal law, state statute, or county ordinance that is in effect where the sign is located or where the advertised activity takes place.

(b) It is unlawful to locate a vehicular sign on private property where it is visible from a public right-of-way for the purpose of advertising or providing directions to any private activity, business, person, product or service.

(c) It is unlawful to locate a vehicular sign on any public property or public right-of-way for the purpose of advertising or providing direction to any private activity, business, person, product, or service.

(d) It is unlawful to use any character, phrase, symbol, or word, such as "DANGER," "LOOK," "STOP," or "YIELD," on a sign in such a manner as to mislead any driver or be confused with any authorized traffic device, sign, or signal.

(e) It is unlawful to locate a sign where, by reason of its color, position, or shape, it may mislead any driver or be confused with any authorized traffic device, sign, or signal.

- 2957 (f) It is unlawful to locate a sign where it interferes with or obscures a
2958 driver's view of any approaching, intersecting, or merging traffic on any
2959 street or highway.
2960
- 2961 (g) It is unlawful to locate a sign where it interferes with or obscures any
2962 official device, sign, or signal.
2963
- 2964 (h) It is unlawful to place any form of optical machine-readable code on a
2965 sign that is visible from a highway or street. Optical machine-readable
2966 code includes, but is not limited to, any form of barcode or matrix
2967 barcode, such as a Quick Response (QR) code.
2968
- 2969 (i) It is unlawful to draw, paint, or place a sign on a rock, tree, or other
2970 natural feature.
2971
- 2972 (j) A sign may not move or have any moving parts.
2973
- 2974 (k) A sign may not contain reflective elements that sparkle in the sunlight.
2975
- 2976 (l) It is unlawful to locate a sign, other than a government sign, in any public
2977 park, rest area, or scenic area.
2978
- 2979 (5) Directional signs.
2980
- 2981 (a) Location.
2982
- 2983 1. A directional sign may not be located within 2,000 feet of any at-
2984 grade intersection, interchange, rest area, park, scenic area, or
2985 wayside on a freeway or interstate highway or within 300 feet of
2986 any at-grade intersection, interchange, rest area, park, scenic area,
2987 or wayside on any other highway.
2988
- 2989 2. A directional sign must be at least one mile from any other
2990 directional sign that describes the same place and that faces the
2991 same direction.
2992
- 2993 3. No more than 3 directional signs pertaining to the same place may
2994 be located along a single route.
2995
- 2996 4. A directional sign visible from an interstate highway must be
2997 located with 75 miles of the place described on the sign.
2998
- 2999 5. A directional sign must be located so that it does not affect any
3000 agricultural operation.
3001

- 3002 (b) Changes to Directional Signs. A directional sign may be modified as to its
3003 color, copy, lighting, shape, and size provided that the modified sign
3004 complies with the requirements of Wis. Stat. § 84.30 and this ordinance.
3005
- 3006 (c) Illumination Restriction. A directional sign may not be illuminated.
3007
- 3008 (6) Electronic signs. The following regulations apply to electronic signs:
3009
- 3010 (a) Amber alerts. An electronic sign must be made available for amber alerts
3011 and other emergency notifications as deemed necessary by county law
3012 enforcement or emergency management officials.
3013
- 3014 (b) Audio. An electronic sign may not contain or use audio speakers.
3015
- 3016 (c) Brightness. The brightness level of an electronic sign may not exceed
3017 5,000 nits during daylight hours or 500 nits from dusk to dawn.
3018
- 3019 (d) Display Requirements. Any image or text displayed on an electronic sign
3020 must be a static display that has a duration of at least 8 seconds. The
3021 transition time between one display and the next must be no longer than 2
3022 seconds. A black or blank screen may not be used during the transition
3023 period.
3024
- 3025 (e) Malfunctions. An electronic sign must be designed to freeze the display in
3026 the event of a control malfunction.
3027
- 3028 (f) Mounting. An electronic sign that is mounted on a building or any
3029 appurtenance to a building may not project more than 18 inches from the
3030 face of the structure on which it is mounted.
3031
- 3032 (g) Portable Signs. A portable electronic sign is not permitted.
3033
- 3034 (h) Railroad Crossings. An electronic sign is prohibited within 200 feet of
3035 any railroad crossing.
3036
- 3037 (i) Residential Restriction. An electronic sign may not be located with 200
3038 feet of any residential zoning district.
3039
- 3040 (j) Scrolling Messages. An electronic sign may not display a scrolling or
3041 traveling message.
3042
- 3043 (k) Pyrotechnics. An electronic sign may not contain or use any form of
3044 pyrotechnics.
3045
- 3046 (7) Illuminated signs.

- (a) An illuminated sign must be effectively shielded so as to prevent light from being directed at any portion of the travelway of a controlled highway and may not glare, impair the vision of the driver of any motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle.
- (b) An illuminated sign may not interfere with the effectiveness of or obscure any official traffic device, sign, or signal.
- (c) An illuminated sign must be effectively shielded so as to prevent light from being directed at any residence or habitable structure on any adjacent parcel.
- (d) Neon tubing that is exposed to view on any sign must have an opaque cover of plexiglas or another similar material.
- (8) Sign-Specific Regulations.
- (a) Campaign or Ballot Initiative Signs. A sign erected on behalf of a candidate for public office or a ballot initiative may not be erected more than 30 days prior to the primary election and must be removed within 15 days following the general election. The maximum size of a campaign or ballot initiative sign, other than a billboard, is 16 square feet in a nonresidential zoning district and 8 square feet in a residential zoning district. A campaign or ballot initiative sign may not be located in or over a public right-of-way or within 15 feet of a public right-of-way at an intersection. A campaign or ballot initiative sign in a residential zoning district may not be illuminated.
- (b) Construction Signs. A sign that identifies a contractor or a construction project may be erected on the construction site. The maximum size of a construction sign is 100 square feet. No more than two signs are allowed on a construction site. The sign must be removed within 30 days of completion of construction or upon occupancy, whichever occurs first. A construction sign in a residential zoning district may not be illuminated.
- (c) Farm Signs. A sign identifying a farm may be placed on the property that it identifies. The maximum size of a farm sign is 10 square feet. A farm sign may not be illuminated.
- (d) Freestanding Signs. A freestanding sign must be entirely within the lot lines of the parcel on which it is located and must be setback from any road surface by a distance that is at least equal to or greater than the height of the sign. A freestanding sign that is located within 15 feet of a front or corner side lot line may not be more than 3 feet in height unless it has a

3092 minimum underclearance of 10 feet as measured from the grade level at
3093 the closest right-of-way line to the bottom of the sign.
3094

- 3095 (e) Garage, Rummage, and Yard Sale Signs. A sign for a garage, rummage,
3096 yard sale, or similar event (“yard sale sign”) must be entirely within the
3097 lot lines of the parcel on which the event takes place. A yard sale sign
3098 may not be displayed more than one day prior to the start of the sale and
3099 must be removed within one day after the sale ends. No more than 2
3100 events may be held on any parcel during a calendar year. A sign or signs
3101 may not be displayed for more than 10 days per event. The maximum size
3102 of a yard sale sign is 4 square feet. One sign is permitted on a lot, except
3103 that two signs are permitted on a corner lot provided that the signs are
3104 placed on different frontages. A yard sale sign may not be illuminated.
3105
- 3106 (f) Home Occupation Signs. A sign that displays the name and home
3107 occupation of the occupant may be placed on a property. The maximum
3108 size of the sign is 1 square foot. The sign may not be illuminated.
3109
- 3110 (g) Marquee signs. A marquee or other projecting sign that is located closer
3111 than 15 feet of a front or corner side lot line must have a minimum
3112 underclearance of 10 feet as measured from the grade level at the nearest
3113 road surface to the bottom of the sign.
3114
- 3115 (h) Memorial Signs. The maximum size of a memorial sign which identifies
3116 the name of a building and date of erection is 4 square feet unless the sign
3117 is cut into a masonry surface or inlaid so as to be part of the building. A
3118 memorial sign in a residential zoning district may not be illuminated.
3119
- 3120 (i) Neighborhood Identification A sign that identifies a housing complex,
3121 neighborhood, or subdivision is permitted in any residential zoning
3122 district. The sign may only contain the name of the housing complex,
3123 neighborhood, or subdivision and may consist of a landscaping, a masonry
3124 wall, or other materials combined to form a display. The maximum height
3125 of the sign is 8 feet and the maximum size is 32 square feet. The sign may
3126 not be illuminated unless specifically authorized by the department.
3127
- 3128 (j) No dumping signs. The maximum size of a no dumping sign is 1½ square
3129 feet.
3130
- 3131 (k) No trespassing signs. The maximum size of a no trespassing sign is 1½
3132 square feet.
3133
- 3134 (l) On-premises Business Signs. The maximum size of an on-premises
3135 business sign is 32 square feet, excluding supports.
3136

- 3137 (m) Organizational Identity Signs. A sign that consists of or displays an
3138 emblem, insignia, plaque, or symbol that identifies any association,
3139 corporation, nation, political organization, religious order, or other
3140 organized entity may be located on a person's property. The sign may not
3141 be illuminated if it is located in a residential district.
3142
- 3143 (n) Political Signs. A political sign that pertains to a political cause or issue
3144 must be removed within 15 days following the date that the political cause
3145 or issue is resolved. The maximum size of a political sign, other than a
3146 billboard, is 16 square feet in a nonresidential zoning district and 8 square
3147 feet in a residential zoning district. A political sign may not be located in
3148 or over a public right-of-way or within 15 feet of a public right-of-way at
3149 an intersection. A political sign in a residential zoning district may not be
3150 illuminated.
3151
- 3152 (o) Professional Office Signs. A sign that displays the name and profession
3153 of the occupant of the premises may be placed on a property. The
3154 maximum size of the sign is 3 square feet. The sign may not be
3155 illuminated.
3156
- 3157 (p) Real Estate Signs. A real estate sign that advertises a building, property,
3158 or other real estate for lease, rent, or sale may be placed on the property
3159 that is offered for lease, rent, or sale. One sign is permitted on a lot,
3160 except that two signs are permitted on a corner lot provided that the signs
3161 are placed on different frontages. The maximum size of a real estate sign
3162 is 32 square feet in a nonresidential district and 8 square feet in a
3163 residential district. The sign must be removed within 30 days of the
3164 effective date of the lease, rental, or sale of the property. The sign may
3165 not be illuminated.
3166
- 3167 (q) Wall Signs. A wall sign may not exceed 40 percent of the area of the wall
3168 upon which it is affixed or 4 square feet per lineal foot of wall, whichever
3169 is greater.
3170
- 3171 (9) Removal, Repair, or Compliance Orders.
3172
- 3173 (a) The department may issue a written order to the person who owns the
3174 property on which a sign is located that directs that a sign be removed,
3175 repaired, or brought into compliance with the terms of this ordinance if:
3176
- 3177 1. The sign is abandoned.
 - 3178
 - 3179 2. The sign advertises an activity, business, product, or service that is
3180 no longer available or provided.

- 3181 3. The sign is deteriorated, dilapidated, or in disrepair.
3182
3183 4. The sign is a hazard to any person or property or is otherwise
3184 unsafe.
3185
3186 5. The sign does not comply with any requirement contained in this
3187 ordinance.
3188

3189 (b) If a written order is issued pursuant to sub. (a), the action specified in the
3190 order must be completed within 10 days from the date of the order, unless
3191 the department specifies a longer period of time for compliance. The
3192 action necessary to comply with the order may be taken by the person who
3193 owns the property, the person who owns the sign, or the person having the
3194 beneficial use of the property or sign.
3195

3196 (c) If the action specified in the order is not taken within the time required,
3197 the department may remove or cause the sign to be removed. The cost of
3198 removing the sign will imposed as a special charge against the real
3199 property on which the sign was located and the property owner will be
3200 billed for the special charge. If the special charge is not paid within 30
3201 days from the date of billing, it will become a lien against the property and
3202 the delinquent special charge may be included in the next or current tax
3203 roll for collection and settlement pursuant to Wis. Stat. § 66.0627.
3204

3205 (d) If the department determines that a sign or its supporting structure
3206 presents an immediate peril to any person or property, the department may
3207 summarily remove or cause the sign to be removed without notice to the
3208 property owner where the sign is located. The department shall notify the
3209 property owner of the removal action as soon as practicable. The cost of
3210 removing the sign will imposed as a special charge against the real
3211 property on which the sign was located and the property owner will be
3212 billed for the special charge. If the special charge is not paid within 30
3213 days from the date of billing, it will become a lien against the property and
3214 the delinquent special charge may be included in the next or current tax
3215 roll for collection and settlement pursuant to Wis. Stat. § 66.0627.
3216

3217 **8.45 Vacation Home Rentals.**
3218

3219 (1) The applicant for a conditional use permit for a vacation home rental must include
3220 a site diagram, drawn to scale, showing the location and dimensions of the
3221 following:
3222

3223 (a) The structure used to provide sleeping accommodations;
3224

- 3225 (b) All accessory structures;
3226
3227 (c) Any private on-site waste water treatment system;
3228
3229 (d) Each parking space; and
3230
3231 (e) The on-premises sign.
3232
3233 (2) The application for a conditional use permit must specify:
3234
3235 (a) The number of bedrooms in the unit;
3236
3237 (b) The maximum number of overnight occupants who will be permitted to
3238 stay in the unit; and
3239
3240 (c) The number of parking spaces provided.
3241
3242 (3) The application for a conditional use permit must include a report showing that a
3243 compliance inspection has been conducted for any private on-site wastewater
3244 treatment system (POWTS) and that the system meets all state and local
3245 requirements.
3246
3247 (4) The board of adjustment may impose conditions intended to reduce the impact of
3248 the proposed use on neighboring properties and nearby bodies of water. The
3249 conditions may include, but are not limited to, the installation of a fence or
3250 vegetative screening along a property line, the maintenance of native vegetation
3251 as a buffer along the shoreline, or the imposition of specified quiet hours.
3252
3253 (5) An on-premises sign must be posted in a conspicuous place near the entrance to
3254 the property. The sign must have an area of at least 3 square feet. The sign must
3255 be visible from and legible without the need to come on to the property.
3256
3257 (6) The on-premises sign must include the following information:
3258
3259 (a) The property's advertised name, if any;
3260
3261 (b) The property's address;
3262
3263 (c) The name, address, and telephone number of the owner; and
3264
3265 (d) The name, address, and telephone number of the owner's agent or the
3266 local contact responsible for managing the property, if any.
3267
3268 (7) The owner of a vacation home rental must keep a register detailing the use of the

premises. The register must include, at a minimum, the name, address, and telephone number of each guest using the property and the license number of each vehicle that is parked on the property. A copy of the register must be made available to the department upon request.

- (8) Only 1 structure on a parcel may be used to provide sleeping accommodations for a vacation home rental. Accessory buildings may not be used to provide sleeping accommodations.
- (9) Occupancy is limited to no more than 2 persons per bedroom, plus 2 additional persons, per structure, and may not to exceed a total of 12 persons.
- (10) It is unlawful for any person to use or allow another person to use a camper, motor home, recreation vehicle, trailer, or any other means to provide overnight accommodations outside of the principal structure on the premises of a vacation home rental.
- (11) The owner must provide sufficient off-street parking for all day-time visitors. The owner must provide off-street parking on the parcel for each vehicle that is parked overnight. The maximum number of vehicles that may be parked on the property overnight is 6.
- (12) A vacation home rental is subject to the licensing requirements contained in Wis. Admin. Code ch. DHS 195 and the county's Public Health Ordinance.
- (13) Any prior nonconforming structure or use of a property for the purpose of providing a vacation home rental that is altered, changed, increased, replaced, or extended after the effective date this ordinance must comply with the requirements contained in this ordinance.

PART VI. ADMINISTRATION AND AMENDMENTS.

8.46 Planning and Park Commission.

The planning and park commission is designated as the county zoning agency under Wis. Stat. §§ 59.69 and 59.692 and shall perform the duties of the county zoning agency as specified in the statutes and this ordinance.

8.47 Planning and Zoning Department.

- (1) The department may issue or deny zoning permits.
- (2) The department may inspect buildings, premises, and structures and conduct investigations as necessary to administer and enforce this ordinance.

- 3313 (3) The department may conduct any other activity and perform any other function
3314 necessary and proper to administer and enforce this ordinance.
3315
- 3316 (4) The department may report any violation of the terms of a conditional use permit,
3317 any violation of the terms of a variance, and any other violation of this ordinance to
3318 the board of adjustment, the planning and park commission, or the corporation
3319 counsel.
3320

3321 **8.48 Board of Adjustment.**
3322

- 3323 (1) The board of adjustment shall have the power to hear and decide upon each
3324 application for a conditional use permit and, upon receipt of a report from the
3325 department that any term of a conditional use permit has been violated, to conduct a
3326 hearing and decide whether a violation has occurred. If the board of adjustment
3327 determines that a violation has occurred, it may add to or modify the conditions
3328 contained in the conditional use permit or it may revoke the conditional use permit.
3329
- 3330 (2) The board of adjustment shall have the power to hear and decide appeals where it is
3331 alleged there is error in any decision, determination, order, or requirement made by
3332 the department, except that it may not hear and decide appeals from a citation issued
3333 pursuant to this ordinance.
3334
- 3335 (3) The board of adjustment shall have the power to hear requests for a variance from
3336 the terms of this ordinance and to authorize such variances in specific cases where
3337 granting the request will not be contrary to the public interest and where owing to
3338 special conditions, a literal enforcement of the provisions of the ordinance would
3339 result in unnecessary hardship, so that the spirit of the ordinance is observed and
3340 substantial justice is done. In each case where a variance is granted, the board of
3341 adjustment shall issue a written decision that includes detailed, specific reasons for
3342 its determination that a literal enforcement of the provisions of the ordinance would
3343 result in unnecessary hardship. In every case where a variance is granted, the
3344 minutes of the board must show the recommendation of the town board of the town
3345 in which the property is located.
3346

3347 **8.49 Amendments.**
3348

- 3349 (1) The County Board may, in accordance with Wis. Stat. § 59.69, amend the
3350 regulations and district boundaries specified by this ordinance.
3351
- 3352 (2) A county board member, the planning and park commission, a property owner, town
3353 board member, or any other person may petition the county board for an amendment
3354 to the zoning ordinance text or to the zoning map.
3355
- 3356 (3) The form for the petition may be obtained from the department, and the completed

petition must be filed with the county clerk.

- (4) The county clerk shall immediately refer the petition to the planning and park commission.
- (5) The planning and park commission shall schedule a public hearing on the petition. Notice of the time and place of the hearing will be given by publication of Class 2 Notice as provided under Wis. Stat. ch. 985. A copy of the notice will be sent by registered mail to the Town Clerk for each town affected by the proposed amendment at least 10 days prior to the date of the hearing. A copy of the petition will be sent to the local county board supervisor if the petition seeks a change in zoning district boundaries.
- (6) The planning and park commission shall act on the petition as soon as possible following the public hearing. The commission may recommend approval, approval with modifications, or disapproval. If it recommends approval or approval with modifications, it shall cause an ordinance to be drafted effectuating its determination and it shall submit the proposed ordinance directly to the county board with its recommendations. If it recommends denial of the petition it shall report its recommendations directly to the county board with its reasons for the action.
- (7) The county board may enact the ordinance as drafted or with amendments, or it may deny the petition. If the commission has recommended that the petition be denied, the county board may refuse to accept the recommendation and send the petition back to the commission with directions to draft an ordinance and report the ordinance back to the county board. The county board's actions are subject to the provisions contained in Wis. Stat. § 59.69(5)(e) providing special voting requirements in the event of a protest by abutting owners. The county board's actions are subject to the provision contained in Wis. Stat. § 59.69 pertaining to approval or disapproval of ordinances and amendments by towns and town boards, except that, as provided for by Wis. Stat. § 59.692(2)(a), ordinances and amendments pertaining to shorelands on navigable waters shall not require approval or be subject to disapproval by any town or town board.
- (8) The department shall send a certified copy of all shoreland zoning ordinances and amendments to the Department of Natural Resources for any required approval.

PART VII. APPLICATIONS AND APPEALS.

8.50 Zoning Permits.

- (1) Permit Requirement. A person must obtain a zoning permit before any structure is constructed, erected, moved, or structurally altered.

- (2) Application. An application for a zoning permit must be submitted to the department on a form made available by the department. The application must include a plan showing the boundaries, dimensions, and location of the lot where the structure is or will be placed, the location of the structure on the property showing its relationship to the lot lines, any streets or highways, and any required setbacks, and the dimensions and shape of the structure; a description of the structure's existing or intended use, including the number of families to be accommodated in the case of a residential structure; and such other information about the structure and any neighboring lots and structures as may be necessary to determine compliance with the requirements of this ordinance.
- (3) Fees. The applicant must pay the zoning permit fee at the time the application is filed. The fee is doubled if the applicant submits the application after any work has commenced for the purpose of constructing, erecting, moving, or structurally altering the structure.
- (4) If the proposed activity or structure conforms to the requirements of this ordinance, the department shall issue a zoning permit to the applicant and retain a copy of the permit. If the proposed activity or structure does not conform to the requirements of this ordinance, the department shall provide the applicant with a written notice stating that the application has been rejected and stating the reasons for the rejection. The decision to grant or deny a zoning permit should normally be made within 14 calendar days of receipt of a completed application.
- (5) The zoning permit must be posted on the premises at all times during construction in such a manner that it is visible from the property's street or highway frontage.
- (6) A zoning permit is not required for a farm structure that has a ground area of less than 240 square feet, provided that the structure is not permanently fixed to the ground and is readily removable in its entirety. The foregoing notwithstanding, a zoning permit is required for a roadside stand.
- (7) A zoning permit is not required for a minor structure that occupies 100 square feet or less, such as a calf house, feed bin, flag pole, landscaping feature, mailbox, playhouse, raised flower bed, roadside stand, warming shack, or yard light. A property owner may request an opinion from the department about whether a proposed structure is a minor structure, provided that the request is made prior to the time that the structure is constructed, erected, moved, or structurally altered on the property.

8.51 Reasonable Accommodation for Disabled or Handicapped Persons.

- (1) The department will, upon receipt of a written request, issue a zoning permit that waives one or more specific zoning requirements if it determines that all of the

3445 following conditions have been met:

- 3446
- 3447 (a) The requested waiver is necessary to afford a handicapped or disabled person
- 3448 equal housing opportunity or equal access to public accommodations.
- 3449
- 3450 (b) The requested waiver is the minimum deviation from the terms of this
- 3451 ordinance necessary to provide the handicapped or disabled person equal
- 3452 housing opportunity or equal access to public accommodations.
- 3453
- 3454 (c) The requested waiver will not unreasonably undermine the basic purposes this
- 3455 ordinance.
- 3456
- 3457 (2) A zoning permit issued pursuant to this section must state the provisions of this
- 3458 ordinance that are waived and describe with reasonable particularity the deviation
- 3459 from the terms of this ordinance that are authorized.
- 3460
- 3461 (3) A zoning permit issued pursuant to this section must state that the permit is issued
- 3462 pursuant to the requirements of the Americans with Disabilities Act, the Fair
- 3463 Housing Act, the Rehabilitation Act, the Wisconsin Open Housing Law, a local
- 3464 ordinance, or a combination of these acts, laws, and ordinances in order to provide
- 3465 the reasonable accommodation necessary to avoid discrimination on the basis of
- 3466 disability or handicap.
- 3467
- 3468 (4) A zoning permit issued pursuant to this section must include a provision stating that
- 3469 the permit is valid only for so long as the waiver is necessary for a disabled or
- 3470 handicapped person to occupy or use the premises and that the permit holder must
- 3471 notify the department within 30 days of the date that the disabled or handicapped
- 3472 person no longer occupies or uses the premises.
- 3473
- 3474 (5) A zoning permit issued pursuant to this section must include a provision stating that
- 3475 any addition or external structural change allowed by the waiver must be
- 3476 constructed, insofar as is practicable, in such a way that it can be removed when the
- 3477 disabled or handicapped person no longer occupies or uses the premises, unless the
- 3478 department determines that removal will not be required and includes a written
- 3479 statement of the reason that removal is not required as part of the permit.
- 3480
- 3481 (6) A zoning permit issued pursuant to this section which requires the removal of any
- 3482 addition or external structural change will not become effective until the permit
- 3483 holder:
- 3484
- 3485 (a) Signs an affidavit that contains the legal description of the property,
- 3486 acknowledges that waiver granted by permit is authorized only for so long a
- 3487 disabled or handicapped person uses the premises, agrees to notify the
- 3488 department within 30 days of the date that the premises are no longer occupied

or used by a disabled or handicapped person, and agrees to remove any addition or external structural change authorized by the permit within 30 days of the date that the premises are no longer occupied or used by a disabled or handicapped person; and

- (b) Records the affidavit with the Register of Deeds and provides a copy of the recorded affidavit to the department.

8.52 Conditional Use Permits.

- (1) Application. An application for a conditional use permit must be submitted to the department for transmittal to the board of adjustment.
- (2) Fees. The applicant must submit the required fee at the time the application is filed. The required fee is doubled if the applicant submits the application after a use has commenced.
- (3) General Standards. A conditional use must not endanger the public health, safety, and welfare. A conditional use must be in harmony with the orderly development of the district in which it is located. The intensity, location, nature, and size of the use; the height, location, and nature of structures associated with the use; the relationship of the structures and the use to the site on which it is located, surrounding properties, and existing or future streets are all relevant factors for the board of adjustment to consider. A conditional use may not discourage the appropriate development and use of adjacent land and buildings or significantly impair the value of surrounding properties. A conditional use may not be more objectionable to nearby property by reason of flashing lights, fumes, noise, vibration, or other factors than the operation of any allowable principal use.
- (4) Plan Requirement. The applicant must submit a plan for the proposed conditional use at the time the permit application is filed. The plan must describe the nature and extent of the proposed use; the proposed hours of operation; and the location of all landscaping, parking areas, structures, and traffic access. The applicant should include all other information that the applicant would like for the board to consider when determining whether to grant a conditional use permit.
- (5) Limitations. A conditional use permit only authorizes the use specifically described in the permit. The use may not be changed or expanded and is strictly subject to the conditions specified in the permit.
- (6) Expiration. A conditional use permit expires if the conditional use is not commenced within 24 months from the date of the permit or if the conditional use is discontinued for more than 12 months.

- 3533 (7) Modification or Revocation. A conditional use permit may be modified or revoked
3534 by the board of adjustment if, after a hearing, the board determines that the terms of
3535 the permit have been violated.
3536

3537 **8.53 Site Plan Requirements.**
3538

- 3539 (1) Filing and Fee. A site plan required by this ordinance must be submitted, along with
3540 a \$100 site plan review fee, to the department for transmittal to the planning and
3541 park commission for review and approval. Ten copies of the site plan are required.
3542
- 3543 (2) Identification. The site plan must include the name, address and telephone number
3544 of the property owner and of the architect, civil engineer, designer, engineer,
3545 practicing land planner, registered surveyor, or other person who prepared the site
3546 plan; the date; north arrows; and graphic scale.
3547
- 3548 (3) Graphic Presentation. The site plan must be drawn at a scale that is no smaller than
3549 100 feet to the inch and must provide, at a minimum, the following information:
3550
- 3551 (a) Topographical information at contour intervals not to exceed one foot.
3552
- 3553 (b) Lot boundaries and dimensions showing the general lot layout, along with the
3554 total area of the property and gross building area.
3555
- 3556 (c) Location and dimensions of all existing structures, culverts, drainage ditches
3557 and structures, driveways, easements, hedges, official map streets, open
3558 spaces, parking areas and spaces, property lines, roads, shrubs, streets, trees,
3559 utilities and utility connections, water courses, and other major physical
3560 features.
3561
- 3562 (d) Location and dimensions of all proposed structures, culverts, drainage ditches
3563 and structures, driveways, easements, hedges, official map streets, open
3564 spaces, parking areas and spaces, property liens, roads, shrubs, streets, trees,
3565 utilities and utility connections, water courses, and other major physical
3566 features.
3567

3568 **8.54 Appeals.**
3569

- 3570 (1) Any person, including the county board, any board, committee, commission,
3571 department, or office, aggrieved by a decision of the department may appeal the
3572 decision to the board of adjustment.
3573
- 3574 (2) The appeal must be filed with the department within 30 days of the date of the
3575 decision being appealed from. The appeal must be in writing and must specify the
3576 grounds for the appeal.

- 3577 (3) The department shall promptly transmit the appeal, along with the record of the
3578 action being appealed from, to the board of adjustment.
3579
- 3580 (4) An appeal stays the action appealed from unless the department certifies to the board
3581 of adjustment that, for reasons stated in the certificate, a stay would cause imminent
3582 peril to life or property. If the department provides such certification, the action
3583 appealed from will not be stayed except by a restraining order issued by the board of
3584 adjustment or a court of law.
3585
- 3586 (5) The board of adjustment shall fix a reasonable time for hearing the appeal and give
3587 notice of the hearing to the parties in interest and the public.
3588
- 3589 (6) The board of adjustment shall decide the appeal within a reasonable time and shall
3590 either, in whole or in part, affirm, modify, or reverse the action appealed from or
3591 dismiss the appeal for lack of jurisdiction or prosecution.
3592
- 3593 (7) The board of adjustment's final disposition of an appeal shall be in a written
3594 determination, signed by the board's secretary, stating the specific facts and reasons
3595 for the board's determination.
3596

3597 **PART VIII. VIOLATIONS, ENFORCEMENT, AND PENALTIES.**
3598

3599 **8.55 Violations.**
3600

- 3601 (1) It is unlawful for any person to violate any provision of this ordinance.
3602
- 3603 (2) It is unlawful for any person to knowingly provide false information, make a false
3604 statement, fail to provide, or misrepresent any material fact to a county agent, board,
3605 commission, committee, department, employee, official, or officer acting in an
3606 official capacity under this ordinance.
3607
- 3608 (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or
3609 otherwise resist a permit or order issued pursuant to this ordinance.
3610
- 3611 (4) A separate offense is deemed committed on each day that a violation occurs or
3612 continues.
3613

3614 **8.56 Enforcement.**
3615

- 3616 (1) The department shall enforce this ordinance and may conduct inspections and
3617 investigate complaints relating to compliance with this ordinance.
3618
- 3619 (2) Inspection Authority. The department may request permission to inspect, at a
3620 reasonable time and date, any premises or structure for which a permit has been

3621 applied for or granted to determine compliance with this ordinance. Refusal to grant
3622 permission is grounds for denial or revocation of a permit. If permission is not
3623 given, the department may apply for, obtain, and execute a special inspection
3624 warrant pursuant to Wis. Stat. § 66.0119.
3625

- 3626 (3) Notice of Noncompliance. If the department finds a violation of any provision of
3627 this ordinance, the department may issue a written notice to the owner stating the
3628 conditions of non-compliance, specifying the action required to come into
3629 compliance, and providing a reasonable amount of time within which compliance is
3630 required.
3631
- 3632 (4) Zoning Permit Revocation Authority. The department may revoke a zoning permit
3633 for substantial noncompliance with any provision of this ordinance, refusal to permit
3634 inspection of a premises or structure for which a permit has been granted, or failure
3635 to comply with the action requirement contained in a notice of noncompliance.
3636
- 3637 (5) Conditional Use Permit Revocation Authority. The department may refer violations
3638 of a conditional use permit to the board of adjustment and the board of adjustment
3639 may conduct a hearing to determine whether to revoke the conditional use permit.
3640
- 3641 (6) Citation Authority. The department may issue a citation for any violation of this
3642 ordinance. The department is not required to issue a notice of noncompliance or take
3643 any other action prior to issuing a citation.
3644
- 3645 (7) Legal Referral. The department may refer a violation of this ordinance to
3646 corporation counsel for legal action, including an action seeking injunctive relief.
3647 The department is not required to issue a notice of noncompliance or take any other
3648 action prior to referring a violation to corporation counsel.
3649
- 3650 (8) Nothing in this section may be construed to prevent the county from using any other
3651 lawful means to enforce this ordinance.
3652

3653 **8.57 Penalties.** 3654

- 3655 (1) A person will, upon conviction for any violation of this ordinance, forfeit not less
3656 than \$100 nor more than \$1,000 for each offense, together with the costs of
3657 prosecution for each violation, and may be ordered to take such action as is
3658 necessary to abate the offense within a specified time.
3659
- 3660 (2) The minimum and maximum forfeitures specified in this section are doubled each
3661 time that a person is convicted for the same violation of this ordinance within any 12
3662 month period.
3663
- 3664 (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.

- (4) A person must, within 30 days of conviction, finding of default, or stipulation of a violation of this ordinance, remove or discontinue the use of any building, structure, or part of a building or structure that violates any provision of this ordinance or the terms or conditions of any permit issued pursuant to this ordinance. If a person fails to remove such a building, structure, or part of a building or structure, the county may remove or cause the removal of the building, structure, or part of the building or structure. The cost of removal will become a lien upon the property and may be collected in the same manner as property taxes.

- (5) The failure of a county employee, official, or officer to perform an official duty imposed by a section this code will not subject the employee, official, or officer to a penalty unless the section imposing the duty also specifies the penalty.

NONCODIFIED ADMINISTRATIVE PROVISIONS

BE IT FURTHER RESOLVED that the Planning and Zoning Department shall prepare and attach to this ordinance, as an appendix, a list which shows the name of each Town in the county; the date, if any, that the Town county adopted Farmland Preservation; and the date and number of the ordinance, if any, if the Town adopts this comprehensive revision; and

BE IT FURTHER RESOLVED that the Planning and Zoning Department may prepare and attach to this ordinance, as an appendix, a zoning guide which lists each zoning district and its purpose; summarizes the principal, accessory, and conditional uses allowed in each district; and outlines key dimensional requirements, such as lot size, setbacks, and height limitations; and

BE IT FURTHER RESOLVED that the Planning and Zoning Department may attach such additional information to this ordinance, as an appendix, as it may deem appropriate or useful to the public, such as the Wisconsin Department of Agriculture, Trade and Consumer Protection's Animal Units Worksheet; and

BE IT FURTHER ORDAINED that, when enacted, the county clerk shall provide duplicate copies of the ordinance by registered mail to each town clerk for consideration by the town board; and

BE IT FURTHER ORDAINED that the existing Chapter 8 will continue in effect in each town for a period of up to one year or until the comprehensive revision is approved by the town board, whichever period is shorter; and

3709 BE IT FURTHER ORDAINED that neither the existing ordinance nor the comprehensive
3710 revision will be in force in any town that fails to approve the comprehensive revision within one
3711 year of its enactment; and
3712

3713 BE IT FURTHER ORDAINED that the comprehensive revision may be amended to
3714 include such technical corrections as may be required by the Wisconsin Department of
3715 Agriculture, Trade and Consumer Protection in order to conform to Wis. Stat. Ch. 91, Farmland
3716 Preservation, and that such amendments will be deemed to be part of the comprehensive
3717 revision.

Dated this 7th day of November 2011.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Muench, to adopt Resolution 3 (2011/2012-64) Canceling checks Not presented Within Two Years of Issuance (Sheriff's Department). Upon vote, the motion carried unanimously.

No. 2011/2012 - 64

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, some of the thousands of checks issued by Manitowoc County Sheriff's
2 Department from the Inmate Trust Account are not presented for payment within two years of
3 their date of issuance and the Sheriff is required to account for these uncashed checks in the
4 Sheriff's Department checking account; and
5

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

10 WHEREAS, the checks shown on the attached list were issued by the Manitowoc County
11 Sheriff's Department prior to October 31, 2009 and were not presented for payment within two
12 years of their issuance;
13

14 NOW, THEREFORE, BE IT RESOLVED the checks shown on the attached list are

15 hereby canceled and without value; and

16

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

Dated this 7th day of November 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Increases available cash balance in account no. 100.23409 by \$1,057.70.

APPROVED: Bob Ziegelbauer, County Executive.

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

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, November 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 15th day of November 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 Konen gave the invocation, which was followed by a moment of silence for those in the military and 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, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisor Maresh was excused.

On motion by Supervisor Hoffman, seconded by Supervisor Bauknecht, the November 7, 2011 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Brey 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 at 7:05 p.m.

Beth Snyder, City of Manitowoc and a Financial Counselor with Seeds of Hope, invited citizens to participate in a poverty simulation event on December 14. The purpose of the project is to educate the community about the impact of poverty and to facilitate a collaborative action to advocate for the needs of people living in poverty in Manitowoc County.

Joe Keil, City of Manitowoc and an employee of the Sheriff's Department spoke on the proposed elimination of longevity and overtime changes in the 2012 budget. He said that the Sheriff's Department union asked for zero increase this year and noted examples of some department directors who have received approximately \$10,000 in pay increases since 2007 and expressed disappointment that department directors did not lead by example. He commented that the Board's decisions will affect employees long after the current County Executive is retired.

No one else present wished to speak, therefore Chairperson Tittl declared public input closed at 7:17 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Derek Fitzgerald, Marie Kohlbeck, Dan Newberg, Dave Pawlowski, Mark Persaud, Dan Schaut, and Jerome Vetting to the Expo-Ice Center Board for a three year term expiring December 31, 2014. Supervisor Behnke moved, seconded by Supervisor Muench to approve the appointments. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointments of James J. Blaha and alternate Amy Wergin, Nancy Crowley, Supervisor Chuck Hoffman and alternate Supervisor Ed Rappe, Chris Meyer, Randy Neils, and Gerald Wiesner to the Local Emergency Planning Committee for a two year term expiring December 31, 2013. Supervisor Henrickson moved, seconded by Supervisor Schneider to approve the appointments. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Mike Demske to the Veterans' Service Commission for a three year term expiring December 2014 and Tom Hoffman to the Veterans' Service Commission to complete a vacancy expiring December 2012. Supervisor Brey moved, seconded by Supervisor Waack to approve the appointments. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Paul Blashka, Rebecca Martell, and Sheila Schetter to the Wisconsin Works Steering Committee for a three year term expiring December 31, 2014. Supervisor Markwardt moved, seconded by Supervisor Konen to approve the appointments. Upon vote, the motion carried by unanimous consent.

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

Board of Health: Supervisor Schneider gave a brief report.

Supervisor Schneider moved, seconded by Supervisor Rappe to adopt Resolution 1 (2011/2012-65) Adopting Health Department Fee Schedule (07/01/2012-06/30/2013). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 65

RESOLUTION ADOPTING HEALTH DEPARTMENT FEE SCHEDULE (07/01/2012 - 06/30/2013)

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 (07/01/2012 -
7 06/30/2013) 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 (07/01/2012 - 06/30/2013), a copy of which
11 is to be included as an appendix to Manitowoc County Code Chapter 7, Public Health.

Dated this 15th day of November 2011.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

HEALTH DEPARTMENT FEE SCHEDULE
07/01/2012 - 06/30/2013

BED AND BREAKFAST (8 ROOMS OR LESS)	\$131
CAMPGROUND (1 - 25 SITES)	\$220
CAMPGROUND (26 - 50 SITES)	\$245
CAMPGROUND (51 - 100 SITES)	\$295
CAMPGROUND (101 - 200 SITES)	\$330
CAMPGROUND (MORE THAN 200 SITES)	\$370
CAMPGROUND - SPECIAL EVENT (1 - 25 SITES)	\$120
CAMPGROUND - SPECIAL EVENT (26 - 50 SITES)	\$160
CAMPGROUND - SPECIAL EVENT (51 - 100 SITES)	\$190
CAMPGROUND - SPECIAL EVENT (101 - 200 SITES)	\$220
CAMPGROUND - SPECIAL EVENT (MORE THAN 200 SITES)	\$250
DPI SCHOOL INSPECTION - LIMITED	\$150
DPI SCHOOL INSPECTION	\$400
HOTEL/MOTEL (5 - 30 ROOMS)	\$220
HOTEL/MOTEL (31 - 99 ROOMS)	\$305
HOTEL/MOTEL (100 - 199 ROOMS)	\$415
HOTEL/MOTEL (200 OR MORE ROOMS)	\$445

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

LATE RENEWAL FEE	\$100
MOBILE HOME PARK (1 - 20 SITES)	\$190
MOBILE HOME PARK (21 - 50 SITES)	\$250
MOBILE HOME PARK (51 - 100 SITES)	\$275
MOBILE HOME PARK (101 -175 SITES)	\$310
MOBILE HOME PARK (MORE THAN 175 SITES)	\$350
NON PROFIT FOOD PERMIT	\$ 65
NON PROFIT FOOD PERMIT (TRAINED PERSONNEL ON SITE)	\$ 20
PLAN REVIEW	\$175
PRE-INSPECTION - BED & BREAKFAST	\$135
PRE-INSPECTION - CAMPGROUND	\$200
PRE-INSPECTION - LIMITED SERVICE RESTAURANT	\$100
PRE-INSPECTION - RECREATIONAL/EDUCATIONAL CAMP	\$265
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-CHANGE OF OPERATOR	\$225
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-NEW/EXTENSIVE REMODEL - SIMPLE	\$245
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-NEW/EXTENSIVE REMODEL - MODERATE	\$285
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-NEW/EXTENSIVE REMODEL - COMPLEX	\$315
PRE-INSPECTION - SWIMMING POOLS	\$175
PRE-INSPECTION - TATTOO/BODY PIERCING ESTABLISHMENT	\$125
PRE-INSPECTION - TATTOO AND BODY PIERCING ESTABLISHMENT – COMBINED	\$125
PRE-INSPECTION - TOURIST ROOMING HOUSE	\$100
PRE-SALE INSPECTION	\$125
RECREATIONAL/EDUCATIONAL CAMP	\$365
REINSPECTION - FIRST	\$125
REINSPECTION - SECOND	\$250
REINSPECTION - THIRD	\$375
RESTAURANT - ADDITIONAL (IN SAME BUILDING) OR MOBILE	\$ 90
RESTAURANT - SIMPLE (ANNUAL SALES UNDER \$30,000)	\$220

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

RESTAURANT - SIMPLE (ANNUAL SALES OVER \$30,000)	\$280
RESTAURANT - MODERATE (ANNUAL SALES UNDER \$30,000)	\$315
RESTAURANT - MODERATE (ANNUAL SALES OVER \$30,000/UNDER \$300,000)	\$395
RESTAURANT - MODERATE (ANNUAL SALES OVER \$300,000/UNDER \$600,000)	\$420
RESTAURANT - MODERATE (ANNUAL SALES OVER \$600,000)	\$460
RESTAURANT - COMPLEX (ANNUAL SALES UNDER \$30,000)	\$380
RESTAURANT - COMPLEX (ANNUAL SALES OVER \$30,000/UNDER \$300,000)	\$420
RESTAURANT - COMPLEX (ANNUAL SALES OVER \$300,000/UNDER \$600,000)	\$475
RESTAURANT - COMPLEX (ANNUAL SALES OVER \$600,000)	\$525
RESTAURANT - LIMITED SERVICE (PRE-PACKAGED, OFF PREMISES ONLY)	\$120
RESTAURANT - TEMPORARY (1 - 3 DAYS)	\$ 80
RESTAURANT - TEMPORARY (4 - 19 DAYS)	\$165
RESTAURANT - TEMPORARY (COUNTY FAIR ONLY)	\$125
RESTAURANT - TEMPORARY (POPCORN / CONFECTION)	\$ 40
RESTAURANT - TEMPORARY (LICENSED BY ANOTHER JURISDICTION)	\$ 75
RETAIL FOOD ESTABLISHMENT - NOT ENGAGED IN FOOD PROCESSING	\$ 50
RETAIL FOOD ESTABLISHMENT - NOT HAZARDOUS - MEDIUM OR LARGE	\$292
RETAIL FOOD ESTABLISHMENT - POTENTIALLY HAZARDOUS - LARGE	\$755
RETAIL FOOD ESTABLISHMENT - POTENTIALLY HAZARDOUS - MEDIUM	\$292
RETAIL FOOD ESTABLISHMENT - SMALL	\$ 66
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - NOT ENGAGED IN FOOD PROCESSING	\$ 35
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - NOT HAZARDOUS - MEDIUM OR LARGE	\$100
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - POTENTIALLY HAZARDOUS - LARGE	\$350
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - POTENTIALLY HAZARDOUS - MEDIUM	\$150
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - SMALL	\$ 35
RETAIL FOOD ESTABLISHMENT - REINSPECTION - NOT ENGAGED IN FOOD PROCESSING	\$ 90
RETAIL FOOD ESTABLISHMENT - REINSPECTION - NOT HAZARDOUS - MEDIUM OR LARGE	\$190
RETAIL FOOD ESTABLISHMENT - REINSPECTION - POTENTIALLY HAZARDOUS - LARGE	\$450

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

RETAIL FOOD ESTABLISHMENT - REINSPECTION - POTENTIALLY HAZARDOUS - MEDIUM	\$190
RETAIL FOOD ESTABLISHMENT - REINSPECTION - SMALL	\$ 90
SWIMMING POOL - 1ST INDOOR	\$275
SWIMMING POOL - 1ST OUTDOOR	\$220
SWIMMING POOL - EACH ADDITIONAL INDOOR OR OUTDOOR	\$220
TATTOO OR BODY PIERCING ESTABLISHMENT	\$185
TATTOO OR BODY PIERCING ESTABLISHMENT - TEMPORARY	\$ 70
TATTOO AND BODY PIERCING ESTABLISHMENT (COMBINED)	\$260
TATTOO AND BODY PIERCING ESTABLISHMENT (COMBINED) – TEMPORARY	\$ 80
TOURIST ROOMING HOUSE (1 - 4 ROOMS)	\$130
VENDING MACHINE	\$ 9
VENDING MACHINE COMMISSARY	\$225
WATER ATTRACTION	\$220
WELL WATER RESAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM)	\$ 35
WELL WATER SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - NITRATE	\$ 35
WELL WATER SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - NITRATE + NITRITE	\$ 50

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

BED AND BREAKFAST (8 ROOMS OR LESS)	\$131
CAMPGROUND (1 - 25 SITES)	\$220
CAMPGROUND (26 - 50 SITES)	\$245
CAMPGROUND (51 - 100 SITES)	\$295
CAMPGROUND (101 - 200 SITES)	\$330
CAMPGROUND (MORE THAN 200 SITES)	\$370
CAMPGROUND - SPECIAL EVENT (1 - 25 SITES)	\$120
CAMPGROUND - SPECIAL EVENT (26 - 50 SITES)	\$160

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

CAMPGROUND - SPECIAL EVENT (51 - 100 SITES)	\$190
CAMPGROUND - SPECIAL EVENT (101 - 200 SITES)	\$220
CAMPGROUND - SPECIAL EVENT (MORE THAN 200 SITES)	\$250
DPI SCHOOL INSPECTION - LIMITED	\$150
DPI SCHOOL INSPECTION	\$400
HOTEL/MOTEL (5 - 30 ROOMS)	\$220
HOTEL/MOTEL (31 - 99 ROOMS)	\$305
HOTEL/MOTEL (100 - 199 ROOMS)	\$415
HOTEL/MOTEL (200 OR MORE ROOMS)	\$445
LATE RENEWAL FEE	\$100
MOBILE HOME PARK (1 - 20 SITES)	\$190
MOBILE HOME PARK (21 - 50 SITES)	\$250
MOBILE HOME PARK (51 - 100 SITES)	\$275
MOBILE HOME PARK (101 -175 SITES)	\$310
MOBILE HOME PARK (MORE THAN 175 SITES)	\$350
NON PROFIT FOOD PERMIT	\$ 65
NON PROFIT FOOD PERMIT (TRAINED PERSONNEL ON SITE)	\$ 20
PLAN REVIEW	\$175
PRE-INSPECTION - BED & BREAKFAST	\$135
PRE-INSPECTION - CAMPGROUND	\$200
PRE-INSPECTION - LIMITED SERVICE RESTAURANT	\$100
PRE-INSPECTION - RECREATIONAL/EDUCATIONAL CAMP	\$265
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-CHANGE OF OPERATOR	\$225
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-NEW/EXTENSIVE REMODEL - SIMPLE	\$245
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-NEW/EXTENSIVE REMODEL - MODERATE	\$285
PRE-INSPECTION - RESTAURANT/HOTEL/MOTEL-NEW/EXTENSIVE REMODEL - COMPLEX	\$315
PRE-INSPECTION - SWIMMING POOLS	\$175
PRE-INSPECTION - TATTOO/BODY PIERCING ESTABLISHMENT	\$125

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

PRE-INSPECTION - TATTOO AND BODY PIERCING ESTABLISHMENT – COMBINED	\$125
PRE-INSPECTION - TOURIST ROOMING HOUSE	\$100
PRE-SALE INSPECTION	\$125
RECREATIONAL/EDUCATIONAL CAMP	\$365
REINSPECTION - FIRST	\$125
REINSPECTION - SECOND	\$250
REINSPECTION - THIRD	\$375
RESTAURANT - ADDITIONAL (IN SAME BUILDING) OR MOBILE	\$ 90
RESTAURANT - SIMPLE (ANNUAL SALES UNDER \$30,000)	\$220
RESTAURANT - SIMPLE (ANNUAL SALES OVER \$30,000)	\$280
RESTAURANT - MODERATE (ANNUAL SALES UNDER \$30,000)	\$315
RESTAURANT - MODERATE (ANNUAL SALES OVER \$30,000/UNDER \$300,000)	\$395
RESTAURANT - MODERATE (ANNUAL SALES OVER \$300,000/UNDER \$600,000)	\$420
RESTAURANT - MODERATE (ANNUAL SALES OVER \$600,000)	\$460
RESTAURANT - COMPLEX (ANNUAL SALES UNDER \$30,000)	\$380
RESTAURANT - COMPLEX (ANNUAL SALES OVER \$30,000/UNDER \$300,000)	\$420
RESTAURANT - COMPLEX (ANNUAL SALES OVER \$300,000/UNDER \$600,000)	\$475
RESTAURANT - COMPLEX (ANNUAL SALES OVER \$600,000)	\$525
RESTAURANT - LIMITED SERVICE (PRE-PACKAGED, OFF PREMISES ONLY)	\$120
RESTAURANT - TEMPORARY (1 - 3 DAYS)	\$ 80
RESTAURANT - TEMPORARY (4 - 19 DAYS)	\$165
RESTAURANT - TEMPORARY (COUNTY FAIR ONLY)	\$125
RESTAURANT - TEMPORARY (POPCORN / CONFECTION)	\$ 40
RESTAURANT - TEMPORARY (LICENSED BY ANOTHER JURISDICTION)	\$ 75
RETAIL FOOD ESTABLISHMENT - NOT ENGAGED IN FOOD PROCESSING	\$ 50
RETAIL FOOD ESTABLISHMENT - NOT HAZARDOUS - MEDIUM OR LARGE	\$292
RETAIL FOOD ESTABLISHMENT - POTENTIALLY HAZARDOUS - LARGE	\$755
RETAIL FOOD ESTABLISHMENT - POTENTIALLY HAZARDOUS - MEDIUM	\$292

HEALTH DEPARTMENT FEE SCHEDULE

07/01/2012 - 06/30/2013

RETAIL FOOD ESTABLISHMENT - SMALL	\$ 66
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - NOT ENGAGED IN FOOD PROCESSING	\$ 35
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - NOT HAZARDOUS - MEDIUM OR LARGE	\$100
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - POTENTIALLY HAZARDOUS - LARGE	\$350
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - POTENTIALLY HAZARDOUS - MEDIUM	\$150
RETAIL FOOD ESTABLISHMENT - PRE-INSPECTION - SMALL	\$ 35
RETAIL FOOD ESTABLISHMENT - REINSPECTION - NOT ENGAGED IN FOOD PROCESSING	\$ 90
RETAIL FOOD ESTABLISHMENT - REINSPECTION - NOT HAZARDOUS - MEDIUM OR LARGE	\$190
RETAIL FOOD ESTABLISHMENT - REINSPECTION - POTENTIALLY HAZARDOUS - LARGE	\$450
RETAIL FOOD ESTABLISHMENT - REINSPECTION - POTENTIALLY HAZARDOUS - MEDIUM	\$190
RETAIL FOOD ESTABLISHMENT - REINSPECTION - SMALL	\$ 90
SWIMMING POOL - 1ST INDOOR	\$275
SWIMMING POOL - 1ST OUTDOOR	\$220
SWIMMING POOL - EACH ADDITIONAL INDOOR OR OUTDOOR	\$220
TATTOO OR BODY PIERCING ESTABLISHMENT	\$185
TATTOO OR BODY PIERCING ESTABLISHMENT - TEMPORARY	\$ 70
TATTOO AND BODY PIERCING ESTABLISHMENT (COMBINED)	\$260
TATTOO AND BODY PIERCING ESTABLISHMENT (COMBINED) – TEMPORARY	\$ 80
TOURIST ROOMING HOUSE (1 - 4 ROOMS)	\$130
VENDING MACHINE	\$ 9
VENDING MACHINE COMMISSARY	\$225
WATER ATTRACTION	\$220
WELL WATER RESAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM)	\$ 35
WELL WATER SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - NITRATE	\$ 35
WELL WATER SAMPLE (TRANSIENT NONCOMMUNITY WATER SYSTEM) - NITRATE + NITRITE	\$ 50

Supervisor Schneider moved, seconded by Supervisor Vogel to adopt Resolution 1a (2011/2012-66) Authorizing Radiological Field Team Services Contract. Upon vote, the motion carried unanimously.

**RESOLUTION AUTHORIZING
RADIOLOGICAL FIELD TEAM SERVICES CONTRACT**

1 WHEREAS, the Wisconsin Department of Health Services, Division of Public Health
2 (Division), has entered into an agreement with and receives funding from the Wisconsin Department
3 of Military Affairs to help develop and maintain a radiological emergency preparedness and
4 response capability for an accident at a nuclear facility impacting Wisconsin; and
5

6 WHEREAS, Manitowoc County currently provides a volunteer radiological field team that
7 participates in radiological emergency preparedness training, drills, and nuclear plant exercises; and
8

9 WHEREAS, the Division has proposed entering into a contract under which the Health
10 Department would provide Radiological Field Team Services;
11

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 authorizes the County Executive, the Health Department Director, and such other county officials
14 as may be appropriate to execute a Contract for Radiological Field Teams Services Contract with
15 the Wisconsin Department of Health Services, Division of Public Health.

Dated this 15th day of November 2011.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: Included in the 2012 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider moved, seconded by Supervisor Rappe to adopt Resolution 1b (2011/2012-67)
Amending 2011 Budget (Health Department). Upon vote, the motion carried unanimously.

**RESOLUTION AMENDING 2011 BUDGET
(Health Department)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Health Department provides public health services to
2 the residents of Manitowoc County that are funded with federal and state grants; and
3

4 WHEREAS, the Health Department can only include those grant funds that have already
5 been authorized when it prepares its annual budget; and

6
7 WHEREAS, the Health Department learns of changes in grant funding after the budget has
8 been approved because federal and state grants are administered on a state or federal fiscal, rather
9 than calendar, year basis; and

10
11 WHEREAS, the following changes in grant funding have taken place since the 2011 budget
12 was adopted:

13		
14	Maternal Child Health Block Grant	(\$ 864)
15	WIC Program	(\$27,799)
16	IAP Immunization Grant	\$ 86
17	Wisconsin Well Woman Program	\$ 1,334
18	ARRA Nutrition	\$ 8,000
19	ARRA Immunization	\$ 4,083
20	Public Health Preparedness Grant	\$ 3,372
21	Public Health Emergency Response	\$24,010;

22
23 and

24
25 WHEREAS, the Board of Health recommends that the 2011 budget be amended to incorporate
26 these changes;

27
28 NOW, THEREFORE, BE IT RESOLVED that the 2011 budget is amended by the amounts
29 shown above and that the Comptroller/Auditor is directed to record such information in the official
30 books of the county for the year ending December 31, 2011 as may be required.

Dated this 15th day of November 2011.

Respectfully submitted by the Board of Health.

FISCAL IMPACT: No tax levy impact. Changes total revenue and expenses by equal amounts.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution
2 Adopting 2012 Budget and Property Tax Levy. Discussion followed.

Amendment #1: Supervisor Behnke moved, seconded by Supervisor Vogt to amend Resolution
2 to reduce Public Property outlay by \$16,000 in the courthouse activity,
\$4,000 in the maintenance Public Health Building activity, and \$5,000 in the
maintenance Office Complex activity for a total of \$25,000 to be offset by
eliminating the \$25,000 transfer from the Expo Special Revenue Fund to the
General Fund. This motion was tax levy neutral. Upon discussion and vote,
the motion carried with 17 ayes and 7 noes. Supervisors Dufek, Gerroll,
Hansen, Henrickson, Hoffman, Rappe, and Schneider voted no; all other
supervisors voted aye.

Amendment #2: Supervisor Rappe moved, seconded by Supervisor Schneider to increase the tax levy by \$197,291 which would be within the tax levy cap. Discussion followed. Supervisor Rappe moved, seconded by Supervisor Schneider to amend the amendment to add, “and strike lines 12 through 27 and lines 73 through 85. This continued overtime and longevity pay as per the Personnel Committee. Upon discussion and vote, the motion failed with 10 ayes and 14 noes. Supervisors Bauknecht, Burke, Dufek, Metzger, Panosh, Rappe, Schneider, Vogel, Wagner, and Weiss voted aye; all other supervisors voted no. Discussion on the original budget as amended followed.

Amendment #3: Supervisor Metzger moved, seconded by Supervisor Burke to amend the proposed budget by adding a 1.0 FTE Human Services Director position to Human Services Department in the table of positions that appears in the proposed 2012 budget on page 29, and to amend the proposed budget by eliminating the new positions and FTE increases in the Human Services Department which are shown on the table of changes to authorized employees on page 26. Upon discussion and vote, the motion failed with 6 ayes and 18 noes. Supervisors Burke, Metzger, Rappe, Schneider, Vogel, and Wagner voted aye; all other supervisors voted no. Discussion on the original budget as amended followed.

Amendment #4: Supervisor Metzger moved, seconded by Supervisor Burke to amend the proposed budget by striking the language on page 26 for “Converted positions (Contract to Employee).” Upon discussion and vote, the motion failed with 8 ayes and 16 noes. Supervisors Burke, Hansen, Metzger, Rappe, Schneider, Vogel, Wagner, and Weiss vote aye; all other supervisors voted no.

Upon discussion and vote on the original budget as amended, the motion failed with 9 ayes and 15 noes. Supervisors Brey, Gerroll, Hoffman, Konen, Markwardt, Muench, Panosh, Tittl, and Vogt voted aye; all other supervisors voted no.

Supervisor Brey moved, seconded by Supervisor Behnke to recess at 8:45 p.m. Supervisors Burke and Schneider voted no; all other supervisors voted aye. Chairperson Tittl declared a 15 minute recess. The meeting reconvened at 9:03 p.m.

Supervisor Behnke moved, seconded by Supervisor Korinek to reconsider Resolution 2 Adopting 2012 Budget and Property Tax Levy. Motion carried with 19 ayes and 5 noes. Supervisors Burke, Metzger, Schneider, Vogel, and Wagner voted no; all other supervisors voted aye.

Amendment #5: Supervisor Brey moved, seconded by Supervisor Behnke to eliminate lines 17 through 19; line 20, to change 50 percent to 100 percent, in line 21, insert a period after 2011 and eliminate the rest of line 21 and 22, in line 24, eliminate “the overtime rules and”, and eliminate lines 77 through 79. Line 81, change 50 percent to 100 percent and line 82, insert a period after 2011, eliminate the rest of line 82 and 83. Discussion followed.

Supervisor Metzger moved to amend the amendment, seconded by Supervisor Henrickson to add after lines 22 and 82 “eliminate step increases for all non-represented employees.” Upon vote, the motion failed with 2 ayes and 22 noes. Supervisors Burke and Metzger voted aye; all other supervisors voted no.

Supervisors then voted on the amendment to eliminate lines 17 through 19, line 20, to change 50 percent to 100 percent, in line 21, insert a period after 2011 and eliminate the rest of line 21 and 22, in line 24, eliminate “the overtime rules and”, and eliminate lines 77 through 79. Line 81, change 50 percent to 100 percent and line 82, insert a period after 2011, eliminate rest of line 82 and 83.

Upon vote, the motion carried with 17 ayes and 7 noes. Supervisors Burke, Dufek, Metzger, Panosh, Rappe, Vogel, and Wagner voted no; all other supervisors voted aye.

Upon vote on Resolution 2 (2011/2012-68) Adopting 2012 Budget and Property Tax Levy as amended, the motion carried with 19 ayes and 5 noes. Supervisors Burke, Dufek, Metzger, Vogel, and Wagner voted no; all other supervisors voted aye.

No. 2011/2012 - 68

ENGROSSED

RESOLUTION ADOPTING 2012 BUDGET AND PROPERTY TAX LEVY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Executive’s proposed annual budget for 2012 was presented to the
2 County Board on October 18, 2011, and a detailed copy of the proposed budget has been made
3 available to each county supervisor and the general public; and
4

5 WHEREAS, formal publication of a budget summary and announcement of a public hearing
6 was made in the Manitowoc Herald Times Reporter on October 23, 2011 in accordance with Wis.
7 Stat. § 65.90 and Wis. Stat. Ch. 985; and
8

9 WHEREAS, a public hearing was held and the proposed budget was reviewed by the County
10 Board at its Annual Meeting on November 7, 2011; and
11

12 WHEREAS, the County Executive has informed the County Board that the proposed budget
13 requires the following changes in policy for all employees, with the present exception of Health
14 Department employees represented by Local 5068 and Sheriff’s Department employees represented
15 by WPPA:
16

- 17 • ~~Overtime will be paid in accordance with the Federal Fair Labor Standards Act~~
18 ~~and, in addition, overtime will be paid for time worked on actual holidays;~~
19
- 20 • Longevity pay schedules presently in effect will be reduced by ~~50%~~100% on

December 25, 2011 and the longevity pay schedules will be eliminated on December 23, 2012; and

WHEREAS, the changes to ~~the overtime rules~~ and longevity schedules need to be made effective December 25, 2011 in order to be in place for both the first payroll period that will be paid in 2012 and the first 28-day work cycle ending in 2012 for employees subject to the 171-hour/28-day overtime rule; and

WHEREAS, the county executive has proposed that a comprehensive wage study be conducted, that the results of the study be presented to the County Board during 2012; and that a set of consolidated wage schedules which accurately reflect the complexity of work performed by county employees and the local labor market be developed and implemented effective December 23, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors hereby adopts a Governmental Funds Budget and a service delivery Proprietary Fund Budget for the calendar year beginning January 1, 2012 as indicated in the 2012 Annual Budget for Manitowoc County and any addenda, attachments, or amendments thereto; and

BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby authorizes that the following sums of money be raised for the ensuing year:

State Special Charges - Charitable & Penal Purposes	\$ 1,720.95
County Aid Bridges (Wis. Stat. § 82.08)	\$ 146,877.00
Illegal Real Estate Taxes Charged Back (Prior Year)	\$ 3,638.08
<u>All Other County Taxes</u>	<u>\$28,484,270.00</u>
Gross County Tax Levy	\$28,636,506.03;

and

BE IT FURTHER RESOLVED that the County shall apportion the tax for Bridges under Wis. Stat. § 82.08 on the taxable property of the participating districts; and

BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment, State Taxes for Forestry Mill Tax, Wis. Stat. § 70.58(2), the amount of \$912,046.23; and

BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment, State Special Charges for Charitable and Penal Purposes, as follows:

State Institutions (Winnebago) cost of proceedings	\$ 912.50
State Institutions (Sheboygan) cost of proceedings	\$ 87.37
<u>County Mental Hospitals (Sheboygan) cost of proceedings</u>	<u>\$ 721.08</u>
Total	\$1,720.95;

and

66 BE IT FURTHER RESOLVED that the appropriate county officials are hereby directed to
67 reapportion the illegal real estate taxes charged back in the amount of \$3,638.08; and
68

69 BE IT FURTHER RESOLVED that the budget in detail hereto attached¹ is made a part of the
70 Tax Levy; and
71

72 BE IT FURTHER RESOLVED that the following changes in policy are approved, will be
73 incorporated into the Employee Policy Manual, and will apply to all employees for whom the
74 criteria for the payment of overtime is not specified in a collective bargaining agreement:
75

- 76 • ~~Overtime will be paid as required by Federal Fair Labor Standards Act~~
77 ~~requirements, plus overtime will be paid for time worked on actual holidays,~~
78 ~~effective on December 25, 2011; and~~
79
- 80 • Longevity pay schedules presently in effect will be reduced by ~~50%~~**100%**
81 effective December 25, 2011, ~~and longevity pay will be eliminated effective~~
82 ~~December 23, 2012;~~
83

84 and
85

86 BE IT FURTHER RESOLVED THAT a comprehensive wage study will be conducted; that
87 the results of the study be presented to the County Board during 2012; and that a set of consolidated
88 wage schedules, which accurately reflect the complexity of work performed by county employees
89 and the local labor market, be developed and implemented effective December 23, 2012; and
90

91 BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make any
92 technical corrections to the budget that are necessary.

Dated this 15th day of November 2011.

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 \$28,636,506.03
Composite Tax Rate of \$5.52321 per \$1,000 of equalized value.

~~The tax levy shown incorporates a reduction in expenditures of \$81,077 as a
result of adopting strict compliance with FLSA rules, while still paying
overtime for time worked on actual holidays.~~

¹**Public Property Outlay, Courthouse Activity, reduced by \$16,000; Maintenance, Public Health
Building Activity, reduced by \$4,000; Maintenance, Office Complex Activity, reduced by \$5,000; and Expo
Special Revenue Fund, Transfer to General Fund, reduced by \$25,000.**

The tax levy shown incorporates a reduction in expenditures of ~~\$116,214~~
\$232,428 as a result of reducing the longevity pay schedule by ~~50%~~ **100%**.

If a policy change is not adopted, the reduction in expenditures associated with the change must be offset by an increase in revenue, a decrease in some other expenditure, or a combination of both that would affect the overall tax levy by the amount shown.

Changing any individual line item by a given dollar amount will not necessarily produce the same change in the levy because of the effect of federal, state, and grant funding programs; local match requirements; mandated services; staffing requirements; and other factors. Consequently, the impact of any change will need to be analyzed on a case-by-case basis to determine how it will actually affect the tax levy.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Rappe gave a brief report. Their next meeting will be December 8.

Lakeland Care District: Supervisor Brey gave a brief report.

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

Personnel Committee: Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 3 (2011/2012-69) Amending Employee Policy Manual (Workplace Violence Policy). Upon discussion and vote, the motion carried with 14 ayes and 10 noes. Supervisors Behnke, Brey, Burke, Gerroll, Henrickson, Hoffman, Korinek, Schmidt, Tittl, and Wagner voted no; all other supervisors voted aye.

No. 2011/2012 - 69

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL
(Workplace Violence Policy)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2011 Wisconsin Act 35, the Concealed Carry Weapons (CCW) Law, repealed
2 existing prohibitions against carrying concealed and dangerous weapons and authorized the
3 Wisconsin Department of Justice to issue licenses permitting qualified citizens to carry concealed
4 weapons; and

5
6 WHEREAS, 2011 Wisconsin Act 35 prohibits CCW licensees from carrying a firearm in

7 certain government buildings, such as a courthouse, jail, or Sheriff's Department, and allows local
8 governments to prohibit employees and the public from carrying specific weapons in other local
9 government buildings certain circumstances; and

10
11 WHEREAS, Justice Anthony Scalia, writing for the majority in *District of Columbia v. Heller*,
12 554 U.S. 570, 626-27 (2008), the United States Supreme Court decision upholding the Second
13 Amendment right to keep and bear arms, noted:

14
15 Like most rights, the right secured by the Second Amendment is not unlimited. It is not
16 a right to keep and carry any weapon whatsoever in any manner whatsoever and for
17 whatever purpose. . . . The Court's opinion should not cast doubt on longstanding
18 prohibitions . . . or laws forbidding the carrying of firearms in sensitive places such as
19 schools and government buildings.

20
21 and

22
23 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair and
24 equal treatment of County employees and compliance with Federal and State laws; and

25
26 WHEREAS, the Personnel Committee recommends that Employee Policy Manual Section 24,
27 Zero-Tolerance Workplace Violence Policies and Procedures, be revised and updated to comply
28 with statutory changes resulting from the enactment of 2011 Wisconsin Act 35; and

29
30 WHEREAS, a copy of the revised and updated Section 24, Workplace Violence Policy, has
31 been provided to the county board;

32
33 NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual is amended by
34 replacing the current Section 24, Zero-Tolerance Workplace Violence Policy and Procedure, with
35 the revised and updated Section 24, Workplace Violence Policy, effective November 25, 2011.

Dated this 18th day of October 2011.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report

Supervisor Behnke moved, seconded by Supervisor Hansen to adopt Resolution 4 Adopting Weapons Policy. Discussion followed.

Supervisor Muench moved, seconded by Supervisor Schneider to refer Resolution 4 Adopting Weapons Policy to the Public Works Committee for further consideration. Upon discussion and

vote, the motion carried with 21 ayes and 3 noes. Supervisors Brey, Rappe, and Tittl vote no; all other supervisors voted aye.

Transportation Coordinating Committee: Supervisor Konen gave a brief report.

Supervisor Markwardt moved to adjourn, seconded by Supervisor Brey, 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, November 22, 2011, 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 22nd day of November 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 6:00 P.M.

Supervisor Tittl gave the invocation 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, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Henrickson and Konen were excused.

On motion by Supervisor Markwardt, seconded by Supervisor Behnke, the November 15, 2011 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Schneider moved, seconded by Supervisor Brey 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 6:05 p.m.

Joe Keil, City of Manitowoc, and a Sheriff's Department employee thanked supervisors who supported retaining longevity and overtime rules set by the Personnel Committee. He talked about the Human Services Department not placing juveniles in the juvenile detention facility due to a lack of a Human Services Director, who is able to make that decision. He said that the reasons for an unusually high amount of overtime in the year and a half were due various reasons such as officers being sick and involved in accidents.

Deb Keil, City of Manitowoc, continued to read Joe Keil's written statement that explained some county pay grids have increased pay at intervals for up to twenty years, while some other pay grids only go up to five years. She went on to read that we will not be competitive with other markets if wages continue to be cut. The statement also suggested that everyone could take an across the board pay freeze.

Nicole Behrmann, Village of Mishicot, and a Joint Dispatch Center employee spoke in opposition to the overtime rules. She explained that she has worked a shift from 10:00 p.m. to 6:00 a.m. and was called near the end of her shift and required to work an additional four hours without overtime pay. She noted that changes have occurred that take away benefits from the common employee.

Dan Hartwig, Town of Mishicot, and a Sheriff's Department employee, continued to read Joe Kiel's statement regarding the overtime rules. When he completed reading the statement, he went on to say that he is proud to work for the county. Mr. Hartwig explained that he is a 3rd shift sergeant and they have not increased the number of employees since 1972 even though the number of calls they handle have increased to 10,000 per year. He asked supervisors to vote in favor of the budget.

Laurie Krueger, Town of Liberty, and an employee of the Joint Dispatch Center spoke in opposition to wage cuts. Ms. Krueger noted that an abundance of overtime hours should tell you that there are not enough employees. She asked the Board to override the County Executive's veto on the 2012 budget.

Katie Brull, City of Manitowoc, and an employee of the Joint Dispatch Center addressed the Board regarding the impact of reduced benefits due to changes implemented by the County Executive. She commented that employees should be compensated when they work overtime.

Karen Bauer, Town of Manitowoc Rapids, continued to read Katie Brull's statement referencing additional shifts worked without receiving overtime compensation. The statement noted that Joint Dispatch employees had been promised that supervisors will become working supervisors, but that has not happened. The statement also noted that two employees have left the department within the past two months due to changes that have been implemented.

Melia Prange, City of Manitowoc, and a Sheriff's Department employee talked about the health insurance plan that she said was forced on employees in 2007. She expressed concern that employee morale is not good because employees are not being treated well.

Jeff Hornick, Village of Mishicot, and a Sheriff's Department employee addressed the Board regarding overtime. He said that he does not want to work overtime even though he has taken on additional duties. He also noted that employees are being forced to work additional hours because there are not enough employees.

Jodi Arseneau, Town of Two Rivers, and an employee of the Joint Dispatch Center expressed concern that they are short staffed and employees are working extra hours without necessary rest and no overtime pay. She talked about the supposedly "Cadillac" insurance plan that county employees receive, but she pointed out that this insurance did not pay \$28,000 for the repair of her son's birth defect. She appreciated all who are looking into these issues.

Nancy Slattery, Town of Cooperstown, said that she is proud of the Sheriff's Department employees and the work that they do. She urged supervisors to support the budget.

Laurie Klosterman, City of Manitowoc, and an employee of the Dispatch Center for 25 years talked about the staffing shortage in the Joint Dispatch Center. She said that she works with the best people, but they don't feel that they are being treated fairly. Ms. Klosterman also noted that things are probably not going to get better when they move into the new dispatch center because they need staff, not technology.

Jason Jost, City of Manitowoc, and an employee of the Sheriff's Department, addressed the Board regarding overtime issues. He said that Sheriff's Department management has taken initiative to control overtime costs. A plan was implemented that requires employees to work an additional 16 hours this year at straight time and 50 hours at straight time next year. He also noted that there are vacancies in the department which causes overtime.

Kathy Leist, Town of Manitowoc Rapids, and an employee of the Sheriff's Department, asked the Board if they heard what the Joint Dispatch employees said. Ms. Leist noted that the County Executive held employee meetings when he first became County Executive, but now there are very few of them, and no questions are allowed to be asked. She noted that she sent an email to the Board opposing the spending of \$15 million to construct the Radio Tower project and the Communication and Technology Building. She expressed concern that they rushed into the project noting that buildings do not make better government. She asked that the financial difficulties not be put on the backs of the employees.

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

Discussion and Possible Action on County Executive's Veto of Resolution No. 2011/2012-68 Adopting 2012 Budget and Property Tax Levy and Such Other Action as may be Necessary to Adopt a 2012 Budget.

Discussion followed. Supervisor Brey moved, seconded by Supervisor Bauknecht to override the County Executive's Veto of Resolution No. 2011/2012-68 Adopting 2012 Budget and Property Tax Levy. Upon discussion and vote, the motion failed with 4 ayes and 19 noes. Supervisors Dufek, Markwardt, Rappe and Schneider voted aye; all other supervisors voted no.

Discussion followed.

Supervisor Brey moved, seconded by Supervisor Behnke to adopt the budget as proposed by the County Executive and submitted to the Board by the Finance Committee with the following changes: Public Property Outlay – Courthouse Activity is reduced by \$16,000, Maintenance – Public Health Building Activity is reduced by \$4,000, and Maintenance – Office Complex Activity is reduced by \$5,000, for a total reduction of \$25,000, to be offset by eliminating the \$25,000 transfer from the Expo Special Revenue Fund to the General Fund. Upon discussion and vote, the motion failed with 5 ayes and 18 noes. Supervisors Behnke, Brey, Geroll, Markwardt, and Waack voted aye; all other supervisors voted no.

Discussion followed.

Supervisor Brey moved, seconded by Supervisor Tittl to refer the budget to the Joint Finance and Personnel Committees. Discussion followed.

Supervisor Brey moved, seconded by Supervisor Korinek, to request that County Executive Ziegelbauer be invited to the podium to speak. The motion carried by voice vote. Supervisors

Burke, Metzger, Rappe, Schneider, and Wagner voted no; all other supervisors voted aye.

County Executive Ziegelbauer thanked the Board for allowing him to speak. He said that a budget must be reached with two goals, one to keep county employees working and the other to make it affordable for taxpayers, and he noted that he is willing to make changes to his proposals and that he will meet with the board or committees at any future meeting to discuss the 2012 budget.

Upon vote on the motion to refer the budget to the Joint Finance and Personnel Committees, the motion carried with 18 ayes and 5 noes. Supervisors Behnke, Dufek, Panosh, Rappe, and Schneider voted no; all other supervisors voted aye.

Supervisor Muench announced that they will meet on Monday, November 28, at 5:00 p.m. in the Communications and Technology Building.

Chairperson Tittl announced that the County Board will meet on Tuesday, November 29, at 6:00 p.m.

Supervisor Schmidt moved to adjourn, seconded by Supervisor Markwardt, and the motion was adopted by acclamation. The meeting adjourned at 8:13 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, November 29, 2011, 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 29th day of November 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 6:00 P.M.

Chairperson Tittl gave the invocation followed by the Pledge of Allegiance to the Flag by the entire assemblage.

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

On motion by Supervisor Vogel, seconded by Supervisor Schmidt, the November 22, 2011 meeting minutes were approved on a unanimous vote.

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

Report of the Joint Finance-Personnel Committee.

Discussion and Possible Action on Resolution Adopting 2012 Budget and Property Tax Levy.

Supervisor Muench moved, seconded by Supervisor Bauknecht to adopt Resolution 1 (2011/2012-70) Adopting 2012 Budget and Property Tax Levy. Upon discussion and vote, the motion passed with 18 ayes and 6 noes. Supervisors Burke, Metzger, Rappe, Schneider, Vogel, and Wagner voted no; all other supervisors voted aye.

No. 2011/2012 - 70

RESOLUTION ADOPTING 2012 BUDGET AND PROPERTY TAX LEVY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Executive's proposed annual budget for 2012 was presented to the
2 County Board on October 18, 2011, and a detailed copy of the proposed budget has been made
3 available to each county supervisor and the general public; and
4

5 WHEREAS, formal publication of a budget summary and announcement of a public hearing
6 was made in the Manitowoc Herald Times Reporter on October 23, 2011 in accordance with Wis.

7 Stat. § 65.90 and Wis. Stat. Ch. 985; and

8
9 WHEREAS, a public hearing was held and the proposed budget was reviewed by the County
10 Board at its Annual Meeting on November 7, 2011; and

11
12 WHEREAS, the County Board passed the proposed budget, with certain amendments, on
13 November 15, 2011; and

14
15 WHEREAS, the proposed budget was amended and passed by the County Board, but was
16 vetoed by the County Executive on November 21, 2011; and

17
18 WHEREAS, the County Board was unable to override the County Executive's veto at its
19 November 22 meeting and referred the budget and related matters to a joint meeting of the Finance
20 and Personnel Committees; and

21
22 WHEREAS, the Finance and Personnel Committees held a joint meeting on November 28,
23 2011, at which time the following changes in policy for all employees, with the present exception
24 of Health Department employees represented by Local 5068 and Sheriff's Department employees
25 represented by WPPA, were recommended:

- 26
27 • Overtime will be paid in accordance with the Federal Fair Labor Standards Act,
28 with the following additions:

- 29
30 1. Overtime will be paid for time worked on actual holidays;
31
32 2. Overtime will be paid for hours worked in excess of 10 hours in a shift;
33 and
34
35 3. A minimum of four hours of work are guaranteed to an employee who
36 is called in to work on a non-scheduled work day;

37
38 and

- 39
40 • Longevity pay schedules presently in effect will be reduced by 50% on
41 December 25, 2011 and the longevity pay schedules will be eliminated on
42 December 23, 2012;

43
44 and

45
46 WHEREAS, the changes to the overtime rules and longevity schedules need to be made
47 effective December 25, 2011 in order to be in place for both the first payroll period that will be paid
48 in 2012 and the first 28-day work cycle ending in 2012 for employees subject to the 171-hour/28-
49 day overtime rule; and

50
51 WHEREAS, the county executive has proposed that a comprehensive wage study be

conducted, that the results of the study be presented to the Personnel Committee and County Board during 2012; and that a set of consolidated wage schedules which accurately reflect the complexity of work performed by county employees and the local labor market be developed and implemented effective December 23, 2012;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors hereby adopts a Governmental Funds Budget and a service delivery Proprietary Fund Budget for the calendar year beginning January 1, 2012 as indicated in the 2012 Annual Budget for Manitowoc County and any addenda, attachments, or amendments thereto, with the following amendments:

- The Public Property Outlay, Courthouse Activity, line item is reduced by \$16,000;
- The Maintenance, Public Health Building Activity, line item is reduced by \$4,000;
- The Maintenance, Office Complex Activity, line item is reduced by \$5,000; and
- The Expo Special Revenue Fund, Transfer to General Fund, is reduced by \$25,000;

and

BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby authorizes that the following sums of money be raised for the ensuing year:

State Special Charges - Charitable & Penal Purposes	\$	1,720.95
County Aid Bridges (Wis. Stat. § 82.08)	\$	146,877.00
Illegal Real Estate Taxes Charged Back (Prior Year)	\$	3,638.08
<u>All Other County Taxes</u>		<u>\$28,484,270.00</u>
Gross County Tax Levy		\$28,636,506.03

and

BE IT FURTHER RESOLVED that the County shall apportion the tax for Bridges under Wis. Stat. § 82.08 on the taxable property of the participating districts; and

BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment, State Taxes for Forestry Mill Tax, Wis. Stat. § 70.58(2), the amount of \$912,046.23; and

BE IT FURTHER RESOLVED that the County shall enter in the Tax Apportionment, State Special Charges for Charitable and Penal Purposes, as follows:

State Institutions (Winnebago) cost of proceedings	\$	912.50
State Institutions (Sheboygan) cost of proceedings	\$	87.37

97 County Mental Hospitals (Sheboygan) cost of proceedings \$ 721.08
98 \$ 720.95

100 and

102 BE IT FURTHER RESOLVED that the appropriate county officials are hereby directed to
103 reapportion the illegal real estate taxes charged back in the amount of \$3,638.08; and

105 BE IT FURTHER RESOLVED that the budget in detail, as amended herein, is made of a
106 part of the Tax Levy; and

108 BE IT FURTHER RESOLVED that the following changes in policy are approved, will be
109 incorporated into the Employee Policy Manual, and will apply to all employees for whom the
110 criteria for the payment of overtime is not specified in a collective bargaining agreement:

- 112 • Overtime will be paid in accordance with the Federal Fair Labor Standards Act,
113 with the following additions, effective on December 25, 2011:
 - 115 1. Overtime will be paid for time worked on actual holidays;
 - 117 2. Overtime will be paid for hours worked in excess of 10 hours in a shift;
118 and
 - 120 3. A minimum of four hours of work are guaranteed to an employee who
121 is called in to work on a non-scheduled work day;
- 123 and
- 125 • Longevity pay schedules presently in effect will be reduced by 50% effective
126 December 25, 2011 and longevity pay will be eliminated effective December 23,
127 2012;

129 and

131 BE IT FURTHER RESOLVED THAT a comprehensive wage study will be conducted; that
132 the results of the study be presented to the County Board during 2012; and that a set of consolidated
133 wage schedules, which accurately reflect the complexity of work performed by county employees
134 and the local labor market, be developed and implemented effective December 23, 2012; and

136 BE IT FURTHER RESOLVED that the Comptroller/Auditor is authorized to make any
137 technical corrections to the budget that are necessary.

 Dated this 29th day of November 2011.

Respectfully submitted by the Finance Committee and Personnel Committee.

FISCAL NOTE: Requires a composite tax levy and rate, based upon the budget book as printed, as follows:

Tax Levy of \$28,636,506.03
Composite Tax Rate of \$5.52321 per \$1,000 of equalized value.

The tax levy shown incorporates a reduction in expenditures of \$81,077 as a result of adopting strict compliance with FLSA rules, while still paying overtime for time worked on actual holidays.

The tax levy shown incorporates a reduction in expenditures of \$116,214 as a result of reducing the longevity pay schedule by 50%.

If a policy change is not adopted, the reduction in expenditures associated with the change must be offset by an increase in revenue, a decrease in some other expenditure, or a combination of both that would affect the overall tax levy by the amount shown.

Changing any individual line item by a given dollar amount will not necessarily produce the same change in the levy because of the effect of federal, state, and grant funding programs; local match requirements; mandated services; staffing requirements; and other factors. Consequently, the impact of any change will need to be analyzed on a case-by-case basis to determine how it will actually affect the tax levy.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Markwardt moved to adjourn, seconded by Supervisor Brey, and the motion was adopted by acclamation. The meeting adjourned at 6:05 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, December 20, 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 20th day of December 2011, for the purpose of transacting business as a Board of Supervisors.

Chairperson Paul Tittl called the meeting to order at 7:05 P.M.

Supervisor Metzger 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 Brey, seconded by Supervisor Markwardt, the November 29, 2011 meeting minutes were approved on a unanimous vote.

The Clerk announced changes to the agenda. Supervisor Schmidt 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 7:06 p.m.

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

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Julie Grinde, James VandenBoom, and Carol Wagner to the Manitowoc-Calumet Library System Board of Trustees for a three year term expiring December 31, 2015. Supervisor Vogel moved, seconded by Supervisor Muench to approve the appointments. Upon vote, the motion carried 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 (2011/2012-71) Amending 2011 Budget (Aging and Disability Resource Center). Upon vote, the motion carried unanimously.

**RESOLUTION AMENDING 2011 BUDGET
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. (Agency) has changed the formula it uses to allocate Older Americans Act grant funds to the Aging and Disability Resource Center (ADRC); and

WHEREAS, the ADRC Board recommends that the county amend the 2011 budget to reflect the following changes in revenue and expenditures for the Title III programs, the Nutrition Services Incentive Program (NSIP), the Alzheimer's Family Caregiver Support Program (AFCSP), and the Elderly and Disabled Transportation program (s. 85.21) that result from the changed formula:

Revenue or Expense	Account Number	Description	Amount
Revenue	46525.43566.05	IIIB Information & Assistance	(\$ 152)
Expenses	46525.52999	Contracted Services	(\$ 152)
Revenue	46100.43566.01	IIIC1 Congregate Meals	\$ 70
Expenses	46100.52940	Contracted Food	\$ 70
Revenue	46250.43566.03	IIIC2 Home Delivered Meals	(\$ 86)
Expenses	46250.52940	Contracted Food	(\$ 86)
Revenue	46325.43566.12	IIID Prevention Health	\$ 18
Expenses	46325.52108	Public Health	\$ 18
Revenue	46430.43566.14	IIIE Family Caregiver	(\$ 51)
Expenses	46430.52999	Contracted Services	(\$ 51)
Revenue	46250.43566.04	Home-Delivered NSIP	\$5,667
Expenses	46250.52940	Contracted Food Services	\$5,667
Revenue	46425.43566.08	AFCSP Funding	(\$ 724)
Expenses	46425.52999	Contracted Services	(\$ 724)
Revenue	46450.43566.06	s. 85.21 Program	\$7,255
Expenses	46450.52505	Transport	\$7,255

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

39 that the 2011 Budget is amended by the amounts stated above; that any funds remaining at the
40 end of 2011 be carried over to 2012; and that the Comptroller/Auditor is directed to record such
41 information in the official books of the County for the year ending December 31, 2011 as may be
42 required.

Dated this 20th day of December 2011.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases net budgeted revenue and expenses by \$11,997.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Wagner to adopt Resolution 2 (2011/2012-72) Authorizing Specialized Transportation Assistance Program Grant Application. Upon vote, the motion carried unanimously.

No. 2011/2012 - 72

**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
6 share equal to at least 20% of the amount of state aid for which the county applies, and
7

8 WHEREAS, the Aging & Disability Resource Center Board recommends that Manitowoc
9 County apply for grant funding which will require a local share of \$45,181; and
10

11 WHEREAS, the Manitowoc County Board of Supervisors finds that provision of
12 specialized transportation services would improve and promote the maintenance of human
13 dignity and self-sufficiency of elderly and disabled persons;
14

15 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
16 Supervisors authorizes the Aging & Disability Resource Center Director to submit an application
17 for financial assistance under Wis. Stat. § 85.21 to the Wisconsin Department of Transportation
18 for 2012, provided that the local share required for such assistance does not exceed \$45,181.
19

20 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors
21 authorizes the Aging & Disability Resource Center Director to execute a Wisconsin Department
22 of Transportation state aid contract under Wis. Stat § 85.21 on behalf of Manitowoc County,
23 provided that the local share required by the contract does not exceed \$45,181.

Dated this 20th day of December 2011.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: Tax levy of \$45,181 is included in the 2012 budget.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Muench to enact Ordinance 2a (2011/2012-73) Amending Manitowoc County Code Chapter 2 Pertaining to the Aging and Disability Resource Center and Commission on Aging. Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 73

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CHAPTER 2
PERTAINING TO THE AGING AND DISABILITY RESOURCE CENTER
AND COMMISSION ON AGING**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County and Kewaunee County have entered into an Aging and
2 Disability Resource Center (ADRC) Services Agreement for the purpose of providing aging and
3 disability resource center services for both counties through a single ADRC; and
4

5 WHEREAS, the Manitowoc County Code needs to be amended so that the sections
6 pertaining to the Aging and Disability Resource Center reflect the terms of the ADRC Services
7 Agreement; and
8

9 WHEREAS, the Manitowoc County Code also needs to be amended to provide for a
10 Commission on Aging;
11

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

15 Manitowoc County Code sec. 2.04(1)(a) is renumbered as sec. 2.04(1)(ag).
16

17 Manitowoc County Code sec. 2.04(1)(bm) is repealed and recreated as sec. 2.04(1)(a) to
18 read as follows:
19

20 (a) Aging and Disability Resource Center Board.

- 21
- 22 1. The Aging and Disability Resource Center Board (ADRC Board) is created for
- 23 the purpose of performing policy formulation and program oversight
- 24 responsibilities with respect to the Aging and Disability Resource Center
- 25 (ADRC). The ADRC Board will develop a mission statement consistent with
- 26 the goals of the statewide long term care system; obtain input from consumers,
- 27 providers, and local constituents; determine the structure, policies, and
- 28 procedures for the ADRC subject to state guidelines and the approval of the
- 29 county board and the county executive; review and act on all resolutions and
- 30 ordinances affecting the ADRC before they are submitted to the county board;
- 31 develop and monitor implementation of an operational plan; and review and
- 32 make recommendations to the county executive and county board with respect
- 33 to the budget.
- 34
- 35 2. Membership. The ADRC Board will be composed of 12 representatives from
- 36 Kewaunee and Manitowoc Counties as follows:
- 37
- 38 a. Three members of the Kewaunee county board to be appointed by the
- 39 Kewaunee county board chair.
- 40
- 41 b. Three members of the Manitowoc county board to be appointed by
- 42 Manitowoc county executive, subject to confirmation by the Manitowoc
- 43 county board.
- 44
- 45 c. One representative from Kewaunee County's commission on aging (age
- 46 65 or older) to be appointed by the Kewaunee county administrator.
- 47
- 48 d. One representative from Manitowoc County's commission on aging (age
- 49 65 or older) to be appointed by the Manitowoc county executive.
- 50
- 51 e. One consumer representing Kewaunee County's aging population to be
- 52 appointed by the ADRC Board.
- 53
- 54 f. One consumer representing Manitowoc County's aging population to be
- 55 appointed by the ADRC Board.
- 56
- 57 g. One consumer representing individuals with developmental disabilities
- 58 to be appointed by the ADRC Board.
- 59
- 60 h. One consumer representing individuals with physical disabilities to be
- 61 appointed by the ADRC Board.
- 62
- 63 3. Terms. Half of the initial appointments to the ADRC Board will be for a term
- 64 of approximately 2 years, ending in 2013, and the other half of the initial

65 appointments will be for a term of approximately 3 years, ending in 2014.
66 Subsequent appointments will be for a two-year term. Appointments may be
67 made at each county board's annual meeting or at some other time fixed by
68 each county. Members may serve until a replacement has been confirmed,
69 except that the term of a member will immediately end if the member resigns
70 or is a county board supervisor who vacates his or her office.
71

- 72 4. Officers. Annually, at the first meeting of the ADRC Board following each
73 county's annual meeting, the ADRC Board shall elect a Chair, Vice Chair, and
74 Secretary, who shall serve until successor officers are elected unless the
75 officer's term ends as provided in subpar. 3.
76

- 77 a. The Chair shall preside at all meetings of the ADRC Board and sign
78 any documents that require a signature on behalf of the ADRC Board.
79 The Chair may establish and appoint committees when authorized by
80 the ADRC Board.
81
82 b. The Vice Chair shall perform all of the duties and have all of the
83 powers of the Chair in the absence of the Chair.
84
85 c. The Secretary shall ensure that a complete record of the proceedings
86 of the ADRC Board is kept, shall oversee the preparation of written
87 minutes of all meetings, and ensure that the minutes are provided to
88 each county's county clerk in a timely manner.
89

- 90 5. Compensation and Expense Reimbursement. Each county may compensate
91 the ADRC Board members who are county supervisors in accordance with its
92 respective policies. Citizen members will not receive compensation for their
93 service on the ADRC Board, but are eligible for reimbursement of mileage
94 reimbursement and other approved out-of-pocket expenses incurred as a result
95 of their attendance at ADRC functions. Funds for the reimbursement of
96 mileage and out-of-pocket expenses for citizen members will be included as
97 part of the ADRC operations budget.
98

- 99 6. Powers and Duties. The ADRC Board may:
100

- 101 a. Advocate on behalf of elderly and disabled individuals in Kewaunee
102 and Manitowoc Counties.
103
104 b. Gather information from consumers, providers, and others about the
105 adequacy of long term care services to identify gaps in living
106 arrangements and community services needed by target groups and
107 develop plans to meet them.
108
109 c. Identify the ADRC's strengths and potential areas of improvement in

110 order to make recommendations about how to better serve client
111 needs.

112
113 d. Identify potential community resources and funding sources to
114 increase the services available to consumers.

115
116 e. Oversee preparation and distribution of an annual report detailing the
117 ADRC's progress in providing services to the target population.

118
119 f. Participate in strategic planning, including the establishment of
120 specific goals and the timely assessment of accomplishment.

121
122 g. Recommend a public relations plan for identified target groups.

123
124 h. Review expenditures on a quarterly basis and make
125 recommendation's to the ADRC's director on an annual budget.

126
127 i. Review the Aging and Disability Resource Center Services
128 Agreement annually and make recommendations to the counties for
129 revisions necessary for ongoing coordination.

130
131 j. Recommend policies and procedures to the ADRC's director to ensure
132 the efficiency and effectiveness of the organization, facilitate timely
133 access to services, and improve the ADRC's ability to serve clients.

134
135 7. Limitations. The ADRC Board may not levy taxes, borrow funds, or enter into
136 contracts in its own name or in the name of either county. No member of the
137 ADRC Board may profit from ADRC operations or provide services to the
138 ADRC Board or either county.

139
140 Manitowoc County Code sec. 2.04(1)(b) is created to read as follows:

141
142 (b) Commission on Aging.

143
144 1. Appointment. The county executive shall appoint the commission on aging,
145 subject to confirmation by the county board. A member of a commission on
146 aging may be removed by the county executive for cause.

147
148 2. Composition. The commission on aging shall be composed of 10 members.
149 Five of the members will be the county board supervisors who are on the
150 Natural Resources and Education Committee. The remaining five citizen
151 members must be older individuals with recognized ability and demonstrated
152 interest in services for older individuals.

153
154 3. Terms. Citizen members of the commission on aging shall serve for terms of 3

155 years, except that the initial appointments to the board may be for shorter
156 terms so that, as nearly as practicable, the terms of one-third of the members
157 shall expire each year. Vacancies shall be filled in the same manner as the
158 original appointments.

- 159
- 160 4. Powers and Duties. The commission on aging, in addition to any other powers
161 or duties established by state law, shall plan and develop administrative and
162 program policies for programs for older persons in the county that are funded
163 by the federal or state government and administered by the Aging and
164 Disability Resource Center (ADRC). The commission may develop a mission
165 statement; obtain input from consumers, providers, and local constituents;
166 make recommendations regarding the structure, policies, and procedures for
167 the ADRC subject to state guidelines and the approval of the county board and
168 county executive; review and act on resolutions and ordinances affecting the
169 ADRC before they are submitted to the county board; develop and monitor
170 implementation of an operational plan; and review and make recommendations
171 to the county executive and county board with respect to the budget.

172

173 Manitowoc County Code sec. 2.02(1) pertaining to the Aging and Disability Resource
174 Center is repealed and recreated to read as follows:

- 175
- 176 (1) Aging and Disability Resource Center. The Aging and Disability Resource Center
177 (ADRC) is responsible for the operation of programs and providing outreach and
178 aging and disability resource center services to the general public, persons who are
179 elderly, and adults with developmental disabilities, mental illness, or physical
180 disabilities in Kewaunee and Manitowoc Counties with respect to matters related to
181 aging and disability.

Dated this 20th day of December 2011.

Respectfully submitted by Susie Maresh, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointments to the Aging and Disability Board of Melvin Bourgeois for a one year appointment expiring December 12/31/2012, Connie Gulas for a two year appointment expiring 12/31/2013, Sally Schmidt for a three year appointment expiring 12/31/2014, Supervisor Laurie Burke, Supervisor Cathy Wagner, and Supervisor Melvin Waack for a term expiring April 2012.

Chairperson Tittl presented County Executive Ziegelbauer's appointments to the Commission on Aging of Melvin Bourgeois for a one year term expiring 12/31/2012, Shirley Fessler and Connie Gulash for a two year term expiring 12/31/2013, Mona Horstketter and Tom Keil for a three term expiring 12/31/2014, Supervisor Laurie Burke, Supervisor Susie Maresh, Supervisor Andy Schneider, Supervisor Melvin Waack, and Supervisor Catherine Wagner for a term expiring April 2012.

Supervisor Gerroll moved, seconded by Chuck Hoffman to approve the appointments. Upon vote, the motion carried by unanimous consent.

Finance Committee: Supervisor Muench moved, seconded by Supervisor Brey to adopt Resolution 3 (2011/2012-74) Implementing Fund Balance Policy in Accordance with GASB Statement No. 54. Upon vote, the motion carried unanimously.

No. 2011/2012 - 74

**RESOLUTION IMPLEMENTING FUND BALANCE POLICY
IN ACCORDANCE WITH GASB STATEMENT NO. 54**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Governmental Accounting Standards Board (GASB) issued Statement
2 No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, in February 2009;
3 and
4

5 WHEREAS, the objective of Statement No. 54 is to improve the usefulness and
6 understandability of governmental fund balance information by providing more clearly defined
7 categories that make the nature and extent of a government's fund balance more transparent; and
8

9 WHEREAS, Manitowoc County Code sec. 4.02, Standards of Accounting, provides that
10 Manitowoc County will account for its receipts and use of funds according to generally accepted
11 accounting principles following standards set forth in the latest financial account standards
12 issued by GASB; and
13

14 WHEREAS, Manitowoc County wishes to continue following the accounting standards set
15 forth by the Governmental Accounting Standards Board;
16

17 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
18 Supervisors, that it hereby implements the Fund Balance Reporting and Governmental Fund
19 Type Definitions prescribed by GASB No. 54, any amendments that may be made by GASB,
20 and the following definitions and policies:
21

22 Fund Balance is the difference between assets and liabilities in governmental funds
23 (i.e. general fund, special revenue funds, capital project funds, debt service funds and
24 permanent funds).

Fund balance for governmental funds should be reported in classifications that comprise a hierarchy based primarily on the extent to which the government is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The following classifications pursuant to GASB No. 54 will be used:

FUND BALANCE CLASSIFICATIONS

Non-spendable Fund Balance: Amounts that cannot be spent because they are not in spendable form or are legally or contractually required to be maintained intact. The “not in spendable form” criterion includes items that are not expected to be converted to cash, such as, inventories and prepaid amounts. It also includes the long-term amount of loans and notes receivable, as well as property acquired for resale. However, if the use of the proceeds from the collection of those receivables or from the sale of those properties is restricted, committed, or assigned, then they should be included in the appropriate fund balance classification (restricted, committed, or assigned), rather than non-spendable fund balance. The corpus (principal) of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.

At the end of each fiscal year, Manitowoc County will report the portion of the fund balance that is not in spendable form as the Non-Spendable Fund Balance on the financial statements.

The following non-spendable fund balances will be reported as necessary:

	PURPOSE	REVENUE SOURCE
Reserved for Inventory	General	Various
Reserved for Mortgage Receivable	General	Various
Reserved for Prepaid Items	General	Various
Reserved for Property for Resale	General	Various
Reserved for Property Taxes	General	Tax levy

Restricted Fund Balance: Except as noted in previous GASB Statements and amended by others, Net Assets Restricted by Enabling Legislation should be reported as a restricted fund balance. A fund balance should be reported as restricted when constraints placed on the use of resources are externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or are imposed by law through constitutional provisions or enabling legislation.

At the end of each fiscal year, Manitowoc County will report restricted fund balances for amounts that have applicable legal restrictions under GASB No. 54. Normally, fund balances in debt service funds and capital project funds with

remaining long-term debt proceeds will be reported as restricted.

The following restricted fund balances will be reported:

FUND	PURPOSE	REVENUE SOURCE
General Fund		
Register of Deeds	Land Records Modernization (LRM)	Public charges for service
Register of Deeds	LRM - Redaction project	Public charges for service
Special Revenue Funds		
Forestry Tree Planting SRF	Managed Tree Planting	Public charges for service
K-9 Sheriff's SRF	K-9 purchase & upkeep	Donations
Revolving Loan Fund SRF	Provide small business loans	State aid/Interest income
Debt Service Funds (All)	Various Projects	Tax levy / Bond proceeds
Capital Project Funds (CPF)		
Communications Proj CPF	Radio Communications / C&T Bldg.	Bond proceeds / Transfers
Courthouse Remodeling	Replace steps / repair roof	Bond proceeds / Transfers
Jail Security Proj CPF	Replace jail locking & sec. cameras	Bond proceeds / Transfers
Jail Assessment Fee CPF	Jail equipment / maintenance	Fines, Forfeitures, Penalties

Committed Fund Balance: Amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest level of decision making authority. Committed amounts cannot be used for any other purpose unless the government removes or changes the specified use by taking the same type of action (legislation, ordinance, or resolution) that it employed to previously commit those amounts. The authorization specifying the purposes for which amounts can be used should have the consent of both the legislative and executive branches of the government. In contrast to a fund balance that is restricted by enabling legislation, amounts in the committed fund balance classification may be redeployed for other purposes with appropriate due process.

Prior to the end of each fiscal year, Manitowoc County will determine the specific purposes for committed fund balance. Any new, specific purposes will be set forth in a County Board resolution with the final amount to be determined at or after year end. Specific purposes for committed fund balances approved in prior-year resolutions will be carried forward until changed by a current-year resolution. In most instances, general fund non-lapsing accounts or other previously designated amounts will be reported as a committed fund balance.

Fund balances in a special revenue fund, unless restricted by an outside party, are considered to be committed to the specific purpose set forth for the special revenue fund. In addition, capital project fund balances that do not include debt proceeds will normally be reported as committed. Because committed fund balances are approved by action of the County Board, the County Board is required to formally establish all special revenue and other funds with committed balances at year end. In

addition, special revenue funds are required to report the purpose and specific revenue source that establishes each fund.

The following committed fund balances will be reported:

FUND	PURPOSE	REVENUE SOURCE
General Fund Committed		
County Clerk	Elections	Tax levy
Emergency Management	Communications Project	Tax levy
Emergency Management	Hazmat vehicle replacement	Tax levy / Public charges
Parks	Cato Falls project	Tax levy / State grant / Donations
Parks	Maribel Caves project	Tax levy / State grant / Donations
Parks	Park conservation grant	Tax levy / State grant
Parks	Silver Lake project	Tax levy / State grant / Donations
Parks	Snowmobile Trails	State grant / Donations
Planning & Zoning	Area wide planning	Tax levy
Planning & Zoning	Coastal Mgmt. grant	Tax levy / State grant
Planning & Zoning	Mapping	Tax levy
Public Works	C & T Bldg. Computer lab	Tax levy
Public Works	Capital Projects / Major Maint.	Tax levy
Public Works	Radio Communications project	Tax levy / State grant
Public Works	PBX-Phone system	Tax levy / User charges
Public Works	Replace vehicles	Tax levy
Sheriff's Department	Equip. Grant (40 mm launcher)	State grant
Treasurer	Outlay - office equipment	Tax levy / Miscellaneous income
UW Extension	Altria Grant (Water quality proj)	State grant
Veterans Service Office	Veterans Relief	Tax levy / Donations
Special Revenue Funds (SRF)		
Aging Services SRF	Aging Programs	Tax levy / Intergovernmental grants & aid / Public charges
Expo SRF	Fair/Ice Center/Exhibition Bldg.	Public charges/Other
Highway Dept. SRF	County Highway Maint./Constr.	Tax levy / Intergovernmental grants & aid
Human Services SRF	Human Service Programs	Tax levy / Intergovernmental grants & aid / Public charges
Recycling SRF	Recycling Program	Tax levy / Public charges / Other
Soil & Water SRF	Soil & Water Conservation	Tax levy / Intergovernmental grants & aid / License and permits / Other
Solid Waste Disp SRF	Waste Disposal	Tax levy / Intergovernmental charges
Capital Projects Fund		
Ec. Development CPF	Property purchases	State grants
Park Acquisition Dev. CPF	Park Acquisition & Development	Tax levy/Sale of Property/Other

Assigned Fund Balance: Amounts that are constrained by the government's intent to be used for specific purposes, but are neither restricted nor committed, should be reported as an assigned fund balance. The assigned fund balance is the portion of the spendable fund balance that reflects funds intended to be used by the government for specific purposes within that fund. The County Board has not delegated the authority to assign fund balance to the Comptroller/Auditor or any other specific official. Any assignment of fund balance will be made by the County Board.

Unassigned Fund Balance: The unassigned fund balance is the residual classification for the general fund. This classification represents the spendable fund balance that has not been assigned to other funds and that has not been assigned, committed, or restricted to specific purposes within the general fund. Although there is no set spending plan for the unassigned fund balance, there is a need to maintain a certain funding level. The unassigned fund balance is commonly used for emergency expenditures not previously considered. In addition, resources classified as unassigned can be used to cover expenditures for revenues not yet received. This amount is also used as a source of working capital for the County. The general fund should be the only fund that reports a positive unassigned fund balance amount. If expenditures exceed the amounts assigned, committed, or restricted for a specific purpose, it may be necessary to report a negative unassigned fund balance.

GOVERNMENTAL FUND TYPES

In addition to a general fund, governmental fund types include special revenue funds, debt service funds, capital project funds, and permanent funds.

General Fund: The general fund should be used to account for and report all financial resources not accounted for and reported in another fund.

Special Revenue Funds: Special revenue funds are used to account for and report the proceeds of specific revenue sources that are committed or restricted to expenditure for specified purposes other than debt service or capital projects. The term "proceeds of specific revenue sources" establishes that one or more specific committed or restricted revenues should be the foundation for a special revenue fund. Special revenue funds should not be used to account for resources held in trust for individuals, private organizations, or other governments.

Debt Service Funds: Debt service funds are used to account for and report financial resources that are assigned, committed, or restricted to expenditure for principal and interest. Debt service funds should be used to report resources if legally mandated. Financial resources that are being accumulated for principal and interest maturing in future years also should be reported in debt service funds.

Capital Projects Funds: Capital projects funds are used to account for and report financial resources that are assigned, committed, or restricted to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets. Capital projects funds exclude those types of capital-related outflows financed by proprietary funds or for assets that will be held in trust for individuals, private organizations, or other governments.

Permanent Funds: Permanent funds are used to account for and report resources that are restricted to the extent that only earnings, and not principal, may be used for purposes that support the reporting government's programs, that is, for the benefit of the government or its citizenry. Permanent funds do not include private-purpose trust funds, which should be used to report situations in which the government is required to use the principal or earnings for the benefit of individuals, private organizations, or other governments.

FLOW OF FUNDS POLICY

Manitowoc County will use the following order of fund balance spend-down:

1. Restricted.
2. Committed.
3. Assigned.
4. Unassigned.

This order will also be used for purposes of reporting fund balance.

These definitions and policies are effective December 30, 2011 and shall be used for reporting purposes for the year ending December 31, 2011.

Dated this 20th day of December 2011.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

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 4 (2011/2012-75) Regarding Participation in Income Maintenance Consortium. Upon discussion and vote, the motion carried unanimously.

**RESOLUTION REGARDING PARTICIPATION IN
INCOME MAINTENANCE CONSORTIUM**

1 WHEREAS, the Wisconsin Department of Health Services has delegated responsibility for
2 administering the Income Maintenance Program to counties, and counties are required to
3 administer the Income Maintenance Program under a contract with DHS; and
4

5 WHEREAS, the Governor's budget proposal for the 2011-13 biennium would have
6 transferred responsibility for administering the Income Maintenance Program from counties to
7 DHS starting in 2012; and
8

9 WHEREAS, counties objected to the Governor's proposal and offered an alternative under
10 which counties could, over the course of the 2011-13 biennium, create regional consortia to
11 administer the Income Maintenance Program; and
12

13 WHEREAS, elements of the counties' proposal were incorporated into the Biennial
14 Budget Bill that was adopted as 2011 Wisconsin Act 32; and
15

16 WHEREAS, Act 32 authorizes the formation of regional consortia to administer the
17 Income Maintenance Program under contract with DHS; and
18

19 WHEREAS, Act 32 requires that Manitowoc County either participate in a multicounty
20 consortium that is approved by DHS or relinquish responsibility for administering the Income
21 Maintenance Program to DHS; and
22

23 WHEREAS, Act 32 requires that Manitowoc County maintain a tax levy and contribute to
24 the Income Maintenance Program at an amount that is not less than the amount it contributed in
25 2009 without regard to whether it joins a consortium or relinquishes administration of the
26 Income Maintenance Program to DHS; and
27

28 WHEREAS, Manitowoc County believes it is in the best interests of its citizens and
29 employees to join a multicounty consortium to administer the Income Maintenance Program;
30 and
31

32 WHEREAS, joining a multicounty consortium will require that Manitowoc County enter
33 into a contract or series of contracts with other counties to establish overall responsibility for the
34 contract to be entered into between the consortium and DHS, the consortium's fiscal
35 responsibilities, financial accountability among consortium members, each county's
36 responsibilities for providing services; and the methods for determining service level
37 accountability among consortium members;
38

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

Supervisors declares its intent to join a multicounty consortium to administer the Income Maintenance Program consistent with the requirements of Act 32; and

BE IT FURTHER RESOLVED that, upon County Board approval of a consortium contract, the County Executive will be authorized to execute the contract and any other documents necessary to create and participate in the multicounty consortium; and

BE IT FURTHER RESOLVED that the County Executive is authorized to take any and all actions necessary to effectuate the intent of this resolution.

Dated this 20th day of December 2011.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: Indeterminable at this time. Financial details are presently being developed. Tax levy impact will be included with resolution authorizing consortium contract.

APPROVED: Bob Ziegelbauer, County Executive.

Their next meeting will be January 12.

Public Safety Committee: Supervisor Henrickson moved, seconded by Supervisor Panosh to adopt Resolution 5 (2011/2012-76) Authorizing Out-of-State Travel (Curtis Green). Upon vote, the motion carried unanimously.

No. 2011/2012 - 76

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

WHEREAS, Coroner Curtis Green has credentials in advanced death investigation and is called upon to testify about the cause and manner of death in legal proceedings;

WHEREAS, the complex field of forensic science requires continuing education and specialized training for Medicolegal Death Investigators to remain current in their field; and

WHEREAS, advanced continuing education also helps to reduce the cost of diagnostics for the Coroner's Office; and

WHEREAS, Medicolegal experts and practitioners will be presenting information that will enhance and advance the Coroner's areas of expertise at a three day conference in May of 2012;

12 and

13
14 WHEREAS, Coroner Green has agreed to pay half of his travel expenses;

15
16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
17 Supervisors authorizes Coroner Curtis Green to travel out of state to attend the three-day
18 Medicolegal Investigation of Death Training program at Wayne State University in Detroit,
19 Michigan from May 2 through May 4, 2012.

Dated this 20th day of December 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Conference costs, not to exceed \$1326 for conference registration, lodging, meals, and one-half of travel expenses are included in the Coroner's 2012 budget. Coroners estimated wages and benefits for time at conference is \$710. Deputy coroners receive \$20 per hour while working a case and \$1 per hour while on call.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Henrickson moved, seconded by Supervisor Bauknecht to adopt Resolution 6 (2011/2012-77) Authorizing Out-of-State Travel (Curtis Raube). Upon vote, the motion carried unanimously.

No. 2011/2012 - 77

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the ever-changing field of computer technology requires continuing education
2 and specialized training for law enforcement investigators to remain current in the field; and

3
4 WHEREAS, Sheriff's Deputy Curtis Raube, who is certified as a Computer Forensics
5 Investigator, is the only certified officer available to assist local law enforcement agencies and
6 the District Attorney with these specialized, technological investigations; and

7
8 WHEREAS, AccessData and other industry practitioners will cover current trends and
9 provide hands-on experience with computer forensics applications, cyber security, E-discovery,
10 and legal developments at a 3-day conference in May 2012; and

11
12 WHEREAS, registration prior to December 31, 2011 will save the county \$195 in
13 conference costs; and Deputy Raube has offered to pay his own airfare and hotel expenses to
14 attend the conference; and

15 WHEREAS, the Sheriff recommends that Deputy Raube attend the conference;

16
17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
18 Supervisors authorizes Deputy Curtis Raube to attend a three-day AccessData Conference on
19 computer forensics in Las Vegas, Nevada from May 8 through May 10, 2012.

Dated this 20th day of December 2011.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: Conference costs, not to exceed \$600, are included in the approved Sheriff's Department budget. Wage and benefit costs associated with attending the training are estimated at \$925.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Behnke gave a brief report and answered supervisors' questions. Their next meeting will be January 18.

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

Miscellaneous: Supervisor Maresh moved, seconded by Supervisor Korinek to adopt Resolution 7 (2011/2012-78) Approving Town of Franklin Zoning Map (Reinard and Jeanette Holschbach Irrevocable Trust). Upon vote, the motion carried unanimously.

No. 2011/2012 - 78

**RESOLUTION APPROVING TOWN OF FRANKLIN ZONING MAP
(Reinard and Jeanette Holschbach Irrevocable Trust)**

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 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
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 zoning ordinance that was adopted by the Town Board of the Town of
16 Franklin for Reinard and Jeanette Holschbach Irrevocable Trust on November 15, 2011.

Dated this 20th day of December 2011.

Respectfully submitted by Susie Maresh, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Konen to adopt Resolution 8 (2011/2012-79) Approving Town of Franklin Zoning Ordinance (Section 5-44, Conditional Uses, Shooting Ranges). Upon vote, the motion carried unanimously.

No. 2011/2012 - 79

**RESOLUTION APPROVING TOWN OF FRANKLIN ZONING ORDINANCE
(Section 5-44, Conditional Uses, Shooting Ranges)**

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 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
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 amended zoning ordinance to the
12 county board for approval;
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
15 Supervisors approves the changes to the Town of Franklin Unified Development Ordinance,
16 Section 5-44, Conditional Uses, that were adopted by the Town Board of the Town of Franklin
17 on November 15, 2011.

Dated this 20th day of December 2011.

Respectfully submitted by Susie Maresh, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Schneider moved, seconded by Supervisor Korinek to adopt Resolution 9 (2011/2012-80) Approving Town of Franklin Zoning Map (Ryan Sheehy). Upon vote, the motion carried unanimously.

No. 2011/2012 - 80

**RESOLUTION APPROVING TOWN OF FRANKLIN ZONING MAP
(Ryan Sheehy)**

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 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
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 zoning ordinance that was adopted by the Town Board of the Town of
16 Franklin for Ryan Sheehy on November 15, 2011.

Dated this 20th day of December 2011.

Respectfully submitted by Andrew Schneider, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Burke, and the motion was adopted by acclamation. The meeting adjourned at 7:34 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, January 17, 2012

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 17th day of January 2012, 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 Maresh gave the invocation. Members of the 377th Support Maintenance Company, U.S. Army Reserve Unit, led the Pledge of Allegiance to the Flag

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Board Chair Paul Tittl presented a Proclamation Honoring Veterans of Operation Iraqi Freedom to Commander-in-Chief Danny Dickerson and Staff Sergeant Jamie Mrozinsky.

Mr. Dickerson thanked everyone for honoring their work and noted that it has been a pleasure to serve. He also thanked the staff of the Veterans Service Office for serving the veterans in Manitowoc County.

Staff Sergeant Mrozinsky, who had been deployed twice, expressed gratitude to the people of the county and said that Manitowoc County was very supportive of them.

Veterans Service Officer Jane Babcock explained that more than 300 of the 7,000 veterans in Manitowoc County have been deployed to Iraq. She asked everyone to thank them for the freedoms that we enjoy.

Roll call: 22 members present; Behnke, Brey, Burke, Dufek, Gerroll, Hansen, Henrickson, Hoffman, Korinek, Maresh, Metzger, Muench, Panosh, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Bauknecht, Konen, and Markwardt were excused.

On motion by Supervisor Brey, seconded by Supervisor Schmidt, the December 20, 2011 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Tittl read certificates of appreciation for retiring employees Catherine Peters, James Lenk, Barbara Redmer, and Ronald Shimek.

Chairperson Tittl presented a Proclamation Proclaiming Saturday, February 11, 2012 as 2-1-1 Day in Manitowoc County to Supervisor Susie Maresh, a United Way of Manitowoc County Board member. Supervisor Maresh thanked everyone on behalf of United Way.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:12 p.m.

No one present wished to speak, therefore Chairperson Tittl declared public input closed.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Tom Musial to the Ethics Board for a three year term expiring February 28, 2015. Supervisor Behnke moved, seconded by Supervisor Vogt to approve the appointment. Supervisor Joe Panosh requested a roll call vote on the appointment. Upon discussion and vote, the motion carried with 12 ayes and 10 noes. Supervisors Burke, Dufek, Henrickson, Metzger, Panosh, Rappe, Schneider, Vogel Wagner, and Weiss voted no; all other supervisors voted aye.

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 gave a brief report.

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

Human Services Board: Supervisor Rappe reported that their next meeting will be January 26.

Lakeland Care District Board: Supervisor Brey moved, seconded by Supervisor Schmidt to adopt Resolution 1 (2011/2012-81) Supporting Lifting Family Care Enrollment Cap. Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 81

RESOLUTION SUPPORTING LIFTING FAMILY CARE ENROLLMENT CAP

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the State of Wisconsin had capped enrollment in the Family Care program,
2 which provides long-term care services to eligible people; and
3

4 WHEREAS, Family Care is a member-centered program designed to improve people's lives
5 by improving access to long term care services; giving people better choices about the services and
6 support available to meet their needs; creating a cost-effective system which considers the
7 comparative costs of the options and resources available to meet individual needs; and improving
8 quality through a focus on health and social outcomes; and
9

10 WHEREAS, the Legislative Audit Bureau has reviewed Family Care and determined it has
11 improved access to long-term care, ensured thorough care planning, and has provided choices
12 tailored to the participants' individual needs, and
13

14 WHEREAS, the Department of Health Services has studied all of Wisconsin's long-term

15 care programs and determined that Family Care is the most cost-effective program; and

16
17 WHEREAS, Manitowoc County currently has a waiting list for people who are eligible for
18 and in need of long term care services; and

19
20 WHEREAS, it has been proposed that the Family Care enrollment cap be lifted this spring;

21
22 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
23 supports lifting the Family Care enrollment cap; and

24
25 BE IT FURTHER RESOLVED that the County Clerk is directed to provide a copy of this
26 resolution to Governor Scott Walker, Senator Joe Leibahm, Senator Frank Lasee, Representative
27 Bob Ziegelbauer, Representative Steve Kestell, and Representative Andre Jacque.

Dated this 17th day of January 2012.

Respectfully submitted by Jim Brey, Supervisor and Chairperson of Lakeland Care District Board of Directors.

FISCAL IMPACT: None.

I respect the prerogative of the members of the Manitowoc County Board of Supervisors to voice their opinions on legislative issues. Therefore, it is my practice to neither approve nor veto a legislative policy resolution that has been enacted by the County Board in order to allow the County Board, acting as the legislative branch of county government, to freely express its sentiment on legislative and public policy issues or to request action by a governmental entity, or both.

Bob Ziegelbauer, County Executive.

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.

Public Works Committee: Supervisor Behnke gave a brief report. Their next meeting will be January 18.

Announcement: Chairperson Tittl announced that the next County Board meeting will be on February 28.

Supervisor Burke moved to adjourn, seconded by Supervisor Gerroll, and the motion was adopted by acclamation. The meeting adjourned at 7:30 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, February 28, 2012

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 28th day of February 2012, 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 Weiss gave the invocation which was followed by the Pledge of Allegiance to the Flag by the entire assemblage.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Roll call: 22 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Hansen, Henrickson, Hoffman, Konen, Korinek, Maresh, Markwardt, Metzger, Muench, Panosh, Schmidt, Schneider, Tittl, Vogt, Waack, Wagner, and Weiss. Supervisors Gerroll, Rappe, and Vogel were excused.

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Public Works Director Jeff Beyer introduced Facilities Manager Jennell Krizek and Recycling Director Jon Reisenbuechler. Comptroller Todd Reckelberg presented an overview of the 2011 financial results of operations at the Expo facilities. He referred to a handout that illustrated revenues and expenses of Expo Activities, the County Fair, and the Ice Center that resulted in a net gain of \$63,022.19 in 2011. Director Jeff Beyer gave a brief history of Expo activities and talked about changes that have been implemented to increase revenues.

Public Works Director Jeff Beyer gave a presentation on a Master Contract for Solid Waste Disposal at Ridgeview Landfill that will expire in 2014. He explained that this contract establishes an economical disposal rate that is set by a Consumer Price Index increase/decrease each year for county municipalities. As a tradeoff for the rate, Manitowoc County agreed to sell all paper fiber processed at the County Recycling Center to Waste Management at a rate of \$45 per ton. Municipalities are required to deliver their recyclables to the County Recycling Center. He answered supervisors' questions.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:30 p.m.

Ralph Pfeifer, City of Two Rivers, addressed the Board regarding the organizing of a Veterans Treatment Court in Manitowoc County. Mr. Pfeifer said that this is a federally funded program for eligible veterans that would offer treatment for drug and alcohol violations in lieu of the traditional justice system.

Jim Leist, City of Manitowoc, spoke in opposition to establishing regulations prohibiting concealed carry of weapons in designated areas.

Cindy Schroeder, City of Manitowoc and a Social Worker, talked about the proposed Decision Band Method that is based on various levels of decision making principles for job evaluations. Ms. Schroeder expressed concern that employees should be involved in the evaluations.

Dave Dyzak, Town of Two Rivers, spoke in opposition to the adoption of any regulations that would remove the right to conceal carry weapons in Manitowoc County.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Terri Wilfert to the Land Conservation Committee. Supervisor Maresh moved, seconded by Supervisor Hoffman to approve the appointment. Upon vote, the motion carried by unanimous consent.

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

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

Board of Health: Supervisor Schneider gave a brief report.

Finance Committee: Supervisor Muench gave a brief report.

Supervisor Muench moved, seconded by Supervisor Brey to enact Ordinance 1 (2011/2012-82) Repealing Manitowoc County Code § 4.125 (Preference in Sale of Tax Deeded Land). Upon vote, the motion carried unanimously.

No. 2011/2012 - 82

ORDINANCE REPEALING MANITOWOC COUNTY CODE § 4.125 (Preference in Sale of Tax Deeded Land)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code § 4.125 was created by Ordinance No.
2 2009/2010-20 effective June 1, 2009 for the purpose of granting a preference in the sale of tax-
3 deeded land to the former owner of the property; and
4

5 WHEREAS, experience has shown that section 4.125 is unnecessary, is not cost-
6 effective, delays the county's ability to return tax-foreclosed properties to the tax rolls, and
7 diverts limited resources from other, more important tasks;
8

9 WHEREAS, the Finance Committee concurs in the Corporation Counsel's
10 recommendation that section 4.125 be repealed;
11

12 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does

13 ordain as follows:

14

15 Manitowoc County Code sec. 4.125 is repealed effective March 9, 2012.

Dated this 28th day of February 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey thanked Supervisor Muench for her years of service on the Board.

Highway Committee: Supervisor Markwardt gave a brief report.

Supervisor Markwardt moved, seconded by Supervisor Bauknecht to adopt Resolution 2 (2011/2012-83) Authorizing Out-of-State Travel for Gary Kennedy. Upon vote, the motion carried unanimously.

No. 2011/2012 - 83

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Gary Kennedy)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the National Association of County Engineers (NACE) will hold its
2 National Conference in Lexington, Kentucky on April 1-5, 2012 for the purpose of direct
3 communication and interaction with national transportation leaders; and
4

5

6 WHEREAS, the Wisconsin County Highway Association (WCHA) encourages its Board
7 of Directors and Executive Committee Members to attend the NACE meetings of behalf of its
8 members and will reimburse all necessary expenses for attending these events; and
9

10

11 WHEREAS, Highway Commissioner Gary Kennedy presently serves as WCHA's
12 Treasurer and Events Coordinator and is a member of the WCHA Board of Directors and
13 Executive Committee; and
14

15

16 WHEREAS, the Highway Committee has determined that it would be advantageous to
17 Manitowoc County, and the Highway Department, and WCHA for Commissioner Kennedy to
18 attend this event;
19

20

21 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board authorizes
22 Gary Kennedy to attend the NACE Conference in Lexington, Kentucky on April 1-5, 2012,
23 provided that all expenses are reimbursed by the Wisconsin County Highway Association.

Dated this 28th day of February 2012.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: All costs except wages and benefits, which are estimated at \$1,526, will be reimbursed by Wisconsin County Highway Association.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Metzger gave a brief report.

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

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

Supervisor Burke moved, seconded by Supervisor Weiss to adopt Resolution 3 (2011/2012-84) Authorizing Application and Acceptance of CDBG Planning Grant (Agriculture Education Center). Upon vote, the motion carried unanimously.

No. 2011/2012 - 84

**RESOLUTION AUTHORIZING APPLICATION AND
ACCEPTANCE OF CDBG PLANNING GRANT
(Agriculture Education Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Federal monies are available under the Community Development Block
2 Grant (CDBG) Program, which is administered by the State of Wisconsin, Department of
3 Commerce, for the purpose of undertaking community planning; and
4

5 WHEREAS, the Natural Resources Education Committee has reviewed the need for and
6 the benefits to be gained from conducting a feasibility study for an Agricultural Education
7 Center and recommends that the county seek additional public input, apply for, and accept any
8 grant funds that may be made available for such a study;
9

10 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
11 Supervisors authorizes the UW-Extension Director and such other county staff as may be needed
12 to apply for a
13 Community Development Block Grant Program grant for up to \$22,500 to conduct a feasibility
14 study for an Agricultural Education Center; and
15

16 BE IT FURTHER RESOLVED that the UW-Extension Director is authorized to sign
17 documents and take the actions necessary to undertake, direct, and comply with any grant that is

18 awarded; and

19

20 BE IT FURTHER RESOLVED that Manitowoc County accepts such grant funds as may
21 be awarded, will comply with state and federal rules for the grants, be responsible for monitoring
22 ongoing operations, and will maintain a record of expenditures; and

23

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

Dated this 28th day of February 2012.

Respectfully submitted by the Natural Resources & Education Committee.

FISCAL IMPACT: No tax levy impact. Increase revenues and expenses equally in the amount of any grant award (approximately \$22,500).

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Vogt gave a brief report.

Personnel Director Sharon Cornils gave a presentation on the “Decision Band Method” which is a proposed plan for job evaluation based on various levels of decision making. Ms. Cornils talked about Fox Lawson and Associates, the consultant firm they chose to contract to assist in the collection of wage and compensation data, and the creation of wage ranges and pay schedules. She answered supervisors’ questions.

Supervisor Vogt moved, seconded by Supervisor Panosh to adopt Resolution 4 (2011/2012-85) Authorizing Job Evaluation Using the Decision Band Method. Upon vote, the motion carried with 19 ayes and 3 noes. Supervisors Burke, Metzger, and Wagner voted no; all other supervisors voted aye.

No. 2011/2012 - 85

**RESOLUTION AUTHORIZING JOB EVALUATION
USING THE DECISION BAND METHOD**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, Resolution No. 2011/2012-70 requires that the county conduct a
2 comprehensive wage study and present the results to the County Board during 2012 in order to
3 develop a consolidated wage schedule that accurately reflects both the complexity of work
4 performed by county employees and the local labor market for implementation effective
5 December 23, 2012; and

6 WHEREAS, the first step in conducting a comprehensive wage study is the evaluation of
7 all county jobs; and
8

9 WHEREAS, the Decision Band Method of job evaluation is based on three principles:
10

- 11 (1) Decision-making is common to all jobs;
12
- 13 (2) Decision-making is the logical basis to use when evaluating and
14 comparing jobs;
15
- 16 (3) Job classifications should be directly related to decision-making
17 responsibility; and
18

19 WHEREAS, the Personnel Committee recommends using the Decision Band Method
20 because it is objective and nondiscriminatory, suitable for all job types, easily understood by
21 employees and managers, and will result in a consolidated wage schedule with fewer job
22 classifications; and
23

24 WHEREAS, employees, managers, and department directors will all be involved in
25 providing information into the job evaluation process; and
26

27 WHEREAS, Personnel Department staff will be able to conduct the job evaluation
28 process using the Decision Band Method and produce an accurate and complete evaluation of all
29 county jobs at a minimal cost; and
30

31 WHEREAS, the Personnel Department will need to contract with compensation
32 professionals to obtain accurate private sector wage and benefit information and will work with
33 those compensation professionals in developing proposed wage schedules; and
34

35 WHEREAS, regular updates will be provided to County Board;
36

37 NOW THEREFORE, BE IT RESOLVED that the Personnel Department is directed to
38 begin the process of evaluating all jobs using the Decision Band Method; and
39

40 BE IT FURTHER RESOLVED that the Personnel Department is authorized to contract
41 with compensation professionals to obtain accurate private sector wage and benefit information
42 to use in the development of a proposed wage schedule.

Dated this 28th day of February 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: The cost of contracting with compensation professionals is estimated not
to exceed \$8,000.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Markwardt to adopt Resolution 5 Establishing Elected Official Compensation (County Clerk, Register of Deeds, and Treasurer). Upon discussion and vote, the motion failed with 14 noes and 8 ayes. Supervisors Dufek, Hansen, Markwardt, Metzger, Panosh, Schmidt, Vogt, and Weiss voted aye; all other supervisors voted no.

Supervisor Vogt moved, seconded by Supervisor Bauknecht to adopt Resolution 6 (2011/2012-86) Amending Employee Policy Manual (Workplace Violence Policy). Discussion followed.

No. 2011/2012 - 86

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL
(Workplace Violence Policy)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2011 Wisconsin Act 35, the Concealed Carry Weapons (CCW) Law,
2 repealed existing prohibitions against carrying concealed and dangerous weapons and authorized
3 the Wisconsin Department of Justice to issue licenses permitting qualified citizens to carry
4 concealed weapons; and
5

6 WHEREAS, 2011 Wisconsin Act 35 prohibits CCW licensees from carrying a firearm in
7 certain government buildings, such as a courthouse, jail, or sheriff's department, and allows a
8 local government to establish regulations concerning the concealed and open carry of weapons in
9 its buildings and vehicles; and
10

11 WHEREAS, Manitowoc County has adopted an Employee Policy Manual to ensure fair
12 and equal treatment of County employees and compliance with Federal and State laws; and
13

14 WHEREAS, the Personnel Committee recommends that Employee Policy Manual
15 Section 24, Zero-Tolerance Workplace Violence Policies and Procedures, be revised and
16 updated to comply with statutory changes resulting from the enactment of 2011 Wisconsin Act
17 35; and
18

19 WHEREAS, a copy of the revised and updated Section 24, Workplace Violence Policy,
20 has been provided to the county board;
21

22 NOW, THEREFORE, BE IT RESOLVED that the Employee Policy Manual is amended
23 by replacing the current Section 24, Zero-Tolerance Workplace Violence Policy and Procedure,
24 with the revised and updated Section 24, Workplace Violence Policy, effective March 1, 2012.

Dated this 28th day of February 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Amendment: Supervisor Hansen moved, seconded by Supervisor Brey to amend the Employee Policy Manual by removing 24.04 (3) "Any other provision of this policy notwithstanding, a Highway Department employee is not permitted to carry a weapon in the course of his or her employment." Upon discussion and vote, the motion carried with 14 ayes and 8 noes. Supervisors Bauknecht, Brey, Dufek, Konen, Markwardt, Panosh, Schneider, Vogt voted no; all other supervisors vote aye.

Upon discussion and vote on Resolution 6 as amended, the motion carried with 17 ayes and 5 noes. Supervisors Bauknecht, Dufek, Markwardt, Schneider, and Waack voted no; all other supervisors voted aye.

Supervisor Vogt moved, seconded by Supervisor Korinek to adopt Resolution 7 (2011/2012-87) Authorizing Creation of up to 5.0 Full-Time-Equivalent Patrol Officer Positions. Discussion followed.

No. 2011/2012 - 87

**RESOLUTION AUTHORIZING CREATION OF UP TO 5.0
FULL-TIME-EQUIVALENT PATROL OFFICER POSITIONS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, one of the essential responsibilities of County government is to provide
2 protection of persons and their property; and
3

4 WHEREAS, the present staffing at the Sheriff's Department often results in the need for
5 staff to work overtime; and
6

7 WHEREAS, the current total hourly overtime cost of a Patrol Officer at the 7-year rate is
8 \$53.02 and the current total hourly cost of a Patrol Officer at the hire rate is \$34.90;
9

10 WHEREAS, Patrol Officers worked 7,925 hours of overtime in 2011, 6,160 hours of
11 overtime in 2010, and 5,642 hours of overtime in 2009; and
12

13 WHEREAS, adding additional Patrol Officer positions will reduce the cost of providing
14 essential services and will remove the burden of working excessive amounts of overtime from
15 current employees; and
16

17 WHEREAS, the reduction in overtime hours paid and the lower hourly rate for the
18 additional positions will be sufficient to fund the additional positions; and
19

20 WHEREAS, the added staff will be a mixture of full-time and part-time positions to
21 maximize staffing efficiencies and fiscal control;

22
23 WHEREAS, positions will be added incrementally to evaluate the effect of the additional
24 staffing on reducing overtime; and

25
26 NOW, THEREFORE, BE IT RESOLVED that the authorized full time equivalent
27 positions for the Sheriff's Department be increased by up to 5.0 additional full-time-equivalent
28 Patrol Officer positions; and

29
30 BE IT FURTHER RESOLVED that the positions be added incrementally to make sure
31 that the intended reduction in overtime costs is being achieved; and

32
33 BE IT FURTHER RESOLVED THAT these positions be filled in accordance with the
34 Wisconsin Professional Police Association bargaining agreement and Manitowoc County's
35 personnel policies; and

36
37 BE IT FURTHER RESOLVED that the 2012 budget is amended accordingly and that the
38 Comptroller/Auditor is directed to record such information in the official books of the County
39 for the year ended December 31, 2012 as may be required.

Dated this 28th day of February 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: Cost of the additional positions will be absorbed into the existing 2012 budget. Budgeting for law enforcement hours is based on best estimates of required law enforcement hours and cannot predict unanticipated events that require additional staffing hours.

APPROVED: Bob Ziegelbauer, County Executive.

Amendment: Supervisor Hansen moved, seconded by Supervisor Burke to refer the Resolution Authorizing Creation of up to 5.0 Full-Time-Equivalent Patrol Officer Positions to the Public Safety Committee. Upon discussion and vote, the motion failed with 16 noes and 6 ayes. Supervisors Bauknecht, Burke, Hansen, Korinek, Metzger, and Wagner voted aye; all other supervisors voted no.

Upon discussion and vote, the main motion carried with 21 ayes and one no. Supervisor Hansen voted no; all other supervisors voted aye.

Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Vogt to adopt Resolution 8 (2011/2012-88) Adopting Weapons Policy. Discussion followed.

RESOLUTION ADOPTING WEAPONS POLICY - AS AMENDED

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, 2011 Wisconsin Act 35, the Concealed Carry Weapons (CCW) Law,
2 repealed existing prohibitions against carrying concealed and dangerous weapons and authorized
3 the Wisconsin Department of Justice to issue licenses permitting qualified citizens to carry
4 concealed weapons; and

5
6 WHEREAS, 2011 Wisconsin Act 35 prohibits CCW licensees from carrying a firearm in
7 certain government buildings, such as a courthouse, jail, or sheriff's department;

8
9 WHEREAS, 2011 Wisconsin Act 35 allows local governments to determine whether
10 employees and the public may carry weapons in other local government buildings; and

11
12 WHEREAS, the Public Works Committee recommends that the county adopt a policy
13 regarding weapons in county buildings and vehicles and at county special events so that the
14 public will be informed about the places where weapons are permitted or prohibited; and

15
16 WHEREAS, the Public Works Committee recommends that concealed weapons be
17 prohibited in certain county buildings in recognition of the sensitive nature of the work
18 performed in those buildings; and

19
20 WHEREAS, the Public Works Committee recommends that concealed weapons be
21 prohibited at certain special events on county property because of the nature of those events; and

22
23 WHEREAS, the Public Works Committee recommends that the open carrying of
24 weapons generally be prohibited in county buildings; and

25
26 WHEREAS, the Public Works Committee recognizes that exceptions should be allowed
27 when the exception is authorized by state law or by the county in order to serve a specific
28 purpose; and

29
30 WHEREAS, the Public Works Committee has reviewed and recommends that the county
31 board adopt a policy on the carrying of weapons in county buildings and at county special
32 events;

33
34 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
35 Supervisors adopts the following Weapons Policy effective March 1, 2012:

36
37 MANITOWOC COUNTY
38 WEAPONS POLICY
39

40 1. Purpose.

41
42 The purpose of this policy is to set forth Manitowoc County's regulations regarding the
43 carrying, possession, storage, and transportation of weapons on county property,
44 including in county buildings and vehicles.
45

46 2. Definitions.

47
48 In this policy:

49
50 "County building" means a building, or any part of a building, that is owned, occupied,
51 or controlled by Manitowoc County, but does not include any business or residential
52 space in a county building that is leased out and does not include a vehicle driven or
53 parked in a parking facility that is part of a county building.
54

55 "County vehicle" means a vehicle that is owned, occupied, or controlled by Manitowoc
56 County.
57

58 "County special event" means a special event that is conducted by the county or held on
59 county property, is open to the public, is for a duration of not more than 3 weeks, and
60 either requires an admission or has designated entrances to and from the event that are
61 locked when the event is closed.
62

63 "Law enforcement officer" means any current or former state, out-of-state, or federal law
64 enforcement officer who is recognized under federal and Wisconsin law as authorized
65 and qualified to carry a concealed weapon.
66

67 "Licensee" means a person who has a current concealed carry weapons license issued by
68 the State of Wisconsin or a state recognized by the Wisconsin Department of Justice
69 pursuant to Wis. Stat. § 165.25(12m).
70

71 "Weapon" means any device that is designed, used, or intended to be used in a manner
72 that is calculated or likely to produce property damage, personal injury, or death. It
73 includes, but is not limited to, any ammunition; baton or billy club; biological or
74 chemical weapon, other than pepper spray intended for self-defense; brass knuckles;
75 electric weapon; explosive; firearm or gun, including a pellet or BB gun; knife, other
76 than an eating utensil, with a cutting blade longer than 3 inches; or martial arts device.
77

78 3. Concealed Carry.

79
80 (a) Except as otherwise provided in this policy, Manitowoc County permits the
81 concealed carry of a firearm or other weapon on county property by a licensee or
82 a law enforcement officer.
83

84 (b) A licensee may not carry a concealed weapon in any building or other location

where concealed carry is prohibited by state law. Such buildings include, but are not limited to, the courthouse, jail, and sheriff's department.

(c) Any other provision of this policy notwithstanding, a licensee who is an assistant district attorney, a district attorney, a judge, or a person authorized by a judge may carry a concealed weapon in the courthouse pursuant to Wis. Stat. § 175.60(16)(b)2. and 3.

(d) Any other provision of this policy notwithstanding, Manitowoc County prohibits the concealed carry of a firearm or other weapon in the following building(s):

Communications & Technology Building
1024 South 9th Street
Manitowoc, WI 54220

~~Human Services Department Main Office
926 South 8th Street
Manitowoc, WI 54220~~

~~Human Services Department Job Center Office
3733 Dewey Street
Manitowoc, WI 54220~~

(e) Any other provision of this policy notwithstanding, Manitowoc County prohibits the concealed carry of a firearm or other weapon on the Manitowoc County Airport grounds during any airshow, except as authorized by state or federal law.

(f) Any other provision of this policy notwithstanding, Manitowoc County prohibits the concealed carry of a firearm or other weapon on the Expo grounds during the county fair, except as authorized by state or federal law.

(g) Any other provision of this policy notwithstanding, a licensee who is an employee of Manitowoc County must comply with the county's Workplace Violence Policy.

4. Open Carry.

Manitowoc County prohibits the open carry of a firearm or other weapon in a county building or vehicle, except by a current law enforcement officer or a member of the armed forces who is on active duty.

5. Firearms Training Exception.

A person attending firearms training on county property is authorized to transport a firearm to the training facility or shooting range, provided that the person complies with

all requirements set by state law and the Sheriff's Department.

6. Vehicles.

A person may carry, possess, store, or transport a firearm or handgun in a vehicle while on county property, subject to any restrictions imposed by state law.

7. Special Event Exceptions.

The Public Works Committee is authorized to grant exceptions to this policy on a case-by-case basis for special events held on the Expo grounds or on other county property where granting the exception is appropriate. The Public Works Committee may consider the nature of the event, such as a gun show or military re-enactment, the size of the event, or the need to provide crowd control or security when determining whether to grant an exception. The Public Works Committee shall report any exception that it grants to the county board at the first county board meeting that takes place following the date that the committee grants the exception.

8. Signage.

(a) The Public Works Department is responsible for ensuring that all county buildings and events are posted with signs providing appropriate notice to the public whenever notice is required by law.

(b) In addition to any notice required by law, the Public Works Department is responsible for ensuring that all county buildings where concealed weapons are prohibited by statute are posted with signs providing appropriate notice to the public. Such buildings include, but are not limited to, the courthouse, jail, and sheriff's department.

(c) A building sign must be at least 5 x 7-inches in size.

(d) An event sign must be at least 11-inches square.

9. Violations.

(a) Violations of this policy may be referred to law enforcement or the district attorney for prosecution in accordance with Wisconsin law.

(b) Violations of this policy by a county employee are grounds for discipline, up to and including discharge from employment.

10. Miscellaneous Provisions.

- (a) This policy is intended to be consistent with and does not supersede any state or federal law.
- (b) The references in this policy to Wisconsin and federal laws are to the statutes as they exist on the effective date of this policy and as thereafter amended.
- (c) This policy supercedes all previous policies regarding the carrying, possession, storage, or transportation of firearms or other weapons on county property.
- (d) The provisions in this policy are severable from each other. If any provision or its application to any person or circumstance is found by a court to be invalid, the remaining provisions and the application of those provisions will remain in force and will not be affected or impaired in any way.

11. Effective Date.

Pursuant to Manitowoc County Board Resolution 2011/2012-_____, this policy is effective March 1, 2012.

Dated this 28th day of February 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Amendment: Supervisor Tittl moved, seconded by Supervisor Schneider to amend the Resolution Adopting Weapons Policy by removing lines 97 through 103. Upon discussion and vote, the motion failed with 19 noes and 3 ayes. Supervisors Brey, Schneider, and Tittl voted aye; all other supervisors voted no.

Upon discussion and vote, the main motion carried with 20 ayes and 2 noes. Supervisors Schneider and Tittl voted no; all other supervisors voted aye.

Supervisor Behnke moved, seconded by Supervisor Schmidt to adopt Resolution 9 (2011/2012-89) Accepting Grant (Carton Council of North America, Inc.). Upon discussion and vote, the motion carried unanimously.

No. 2011/2012 - 89

**RESOLUTION ACCEPTING GRANT
(Carton Council of North America, Inc.)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board recognizes the benefits of recycling programs
2 and has operated a program for the processing and marketing of recyclables collected in the
3 county since the mid-1970's; and
4

5 WHEREAS, Manitowoc County has pursued opportunities to expand the volume and
6 type of recyclables that can be collected, marketed, and processed when doing so was
7 economically and technologically feasible; and
8

9 WHEREAS, the Carton Council of North America, Inc. (Carton Council) has approached
10 Manitowoc County with a proposal to recycle both gable top and aseptic cartons for recycling;
11 and
12

13 WHEREAS, the Manitowoc County Public Works Committee and staff have reviewed
14 the feasibility and cost of modifying the Recycling Center to receive, process, and market gable
15 top and aseptic cartons and has determined the cost for the necessary modifications would be
16 approximately \$25,000; and
17

18 WHEREAS, the Carton Council is willing to provide \$25,000 to Manitowoc County to
19 make the modifications necessary to accept the gable top and aseptic cartons for recycling and to
20 provide a floor price for the cartons of \$65 per ton; and
21

22 WHEREAS, the Carton Council requires that the County commit to the recycling of
23 cartons for three years; and
24

25 WHEREAS, the Carton Council will partner with Manitowoc County to provide an
26 education program for the general public and to target specific sources for cartons; and
27

28 WHEREAS, the Public Works Committee has reviewed the proposed program for the
29 recycling of cartons, modifications of the Recycling Center, and the agreement with Carton
30 Council for funds to modify the Recycling Center and assist with the education program, and
31 recommends to the County Board approval of the agreement with Carton Council:
32

33 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
34 Supervisors authorizes the Public Works Director to enter into the agreement with Carton
35 Council of North America, Inc. for the funds to modify the recycling center, to provide
36 educational materials on the recycling of cartons, and to comply with all the conditions that
37 Manitowoc County must meet as a party to this agreement.

Dated this 28th day of February 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact in 2012. Appropriate revenue and expenditure line items in the 2012 budget will be amended by equal amounts that will not exceed the amount of the grant awarded.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Hoffman to adopt Resolution 10 (2011/2012-90) Authorizing Grant Application and Accepting Any Grant Funds Awarded (Two Rivers Properties). Upon vote, the motion carried unanimously.

No. 2011/2012 - 90

**RESOLUTION AUTHORIZING GRANT APPLICATION
AND ACCEPTING ANY GRANT FUNDS AWARDED
(Two Rivers Properties)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County recognizes that the assessment and remediation of
2 environmental contamination at Brownfields sites is necessary to protect Wisconsin's natural
3 resources and to promote economic development; and
4

5 WHEREAS, Manitowoc County has agreed to assist with the environmental assessment
6 of tax-foreclosed properties located at 1910 20th Street and 2022 School Street in the City of
7 Two Rivers in order to return those properties to the tax rolls; and
8

9 WHEREAS, the Wisconsin Departments of Natural Resources and Commerce have
10 grants and programs, such as the DNR's Wisconsin Plant Recovery Initiative Assessment
11 Monies program, available to assess and address environmental issues; and
12

13 WHEREAS, the Public Works Committee recommends that Manitowoc County apply
14 for and accept such assistance, grants, and services as may be available from the Wisconsin
15 Departments of Natural Resources and Commerce to investigate the environmental
16 contamination on the Two Rivers Properties and to allow employees from the Department of
17 Natural Resources access to inspect the Two Rivers Properties;
18

19 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
20 Supervisors authorizes the Public Works Director and such other county staff as may be needed
21 to apply for such assistance, grants, and services as may be available from the Wisconsin
22 Departments of Natural Resources and Commerce, including Wisconsin Plant Recovery
23 Assessment Initiative Monies; and
24

25 BE IT FURTHER RESOLVED that the Public Works Director is authorized to sign
26 documents and take the actions necessary to undertake, direct, and comply with any grant that is
27 awarded; and

28 BE IT FURTHER RESOLVED that Manitowoc County accepts such grant funds as may
29 be awarded and will comply with state and federal rules for the grants, be responsible for
30 monitoring ongoing operations, and will maintain a record of expenditures; and
31

32 BE IT FURTHER RESOLVED that revenues in the Public Works budget are amended
33 by the amount of the grant funds received, that expenditures in the Public Works budget are
34 amended by an amount equal to the grant, and that the Comptroller/Auditor is directed to record
35 such information in the official books of the County as may be required.

Dated this 28th day of February 2012.

Respectfully submitted by the Public Works Committee.

FISCAL IMPACT: No tax levy impact. Increase revenues and expenses equally in the amount of any grant award (estimated to be between \$25,000 to \$50,000).

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Muench moved to adjourn, seconded by Supervisor Schneider, and the motion was adopted by acclamation. The meeting adjourned at 9:20 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, March 20, 2012

7:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at University of Wisconsin - Manitowoc, in the City of Manitowoc, being the 20th day of March 2012, 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 Vogel gave the invocation which was followed by a moment of silence for former County Board Supervisor Edwin Schweitzer. The Pledge of Allegiance to the Flag was recited by the entire assemblage.

Roll call: 20 members present; Bauknecht, Behnke, Brey, Burke, Dufek, Gerroll, Henrickson, Hoffman, Konen, Korinek, Markwardt, Rappe, Schmidt, Schneider, Tittl, Vogel, Vogt, Waack, Wagner, and Weiss. Supervisors Hansen, Maresh, Metzger, Muench, and Panosh were excused.

On motion by Supervisor Schneider, seconded by Supervisor Henrickson the February 28, 2012 meeting minutes were approved on a unanimous vote.

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

REPORTS OF SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Chairperson Paul Tittl presented a Proclamation Commemorating Edwin Schweitzer to Karen Schweitzer-Olson. Ms. Schweitzer-Olson thanked the Board for the honor and said that her father was proud to serve Manitowoc County.

Chairperson Tittl presented a Proclamation Recognizing the 100th Year Anniversary of Girl Scouting to representatives of the Manitou Council. Scout leader, Patricia Koppa thanked the Board for the recognition and for proclaiming 2012 as the “Year of the Girl.” She introduced scout members from St. Francis Assisi and Madison schools.

Chairperson Tittl read a Proclamation Proclaiming Child Abuse and Neglect Prevention Month.

Chairperson Tittl presented a Proclamation Proclaiming “Money Smart Week” to Susan Novak. Ms. Novak thanked the Board for their support of “Money Smart Week” over the last seven years.

Chairperson Tittl read a Proclamation Recognizing National Public Safety Telecommunicators Week.

Chairperson Tittl presented a proclamation honoring outgoing Supervisor Faye Konen for serving three terms on the Board. Supervisor Konen noted that it has been challenging and an honor to serve Manitowoc County.

Chairperson Tittl presented a proclamation honoring outgoing Supervisor Andy Schneider for serving three terms on the Board. Supervisor Schneider said that he enjoyed serving and was thankful for the time that he spent with the Board.

County Executive Bob Ziegelbauer and Chairperson Tittl presented a proclamation honoring outgoing Supervisor Ed Rappe for serving five terms on the Board. Supervisor Rappe thanked the people of District 1 for allowing him to serve as their representative.

County Executive Bob Ziegelbauer and Chairperson Tittl presented a proclamation honoring Supervisor Don Markwardt for serving thirty years on the Board. Chairperson Tittl also presented Supervisor Markwardt the key to the county. Supervisor Markwardt said that it has been an honor and a privilege to serve the county. He thanked the people of District 10 for their support.

PUBLIC INPUT - OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Tittl declared public input open at 7:33 p.m.

Geoffrey Wolf, City of Manitowoc, introduced himself as a candidate for Supervisory District 10. Mr. Wolf explained that he will strive for the good of the county.

Patricia (Jane) Babcock, City of Manitowoc, and Veterans Service Officer addressed the Board regarding her request to prohibit concealed carry in the Office Complex building. Veterans Service Officer Babcock explained that there are clients entering the building who are upset and volatile and she wants to avoid a potential gun issue.

APPOINTMENT BY COUNTY EXECUTIVE

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Eleanor Giriappa to the Human Services Board for a three year term expiring December 31, 2014. Supervisor Henrickson moved, seconded by Supervisor Korinek to approve the appointment. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Dr. Todd Nelson to the Board of Health for a two year term expiring April 2014. Supervisor Schneider moved, seconded by Supervisor Vogel to approve the appointment. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointments of David Diedrich and Tim Salutz to the Loan Review Board for a three year term expiring April 30, 2015. Supervisor Schmidt moved, seconded by Supervisor Behnke to approve the appointments. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointment of Christine Kornely to the Manitowoc Public Library Board of Trustees for a three year term expiring April 30, 2015. Supervisor Brey moved, seconded by Supervisor Schmidt to approve the appointment. Upon vote, the motion carried by unanimous consent.

Chairperson Tittl presented County Executive Ziegelbauer's appointments of Lori Fure, Eleanor Giriappa, Michael Hahn, Marge Hartfield, and Julie Lane to the Long Term Support Planning Committee for a three year term expiring April 30, 2015. Supervisor Burke moved, seconded by Supervisor Weiss to approve the appointments. Upon vote, the motion carried by unanimous consent.

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

Aging & Disability Resource Center Board: Supervisor Wagner moved, seconded by Supervisor Burke to adopt Resolution 1 (2011/2012-91) Regarding Multi-County Older Americans Act Program. Upon vote, the motion carried unanimously.

No. 2011/2012 - 91

**RESOLUTION REGARDING MULTI-COUNTY
OLDER AMERICANS ACT PROGRAM**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Older Americans Act of 1965 (OAA) was established to provide our
2 nation's citizens who are age 60 and older with an equal opportunity to access the resources
3 necessary for them to live their retirement years in health, honor, and dignity;
4

5 WHEREAS, Wisconsin Department of Health Services (DHS) is responsible for
6 planning, coordinating, funding, and evaluating federal and state programs for older persons that
7 will improve the quality of life for Wisconsin's older residents; and
8

9 WHEREAS, under the Wisconsin Elders Act of 1991, county aging units play an
10 important role as a means to ensure that all older individuals, regardless of income, have access
11 to information, services, and opportunities available; and
12

13 WHEREAS, Kewaunee and Manitowoc County have established aging units that operate
14 OAA programs and receive federal and state funding for their programs; and
15

16 WHEREAS, DHS has funding available for consulting services to explore the possibility
17 of both counties providing OAA programs through a single agency;
18

19 NOW, THEREFORE, BE IT RESOLVED the Manitowoc County Board supports the
20 concept of providing Older Americans Act services through a single multi-county agency; and
21

22 BE IT FURTHER RESOLVED that the Manitowoc County Board authorizes
23 representatives and staff from Manitowoc County to meet with representatives and staff from
24 Kewaunee County for the purpose of preparing an intergovernmental cooperation agreement for
25 the provisions of OAA services to residents of both counties by a single agency; and
26

27 BE IT FURTHER RESOLVED that any proposed intergovernmental cooperation
28 agreement should describe the services and means by which those services are to be provided to
29 the residents of each county; outline accounting, budgeting, and funding procedures; define the
30 responsibilities of each county for staff, office space, infrastructure, and legal, personnel, and
31 other support services; and specify the composition and responsibilities of an advisory board;
32 and
33

34 BE IT FURTHER RESOLVED that the Commission on Aging board shall review the
35 proposed intergovernmental cooperation agreement and make a recommendation to the
36 Manitowoc County Board regarding the agreement.

Dated this 20th day of March 2012.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner moved, seconded by Supervisor Rappe to adopt Resolution 2 (2011/2012-92)
Amending 2012 Budget (Aging and Disability Resource Center). Upon vote, the motion carried
unanimously.

No. 2011/2012 - 92

**RESOLUTION AMENDING 2012 BUDGET
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County and Kewaunee County have entered into an Aging and
2 Disabilities Resource Center Services Agreement (ADRC Agreement) for the purpose of
3 providing aging and disability resource services to the residents of both counties through an
4 Aging and Disability Resource Center of the Lakeshore; and
5

6 WHEREAS, the Department of Health Services has approved the ADRC Agreement,
7 which will result in increased revenues and expenditures for the Manitowoc County Aging and
8 Disability Resource Center; and
9

10 WHEREAS, the ADRC Board recommends that the county amend the 2012 budget to

reflect the following changes in revenue and expenditures for the ADRC programs:

Revenue or Expense	Account Number	Description	Amount
Revenue	46400.43566.18	ADRC Funding	\$137,526
Revenue	46400.45621.20	MA Funding	\$138,000
Expenses	46400.51000	Wages	\$146,937
Expenses	46400.51554	Benefits	\$60,589
Expenses	46400.53005	Operating Supplies	\$15,000
Expenses	46400.53005	Mileage	\$3,000
Expenses	46400.52999	Contracted Services	\$50,000
Revenue	46405.43566.18	ADRC Funding	\$21,881
Revenue	46405.45621/20	MA Funding	\$20,000
Expenses	46405.51000	Wages	\$15,000
Expenses	46405.51554	Benefits	\$10,000
Expenses	46405.53005	Operating Supplies	\$5,000
Expenses	46405.53005	Mileage	\$1,000
Expenses	46405.52999	Contracted Services	\$10,881;

NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors that the 2012 Budget is amended by the amounts stated above and that the Comptroller/Auditor is directed to record such information in the official books of the County for the year ending December 31, 2012 as may be required.

Dated this 20th day of March 2012.

Respectfully submitted by the Aging and Disability Resource Center Board.

FISCAL IMPACT: No tax levy impact. Increases budgeted revenue and expenses by \$317,407.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Wagner reported that their next meeting will be in Kewaunee County.

Board of Health: Supervisor Schneider gave a brief report. Their next meeting will be on May 10.

Finance Committee: Supervisor Brey moved, seconded by Supervisor Hoffman to adopt Resolution 3 (2011/2012-93) Denying Claim for Jerold McDonnell. Upon vote, the motion carried unanimously.

**RESOLUTION DENYING CLAIM
(Jerold McDonell)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Jerold McDonell filed a claim dated January 26, 2012 seeking money
2 damages and a written apology from the Manitowoc County Sheriff's Department because of his
3 arrest on December 24, 2011 that resulted in the District Attorney filing a Criminal Complaint
4 for disorderly conduct, which is currently pending; and

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

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

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

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

Dated this 20th day of March 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Schmidt to adopt Resolution 4 (2011/2012-94)
Regarding Issuance of Approximately \$3,800,000 in Taxable General Obligation Refunding
Bonds. Upon vote, the motion carried unanimously.

**RESOLUTION REGARDING ISSUANCE OF APPROXIMATELY \$3,800,000
IN TAXABLE GENERAL OBLIGATION REFUNDING BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County is considering refunding the Taxable General Obligation

2 Refunding Bonds dated April 15,2003 and maturing in the years 2014 through 2023, along with
3 the interest due on these bonds; and
4

5 WHEREAS, refunding these bonds would require the issuance of taxable general
6 obligation refunding bonds pursuant to authority granted by Wis. Stat. § 67.04 in the principal
7 amount of approximately \$3,800,000;
8

9 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
10 Supervisors authorizes and directs the Comptroller/Auditor and such other county officials as
11 may be necessary to work with Robert W. Baird & Co. Incorporated, to take all actions
12 necessary to arrange for the sale of taxable general obligation refunding bonds in the principal
13 amount of approximately \$3,800,000, and to advise the Finance Committee of the details
14 regarding the issuance of such bonds; and
15

16 BE IT FURTHER RESOLVED that the Finance Committee shall, if it determines that
17 issuance of taxable general obligation refunding bonds is in the best interest of the County,
18 present the County Board with a resolution authorizing the sale of the taxable general obligation
19 refunding bonds.

Dated this 20th day of March 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: No fiscal impact. This resolution authorizes the issuance of bonds, but has
no fiscal impact until the county board adopts a resolution for the sale of
the first bond issue. That resolution will contain a fiscal note.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Brey moved, seconded by Supervisor Bauknecht to adopt Resolution 5 (2011/2012-
95) Authorizing Out-of-State Travel for Matt Kleimann. Upon vote, the motion carried
unanimously.

No. 2011/2012 - 95

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Matt Kleiman)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Information Systems Department maintains and supports critical
2 hardware and software systems that assist the Human Services Department provide supportive
3 services to the citizens of Manitowoc County; and
4

5 WHEREAS, the software systems supporting this environment are in a state of constant

6 change, and the Information Systems Department must stay current with these changes through
7 continuing education; and

8
9 WHEREAS, the annual CMHC Systems Users Conference is the primary means by
10 which Manitowoc County can stay current with these changes and provides an excellent forum
11 to exchange ideas, learn new methodologies, and participate in hands-on seminars to improve the
12 skill sets required to maintain the systems;

13
14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
15 Supervisors authorizes CMHC Administrator Matt Kleiman to attend the five-day Annual
16 CMHC Users Conference in New Orleans, LA from April 23 - April 27, 2012.

Dated this 20th day of March 2012.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Travel and conference costs, not to exceed \$1,975, are included in the
approved Information Systems budget. Estimated wage and benefit cost is
\$1,535.

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 on
Thursday, March 22.

Lakeland Care District Board: Supervisor Brey reported that their next meeting will be on
March 21.

Personnel Committee: Supervisor Vogt gave a brief report.

Supervisor Vogt moved, seconded by Supervisor Schmidt to adopt Resolution 6 (2011/2012-96)
Authorizing Self-Insured Status for Worker's Compensation. Upon vote, the motion carried
unanimously.

No. 2011/2012 - 96

**RESOLUTION AUTHORIZING SELF-INSURED STATUS
FOR WORKER'S COMPENSATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS

1 WHEREAS, the Wisconsin Department of Workforce Development (DWD) requires all
2 political subdivisions to pass a resolution authorizing self-insured status for worker's

3 compensation every three years; and

4
5 WHEREAS, Manitowoc County established self-insured status for worker's
6 compensation on November 16, 2010, but DWD now requires that the three-year cycle for all
7 political subdivisions is to begin on January 1, 2012; and

8
9 WHEREAS, this resolution fulfills DWD's requirement and no further action will be
10 required until January 1, 2015;

11
12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
13 Supervisors authorizes the continuance of self-insured status for worker's compensation; and

14
15 BE IT FURTHER RESOLVED that the County Clerk is directed to send a certified copy
16 of this resolution to the Wisconsin Department of Workforce Development, Worker's
17 Compensation Division.

Dated this 20th day of March 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Vogt moved, seconded by Supervisor Burke to adopt Resolution 7 (2011/2012-97)
Establishing Elected Official Compensation (County Clerk, Register of Deeds, and Treasurer).
Upon discussion and vote, the motion carried with 16 ayes and 4 noes. Supervisors Dufek,
Rappe, Vogel, and Wagner no; all other supervisors voted aye.

No. 2011/2012 - 97

**RESOLUTION ESTABLISHING ELECTED OFFICIAL COMPENSATION
(County Clerk, Register of Deeds, and Treasurer)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

5
6 WHEREAS, the Personnel Committee has reviewed the salary of the County Clerk,
7 Register of Deeds, and Treasurer and recommends that the salary for these offices not be
8 increased for 2013 or 2014 and that they be increased by 1 percent for 2015 and 1.5 percent for
9 2016; and

10
11 WHEREAS, the Personnel Committee recommends that these elected officials be offered
12 the same fringe benefit package that is offered to appointed, full-time Department Directors;
13

14 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of
15 Supervisors that the following salaries are set as the total annual compensation for the elected
16 offices of County Clerk, Register of Deeds, and Treasurer:
17

	2013	2014	2015	2016
18 County Clerk	\$61,577.57	\$61,577.57	\$62,193.35	\$63,126.25
19 Register of Deeds	\$61,577.57	\$61,577.57	\$62,193.35	\$63,126.25
20 Treasurer	\$61,577.57	\$61,577.57	\$62,193.35	\$63,126.25; and

21
22

23 BE IT FURTHER RESOLVED that the total annual compensation set for 2016 will
24 continue for ensuing terms unless changed by the County Board in accordance with State law;
25 and
26

27 BE IT FURTHER RESOLVED that each of these officials shall participate in the
28 Wisconsin Retirement System (WRS) on a pre-tax basis in accordance with State law, that each
29 elected official is required to pay his or her share of the total WRS contribution as required by
30 law, that the County will pay only its share of the total WRS contribution as required by law, and
31 that it is expressly recognized that the respective shares may change if State law is changed or if
32 the WRS rate is adjusted as authorized by law; and
33

34 BE IT FURTHER RESOLVED that these elected officials are eligible for and may elect to
35 receive health insurance through the County's Group Health Insurance Plan on the same terms
36 and conditions, such as co-pays, deductibles, and premium contributions, any of which may be
37 modified from time to time, as are offered to full-time, appointed Department Directors; and
38

39 BE IT FURTHER RESOLVED that these elected officials are eligible for and may elect to
40 receive any other fringe benefits, such as dental, vision, or life insurance, on the same terms and
41 conditions, any of which may be modified from time to time, as are offered to full-time,
42 appointed Department Directors; and
43

44 BE IT FURTHER RESOLVED that these elected officials are eligible for and may
45 participate in such other programs, such as deferred compensation and wellness, on the same
46 terms and conditions, any of which may be modified from time to time, as are offered to full-
47 time, appointed Department Directors; and
48

49 BE IT FURTHER RESOLVED that, the foregoing notwithstanding, these elected officials
50 are not eligible for, accrue, or be paid leave, such as holiday leave, long-term disability, sick
51 leave, or vacation leave; and
52

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

Dated this 20th day of March 2012.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT:	2013	2014	2015	2016
Wages	\$0	\$0	\$1,847.34	\$2,798.40
FICA	\$0	\$0	\$141.33	\$214.11
WRS	\$0	\$0	\$130.23	\$197.31
TOTAL	\$0	\$0	\$2,118.90	\$3,210.12

APPROVED: Bob Ziegelbauer, County Executive.

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

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

Public Works Committee: Supervisor Behnke moved, seconded by Supervisor Burke to adopt Resolution 8 Amending Weapons Policy to Prohibit Concealed Carry at Office Complex. Upon discussion and vote, motion failed with 13 noes and 7 ayes. Supervisors Bauknecht, Burke, Dufek, Konen, Rappe, Wagner, and Weiss voted aye; all other supervisors voted no.

Miscellaneous: Supervisor Rappe moved, seconded by Supervisor Schneider to adopt Resolution 9 (2011/2012-98) Authorizing Out-of-State Travel for Stacy Ledvina. Upon vote, the motion carried unanimously.

No. 2011/2012 - 98

**RESOLUTION AUTHORIZING OUT-OF-STATE TRAVEL
(Stacy Ledvina)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Human Services Department has been developing alternatives to placing
2 children in secure detention; and
3

4 WHEREAS, Stacy Ledvina, Youth and Family Services Supervisor, has been instrumental
5 in the development and implementation of this initiative; and
6

7 WHEREAS, Stacy Ledvina has been invited to attend the Juvenile Detention Alternatives
8 Conference on April 24 – 26, 2012 in Houston, Texas; and
9

10 WHEREAS, all travel expenses will be paid by the Casey Foundation and staff will
11 benefit from the information provided at the conference;

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
13 Supervisors authorizes Stacy Ledvina to travel out-of-state to attend the Juvenile Detention
14 Alternatives Conference scheduled for April 24 – 26, 2012 in Houston, Texas.

Dated this 20th day of March 2012.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: Conference costs, including lodging, meals, and travel, will be paid by the Casey Foundation. Estimated wages and benefits for staff time at the conference is \$821 and is not reimbursed.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Behnke moved, seconded by Supervisor Konen to adopt Resolution 10 (2011/2012-99) Approving Town of Centerville Zoning Ordinance for Daniel DeBruin. Upon vote, the motion carried unanimously.

No. 2011/2012 - 99

**RESOLUTION APPROVING TOWN OF CENTERVILLE ZONING ORDINANCE
(Daniel DeBruin)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County has adopted a zoning ordinance under Wis. Stat. § 59.69;
2 and
3

4 WHEREAS, the Town of Centerville has adopted a new zoning ordinance in accordance
5 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 Centerville 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 zoning ordinance that was adopted by the Town Board of the Town of
16 Centerville for Daniel DeBruin on March 13, 2012.

Dated this 22nd day of March 2012.

Respectfully submitted by Kevin L. Behnke, Supervisor.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Chairperson Tittl reminded supervisors that there will be a meeting on April 17 and on April 24.

Supervisor Gerroll moved to adjourn, seconded by Supervisor Burke, and the motion was adopted by acclamation. The meeting adjourned at 8:25 p.m.

Respectfully submitted,
Jamie J. Aulik, County Clerk

COUNTY BOARD PROCEEDINGS INDEX

APPOINTMENTS

April 19, 2011 Session:

- ▶ Board of Health: Dr. Mary Jo Capodice, Shirley Fessler, Michele Frozena and Frank Rodriguez.

May 17, 2011 Session:

- ▶ Local Emergency Planning Committee: John Kropp, Karl Puestow, Travis Waack and alternate Nicki Davis.

June 21, 2011 Session:

- ▶ Aging and Disability Resource Center Governing Board: Connie Gulash and Howard Kluczinske.
- ▶ Board of Adjustment: Orville Bonde, Earl Glaeser and alternate Bob Rasmussen.
- ▶ Northeast Wisconsin Regional Economic Partnership: Connie Loden and alternates David Less and Dan Pawlitzke.
- ▶ Planning and Park Commission: Supervisor David Korinek.

July 19, 2011 Session:

- ▶ Expo-Ice Center Board: Derek Fitzgerald.
- ▶ Long Term Support Planning Committee: Julie Dewey, Lori Fure, Eleanor Giriappa, Michael Hahn, Marge Hartfield, Supervisor Rick Henrikson, Jeff Jenswold, Joyce Kress-Hauser, Travis Lane, Jim Loersch, Judy Rank, Supervisor Ed Rappe, Amy Wergin, Karrie Wold and Shirley Fessler.

August 16, 2011 Session:

- ▶ Local Emergency Planning Committee: Mary Coenen and alternate Marcia Donlon.

September 20, 2011 Session:

- ▶ Lakeland Care District Board: Bob Ziegelbauer.

October 18, 2011 Session:

- ▶ Transportation Coordinating Committee: Frank Hlinak and Donald Vorpahl.

November 15, 2011 Session:

- ▶ Expo-Ice Center Board: Derek Fitzgerald, Marie Kohlbeck, Dan Newberg, Dave Pawlowski, Mark Persaud, Dan Schaut and Jerome Vetting.
- ▶ Local Emergency Planning Committee: James J. Blaha and alternate Amy Wergin, Nancy Crowley, Supervisor Chuck Hoffman and alternate Supervisor Ed Rappe, Chris Meyer, Randy Neils and Gerald Wiesner.
- ▶ Veterans' Service Commission: Mike Demske and Tom Hoffman.
- ▶ Wisconsin Works Steering Committee: Paul Blachka, Rebecca Martell and Sheila Schetter.

APPOINTMENTS continued...

December 20, 2011 Session:

- ▶ Manitowoc-Calumet Library System Board of Trustees: Julie Grinde, James VandenBoom and Carol Wagner.
- ▶ ADRC of the Lakeshore Board: Melvin Bourgeois, Supervisor Laurie Burke, Connie Gulash, Sally Schmidt, Supervisor Melvin Waack and Supervisor Catherine Wagner.
- ▶ Commission on Aging: Melvin Bourgeois, Supervisor Laurie Burke, Shirley Fessler, Connie Gulash, Mona Horstketter, Tom Keil, Supervisor Susie Maresh, Supervisor Andy Schneider, Supervisor Melvin Waack and Supervisor Catherine Wagner.

January 17, 2012 Session:

- ▶ Ethics Board: Tom Musial.

February 28, 2012 Session:

- ▶ Land Conservation Committee: Terri Wilfert.

March 20, 2012 Session:

- ▶ Human Services Board: Eleanor Giryappa.
- ▶ Board of Health: Dr. Todd Nelson.
- ▶ Loan Review Board: David Diedrich and Atty. Timothy Salutz.
- ▶ Manitowoc Public Library Board of Trustees: Christine Kornely.
- ▶ Long Term Support Planning Committee: Lori Fure, Eleanor Giryappa, Michael Hahn, Marge Hartfield and Julie (Dewey) Lane.

COMMUNICATIONS

April 19, 2011 Session:

1. Langlade County – Resolution Supporting “Orville Lemke Act” Establishing a “Fast-track” Process to Present Honors Posthumously to Terminally Ill or Beyond the Age of 85 Veterans.
2. Door County – Resolution Urging Legislature to Rescind the Changes Made to Prevailing Wage Laws.
3. Ozaukee County – Resolution Supporting Governor Walker’s 2010-11 Budget Repair Bill.
4. Rock County – Resolution Opposing Initiative in Governor’s Budget that Removes Income Maintenance Administration from Counties and Creates a State Operated Centralized Income Maintenance Unit.
5. Wood County – Resolution Supporting Legislature to End Predatory Lending in Wisconsin.
6. Portage County – Resolution Urging a “Fast-Track” Process for Purple Heart and Other Military Honors.

May 17, 2011 Session:

1. Price County – Resolution Requesting the Wisconsin Administrative code be Revised to Balance the Natural and Human Environment as Required in the Wisconsin Environmental Protection Act.
2. Jackson County – Resolution Supporting Legislation that Rescinds the Prevailing Wage Law Changes.
3. Shawano County – Resolution Opposing the Initiative in the Governor’s Budget that Removes Income Maintenance Administration from the Counties and Creates a State Operated Centralized Income Maintenance Unit.
4. Dodge County – Resolution Opposing Centralization of Economic Support Programs as Proposed in the Governor’s Biennium Budget.
5. Langlade County – Resolution Opposing the Provisions of AB 40 that call for Elimination of Pace and Farmland Protection Conversion Fees.

June 21, 2011 Session:

1. Town of Manitowoc – Notice Requesting Change in Redistricting Map.
2. Town of Schleswig – Notice Requesting Change in Redistricting Map.
3. Town of Two Rivers – Notice Requesting Change in Redistricting Map.
4. Douglas County – Resolution Opposing Family Care Enrollment and Expansion Cap.
5. Langlade County – Resolution Opposing Changes to Same Day Voter Registration and Voter ID Requirements.
6. Douglas County and Monroe County – Resolution Opposing Elimination of Financial Assistance Program for Municipal Recycling.
7. Oconto County, Ozaukee County, and Price County – Resolution Opposing Centralization of Income Maintenance as Proposed in Governor’s Biennium Budget.
8. City of Manitowoc, City Planner David Less – Emailed Notice Requesting Change in Redistricting Map.

COMMUNICATIONS continued...

July 19, 2011 Session:

1. Adams County – Resolution Urging the Governor and Legislature to Enact Legislation to Achieve Savings by Allowing Counties to Continue Administering Department of Health Services Income Maintenance Programs Individually and in Multi-County Consortia.
2. Outagamie County – Resolution Opposing Wisconsin Counties Association Initial Endorsement of the Budget Provisions 16-28 of the Omnibus Transportation Motion and Concur with Current Position Removing the Non-fiscal Provisions 16-28 of the Omnibus Transportation Motion (Amendment 352).

August 16, 2011 Session:

1. Outagamie County – Resolution Opposing AB 173 Requiring Law Enforcement Officers to have a Federal Agency Determine Whether a Person Who is Arrested or Charged with a Crime or Civil Violation is Lawfully Present in the State if the Officer has Suspicion that the Person is not Lawfully Present.

September 20, 2011 Session:

1. Kewaunee County – Resolution Disapproving Non-Emergency Medical Transportation Service Provided by Logisticare.
2. Forest County – Resolution Requesting Written Response from U.S. Regional Forester. Regarding Reasons Chequamegon-Nicolet National Forest Lands are not Managed in Accordance with the 2004 Forest Plan.
3. Town of Gibson – Resolution Petitioning the Manitowoc County Board to Place a Moratorium on Wind Energy Systems.
4. Attorney Terence Fox – Communications Regarding Wind Energy.

October 18, 2011 Session:

1. Lincoln County – Resolution Supporting H.R. 1489 (Return to Prudent Banking Act).
2. Price County – Resolution Requesting Management of Chequamegon-Nicolet National Forest Revert Back To Counties Where said Forest Lands are Located by Virtue of Breach of Promise by Federal Government.

November 7, 2011 Session:

1. Outagamie County – Resolution Supporting LRB 2647/2 (Criminalizing Violation of 72 hour No-Contact Condition for Domestic Abuse Offenders).
2. Lincoln County – Resolution Supporting H.R. 1496 and SB 202 Designating the Comptroller General of the United States to Audit the Federal Reserve.

November 15, 2011 Session:

1. Outagamie County – Resolution Supporting Multi-County 700 MHz Project and Request to Continue to Pursue a Joint Public Safety Answering Point with Winnebago County and Other Counties.

December 20, 2011 Session:

1. Oconto County – Resolution Concerning Management of Chequamegon-Nicolet National Forest.

COMMUNICATIONS continued...

January 17, 2012 Session:

1. Calumet County – Resolution Supporting AB395 and SB 290 that will ensure funds are available to protect critical or unique portions of the Niagara Escarpment.

March 20, 2012 Session:

1. Lincoln County – Resolution Supporting H.R. 2250 and SB 1392 to Provide Additional Time to Issue Standards for Industrial, Commercial and Institutional Boilers, Process Heaters, and Incinerators.

PETITIONS

April 19, 2011 Session:

1. Virginia Kress - Town of Gibson
2. Thomas Worsfold - Town of Kossuth

June 21, 2011 Session:

1. Manitowoc County Planning and Park Commission - Manitowoc County
2. Marek Enterprises LLC - Town of Kossuth

August 16, 2011 Session:

1. Town of Mishicot-Interim Control Ordinance - Manitowoc County
2. Town of Two Creeks-Interim Control Ordinance - Manitowoc County
3. Town of Cooperstown-Interim Control Ordinance - Manitowoc County

September 20, 2011 Session:

1. Manitowoc County Planning and Zoning Commission Text Amendment-Manitowoc County (MCC Chapter 20, Standards for Wireless Communication Facilities Ordinance)
2. Manitowoc County Planning and Zoning Commission Text Amendment-Manitowoc County (MCC Chapter 24, Large Wind Energy System Ordinance)
3. Manitowoc County Planning and Zoning Commission Text Amendment-Manitowoc County (MCC Chapter 25, Small Energy System Ordinance)

October 18, 2011 Session:

1. Manitowoc County Planning and Zoning Commission-Manitowoc County (Revision of Manitowoc County Code Chapter 8)

December 20, 2011 Session:

BRIDGE PETITIONS

1. Town of Franklin – P36-0117 (Hillcrest Road Bridge)
2. Town of Gibson – Bradley Bridge
3. Town of Gibson – Frenz Bridge
4. Town of Gibson – Lese Bridge
5. Town of Kossuth – Eis Bridge
6. Town of Kossuth – Hessel Bridge
7. Town of Kossuth – B-36-0186 (Meadow Lane Bridge)
8. Town of Maple Grove – Behnke Bridge
9. Town of Maple Grove – Miller Bridge
10. Town of Maple Grove – Schuh Bridge
11. Town of Maple Grove – Sheahan Bridge
12. Town of Meeme – B-36-0184 (South County Line Road Bridge)
13. Town of Meeme – B-36-184 (South Cleveland Road Bridge)

PETITIONS continued...

14. Town of Meeme – B-36-0188 (Pioneer Road Bridge)
15. Town of Meeme – B-36-190 (South County Line Road Bridge)
16. Town of Meeme – B-36-0191 (South Cleveland Road Bridge - 1st Bridge West of STH 42)
17. Town of Meeme – B-36-0192 (South Cleveland Road Bridge - 2nd Bridge West of STH 42)
18. Town of Meeme – Siemers Bridge
19. Town of Two Creeks – Chervený Bridge
20. Town of Two Creeks – Sandy Bay Bridge

March 20, 2012 Session:

1. Gary and Bernadine Maigatter - Town of Two Creeks
2. Florence Vlasak - Town of Gibson

* Denotes an Ordinance.

RESOLUTIONS & ORDINANCES ALPHABETICAL BY COMMITTEE

AGING and DISABILITY RESOURCE CENTER BOARD:		SESSION:	PAGE:
11/12-41	Resolution Endorsing Multiple County Aging And Disability Resource Center (ADRC of the Lakeshore)	AUG 16	97
11/12-47	Resolution Authorizing Aging And Disability Resource Center Services Agreement (ADRC of the Lakeshore)	SEPT 20	117
11/12-55	Resolution Authorizing Addition Of 3.3 Full-Time Equivalent Positions To ADRC	OCT 11	127
11/12-71	Resolution Amending 2011 Budget (Aging and Disability Resource Center)	DEC 20	257
11/12-72	Resolution Authorizing Specialized Transportation Assistance Program Grant Application	DEC 20	258
11/12-91	Resolution Regarding Multi-County Older Americans Act Program	MAR 20	298
11/12-92	Resolution Amending 2012 Budget (Aging and Disability Resource Center)	MAR 20	299
*11/12-73	Ordinance Amending Manitowoc County Code Chapter 2 Pertaining To The Aging And Disability Resource Center And Commission On Aging	DEC 20	259
 BOARD OF HEALTH:			
11/12-56	Resolution Authorizing Contract With City Of Appleton Health Department For Public Health Emergency Preparedness Planning Services	OCT 11	128
11/12-65	Resolution Adopting Health Department Fee Schedule (07/01/2012 - 06/30/2013)	NOV 15	230
11/12-66	Resolution Authorizing Radiological Field Team Services Contract	NOV 15	238
11/12-67	Resolution Amending 2011 Budget (Health Department)	NOV 15	238
*11/12-11	Ordinance Amending Manitowoc County Code Ch. 7 (Retail Food Establishments)	MAY 17	17
 FINANCE COMMITTEE:			
11/12-1	Resolution Authorizing Designation, Carry-Over, Transfer, And Reappropriation Of Specified Funds From 2010 To 2011	APR 19	3
11/12-9	Resolution Creating Aegis System Administrator Position	APR 19	12
11/12-12	Resolution Authorizing Participation In United Way Campaign	MAY 17	19
11/12-22	Resolution Authorizing Out-Of-State Travel (Luke Kalista and Matthew Fricke)	JUNE 21	32
11/12-31	Resolution Waiving Requirement That County Board Chair Countersign Certain Financial Instruments	JULY 19	45

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11/12-42	Resolution Regarding Issuance Of Approximately \$2,770,000 In General Obligation Refunding Bonds	AUG 16	99
11/12-46	Resolution Authorizing The Issuance And Sale Of \$2,710,000 General Obligation Refunding Bonds	SEPT 20	106
11/12-62	Resolution Canceling County Checks Not Presented Within Two Years Of Issuance	NOV 7	143
11/12-68	Resolution Adopting 2012 Budget And Property Tax Levy ...	NOV 15	241
11/12-70	Resolution Adopting 2012 Budget And Property Tax Levy ...	NOV 29	
11/12-74	Resolution Implementing Fund Balance Policy In Accordance With GASB Statement No. 54	DEC 20	264
11/12-93	Resolution Denying Claim (Jerold McDonnell)	MAR 20	301
11/12-94	Resolution Regarding Issuance Of Approximately \$3,800,000 In Taxable General Obligation Refunding Bonds	MAR 20	301
11/12-95	Resolution Authorizing Out-Of-State Travel (Matt Kleiman)	MAR 20	302
*11/12-57	Ordinance Amending Manitowoc County Code § 1.03(4) (Supervisory Districts)	OCT 11	129
*11/12-82	Ordinance Repealing Manitowoc County Code § 4.125 (Preference in Sale of Tax Deeded Land)	FEB 28	280

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11/12/-32	Resolution Authorizing Highway Committee To Approve Contract With Highway Landscapers, Inc.	JULY 19	46
11/12-43	Resolution Authorizing Joint Construction Agreement For County Trunk Highway B In The City Of Manitowoc	AUG 16	100
11/12-83	Resolution Authorizing Out-Of-State Travel (Gary Kennedy)	FEB 28	281

HUMAN SERVICES BOARD:

11/12-13	Resolution Authorizing Out-Of-State Travel (Vicki Jerovetz)	MAY 17	20
11/12-75	Resolution Regarding Participation In Income Maintenance Consortium	DEC 20	270
11/12-98	Resolution Authorizing Out-Of-State Travel (Stacy Ledvina)	MAR 20	306

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11/12-81	Resolution Supporting Lifting Family Care Enrollment Cap ..	JAN 17	277
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LAND CONSERVATION COMMITTEE/**NATURAL RESOURCES & EDUCATION COMMITTEE:**

11/12-14	Resolution Accepting DATCP Grant	MAY 17	20
11/12-84	Resolution Authorizing Application And Acceptance Of CDBG Planning Grant (Agriculture Education Center)	FEB	282

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11/12-2	Resolution Approving Amendment To Employee Policy Manual (Pay Period and Pay Day)	APR 19	5
11/12-3	Resolution Approving Amendment To Employee Policy Manual (Hiring Procedure for Regular Positions)	APR 19	6
11/12-4	Resolution Approving Amendment To Employee Policy Manual (Holiday Schedule)	APR 19	7
11/12-5	Resolution Authorizing Out-Of-State Travel (Aimee Augustine)	APR 19	8
11/12-9	Resolution Creating Aegis System Administrator Position	APR 19	12
11/12-15	Resolution Approving Funding Of Health Savings Accounts For Non-Represented Employees	MAY 17	21
11/12-16	Resolution Approving Amendment To Employee Policy Manual (Annual Proration of Benefits for Part-time Employees)	MAY 17	23
11/12-17	Resolution Approving Change To Normal Work Week Of Certain Departments	MAY 17	24
11/12-23	Resolution Approving Change In Past Practice Regarding Health Insurance Coverage Upon Separation Of Employment	JUNE 21	33
11/12-24	Resolution Approving Change In Compensatory Time Practices And Policies	JUNE 21	34
11/12-33	Resolution Regarding Use Of Paid Time Off	JULY 19	47
11/12-34	Resolution Adopting Overtime Calculation Rules For All Hourly Employees	JULY 19	48
11/12-35	Resolution Amending Nonrepresented Employee Policy Manual Section 14, Employee Grievances	JULY 19	50
11/12-36	Resolution Adopting Employee Policy Manual	JULY 19	51
11/12-37	Resolution Authorizing Maintenance Of Status Quo For Certain Benefits Pending Policy Development	JULY 19	52
11/12-44	Resolution Establishing Certain Employee Benefits (Education Incentive, Shift Premiums, Training Incentive, and Vacations)	AUG 16	101
11/12-48	Resolution Authorizing Establishment Of Manitowoc County Retiree Medical Savings Account	SEPT 20	118
11/12-49	Resolution Amending Employee Grievance Procedure	SEPT 20	119
11/12-50	Resolution Amending Employee Policy Manual (Funeral Leave)	SEPT 20	120
11/12-69	Resolution Amending Employee Policy Manual (Workplace Violence Policy)	NOV 15	244
11/12-70	Resolution Adopting 2012 Budget And Property Tax Levy ...	NOV 29	251
11/12-85	Resolution Authorizing Job Evaluation Using The Band Method	FEB 28	283
11/12-86	Resolution Amending Employee Policy Manual (Workplace Violence Policy)	FEB 28	285
11/12-87	Resolution Authorizing Creation Of Up To 5.0 Full-Time-Equivalent Patrol Officer Positions	FEB 28	286
11/12-96	Resolution Authorizing Self-Insured Status For Worker's Compensation	MAR 20	303
11/12-97	Resolution Establishing Elected Official Compensation (County Clerk, Register of Deeds, and Treasurer)	MAR 20	304

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11/12-6	Resolution Authorizing 2011-2012 Snowmobile Trail Program	APR 19	9
11/12-10	Resolution Authorizing Lake Management Planning Grant	APR 19	13
11/12-25	Resolution Authorizing Grant Application (Carstens Lake Public Access)	JUNE 21	36
11/12-26	Resolution Authorizing Grant Application (Bullhead Lake Public Access)	JUNE 21	37
11/12-27	Resolution Authorizing Grant Application (Wilke Lake Public Access)	JUNE 21	38
11/12-58	Resolution Authorizing Highway Department To Perform Work Exceeding \$25,000 (Devils River State Recreation Trail)	OCT 11	134
*11/12-7	Ordinance Amending Zoning Map (Virginia Kress)	APR 19	10
*11/12-8	Ordinance Amending Zoning Map (Thomas Worsfold)	APR 19	11
*11/12-18	Ordinance Amending Zoning Map (Bradley and Tatum Schuler)	MAY 17	25
*11/12-38	Ordinance Amending Zoning (Marek Enterprises LLC)	JULY 19	53
*11/12-39	Ordinance Amending Manitowoc County Code Ch. 9 And Creating Chapter 31 (Shoreland and Floodplain Zoning)	JULY 19	54
*11/12-59	Ordinance Amending MCC CHS. 20, 24, and 25 (Emergency Communication Corridors)	OCT 11	135
*11/12/63	Ordinance Repealing Existing Ordinance And Reenacting Comprehensive Revision To Manitowoc County Code Ch. 8 (General Zoning and Land Use Regulation)	NOV 7	144

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-----	Proclamation in Honor of National Public Safety Telecommunicators Week	APR 19	1
-----	Proclamation Proclaiming April 2011 “Parents Who Host, Lose the Most”	APR 19	1
-----	Proclamation Proclaiming May 5, 2011, National Day of Prayer	APR 19	2
-----	Proclamation Commending Tiffany Nohl Manitowoc County Outgoing “Fairest of the Fair”	MAY 17	15
-----	Proclamation Proclaiming June Dairy Month	MAY 17	15
-----	Certificates of Appreciation for Retirees Patricia Baetke, Kim Grube and Cheryl Kohl	JUNE 21	30
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