



**MANITOWOC COUNTY  
AD HOC COUNTY SALES TAX  
EXPLORATORY COMMITTEE  
MEETING NOTICE**

DATE: Tuesday, February 26, 2019  
TIME: 4:15 P.M.  
PLACE: Communications and Technology Building  
Conference Room 111/112  
1024 South 9<sup>th</sup> St., Manitowoc, WI 54220

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the committee may convene in closed session. The following matters may be considered at the meeting:

- 1) Call to order.
- 2) Election of Vice Chairman.
- 3) Election of Secretary.
- 4) Discussion and possible action on how the Ad Hoc wants to proceed.
- 5) Adjournment

Date: February 21, 2019

Jim Baumann, Chairperson  
Prepared by Jessica Backus, County Clerk

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

Persons who are members of another governmental body, but who are not members of this committee, may attend this meeting. Their attendance could result in a quorum of another governmental body being present. Such a quorum is unintended and they are not meeting to exercise the authority, duties, or responsibilities of any other governmental body.

MANITOWOC COUNTY AD HOC EXPLORATORY COMMITTEE  
Communications & Technology Building

February 26, 2019

Attendance: Chair Jim Baumann, County Board Chair Jim Brey, Supervisor John Brunner, Supervisor Paul “Biff” Hansen, Supervisor Chuck Hoffman, Supervisor Rita Metzger, Supervisor Jon Neils, and Supervisor Ken Swade. Also in attendance: County Executive Bob Ziegelbauer, Comptroller Todd Reckelberg, Corporation Counsel Peter Conrad, Supervisor Kevin Behnke, Supervisor Dave Dyzak, and Supervisor Don Zimmer. Supervisor Mike Williams was excused.

Call to Order: The meeting was called to order by Chairperson Baumann at 4:19 p.m.

Election of Ad Hoc Exploratory Committee Vice-Chair and Secretary:

Vice-Chair: County Board Chair Brey nominated Supervisor Neils. Supervisor Metzger nominated Supervisor Hansen, who respectfully declined. There were no other nominations. Upon vote, Supervisor Neils was elected Vice-Chair by unanimous vote.

Secretary: County Board Chair Brey nominated Supervisor Brunner. There were no other nominations. Upon vote, Supervisor Brunner was elected Secretary by unanimous vote.

Discussion and possible action on how the Ad Hoc wants to proceed: Chairperson Baumann supplied past sales tax correspondence to the committee. Discussion took place on the materials provided, possible ways to proceed with the sales tax, who would be receiving the possible funds from the sales tax, and what would the distribution of funds be based upon. Baumann requested the committee read the correspondence. At the next meeting, they will discuss a clear direction and start to create a resolution to bring to the County Board.

Adjournment: Supervisor Hansen moved to adjourn, seconded by Supervisor Hoffman and the motion passed unanimously. The committee adjourned at 4:58 p.m.

Respectfully submitted,

Jessica Backus, County Clerk

**NOTE:** The Ad Hoc County Sales Tax Exploratory Committee was rescheduled to Thursday, April 4, 2019.



**MANITOWOC COUNTY  
AD HOC COUNTY SALES TAX  
EXPLORATORY COMMITTEE  
MEETING NOTICE**

**DATE:** Tuesday, March 26, 2019  
**TIME:** 4:15 P.M.  
**PLACE:** Communications and Technology Building  
Conference Room 111/112  
1024 South 9<sup>th</sup> St., Manitowoc, WI 54220

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the committee may convene in closed session. The following matters may be considered at the meeting:

- 1) Call to order.
- 2) Public Comment.
- 3) Discussion and possible action on Chairperson Baumann's letter to be sent to all Manitowoc County municipalities.
- 4) Discussion on Section 77.76(3) of the Wis. Stats (2015-16) and develop a plan to move forward.
- 5) Adjournment

Date: March 26, 2019

Jim Baumann, Chairperson  
Prepared by Jessica Backus, County Clerk

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**MANITOWOC COUNTY  
AD HOC COUNTY SALES TAX  
EXPLORATORY COMMITTEE  
**AMENDED** MEETING NOTICE**

DATE: Thursday, April 4, 2019  
TIME: 4:15 P.M.  
PLACE: Communications and Technology Building  
Conference Room 111/112  
1024 South 9<sup>th</sup> St., Manitowoc, WI 54220

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the committee may convene in closed session. The following matters may be considered at the meeting:

- 1) Call to order.
- 2) Approval of the February 26, 2019 meeting minutes.
- 3) Public Comment.
- 4) Discussion and possible action on Chairperson Baumann's letter to be sent to all Manitowoc County municipalities.
- 4a.) Discussion on communication regarding Fond du Lac County's Extended Sales Tax.*
- 5) Discussion on Section 77.76(3) of the Wis. Stats (2015-16) and develop a plan to move forward.
- 6) Adjournment.

Date: March 27, 2019  
*Amended: 4/3/2019*

Jim Baumann, Chairperson  
Prepared by Jessica Backus, County Clerk

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**MANITOWOC COUNTY AD HOC EXPLORATORY COMMITTEE**  
Communications & Technology Building  
April 4, 2019

Attendance: Chair Jim Baumann, County Board Chair Jim Brey, Supervisor John Brunner, Supervisor Chuck Hoffman, Supervisor Rita Metzger, and Supervisor Ken Swade. Also in attendance: County Executive Bob Ziegelbauer, Comptroller Todd Reckelberg, Supervisor Kevin Behnke, and Supervisor Don Zimmer. Supervisors Paul “Biff” Hansen, Jon Neils, and Mike Williams were excused.

Call to Order: The meeting was called to order by Chairperson Baumann at 4:15 p.m.

Approval of the minutes of the February 26, 2019 Ad Hoc Exploratory Committee meeting: County Board Chair Brey moved to approve the meeting minutes, seconded by Supervisor Hoffman. Upon vote, the motion passed unanimously.

Public Comment:

Maura Yost, Town of Centerville, advocated for a half-percent sales tax for Manitowoc County and the municipalities of Manitowoc County.

Discussion and possible action on Chairperson Baumann’s letter to be sent to all Manitowoc County municipalities: The committee agreed not to present a letter to the municipalities at this time.

Discussion on Section 77.76(3) of the Wis. Stats. (2015-16) and develop a plan to move forward: The committee agreed to have Corporation Counsel draft a plan based from the Sheboygan County model. A few of the items the plan includes would be a sunset clause, the option to share a portion of the sales tax funds with Manitowoc County municipalities based off equalized value, and a memorandum. The committee will discuss the drafts at the next meeting scheduled for April 30 at 4:15p.m.

Adjournment: Supervisor Brunner moved to adjourn, seconded by Supervisor Hoffman and the motion passed unanimously. The committee adjourned at 4:46 p.m.

Respectfully submitted,

Jessica Backus, County Clerk



**MANITOWOC COUNTY  
AD HOC COUNTY SALES TAX  
EXPLORATORY COMMITTEE  
MEETING NOTICE**

**DATE:** Tuesday, April 30, 2019  
**TIME:** 4:15 P.M.  
**PLACE:** Communications and Technology Building  
Conference Room 111/112  
1024 South 9<sup>th</sup> St., Manitowoc, WI 54220

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the committee may convene in closed session. The following matters may be considered at the meeting:

1. Call to order.
2. Approval of the April 4, 2019 meeting minutes.
3. Approval of agenda.
4. Public comment.
5. Correspondence report from Supervisor Neils.
6. Discussion on Brown County results.
7. Discussion and possible action on proposed Ordinance Chapter 33 County Sales and Use Tax.
8. Adjournment.

Date: April 25, 2019

Jim Baumann, Chairperson  
Prepared by Jessica Backus, County Clerk

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

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**MANITOWOC COUNTY AD HOC COUNTY SALES TAX EXPLORATORY COMMITTEE**  
Communications & Technology Building  
April 30, 2019

Attendance: Chair Jim Baumann, County Board Chair Jim Brey, Supervisor John Brunner, Supervisor Paul Hansen, Supervisor Chuck Hoffman, Supervisor Jon Neils, and Supervisor Ken Swade. Also in attendance: County Executive Bob Ziegelbauer, Comptroller Todd Reckelberg, Corporation Counsel Peter Conrad, Supervisor Kevin Behnke, Supervisor Susie Maresh, and Supervisor Don Zimmer. Supervisors Rita Metzger and Mike Williams were excused.

Call to Order: The meeting was called to order by Chairperson Baumann at 4:15 p.m.

Approval of the minutes of the April 4, 2019 Ad Hoc County Sales Tax Exploratory Committee meeting: Supervisor Hoffman moved to approve the meeting minutes, seconded by Supervisor Brunner. Upon vote, the motion passed unanimously.

Approval of the Agenda: Supervisor Brunner moved to approve the agenda, seconded by Supervisor Neils. Upon vote, the motion passed unanimously.

Public Comment:

Chairperson Baumann declared public comment open at 4:16p.m.

No one present wished to speak, subsequently Chairperson Baumann closed public input at 4:16 p.m.

Correspondence report from Supervisor Neils: Supervisor Neils informed the committee that a few municipalities provided road work or bridge work projects that need to be done. However, they do not have the excess funds available to even start the projects. The municipalities are interested in the tax and are in favor of it.

Discussion on Brown County results: Chairperson Baumann informed the committee that the Brown County case was postponed until the end of May, beginning of June.

Discussion and possible action on proposed Ordinance Chapter 33 County Sales and Use Tax:

Chairperson Baumann turned the discussion over to County Board Chairperson Brey.

County Board Chairperson Brey opened discussion regarding clarification on section 33.06 Earmarked Revenues of Chapter 33 County Sales and Use Tax regarding concerns of the collection not being a full year. Corporation Counsel Peter Conrad (CC Conrad) provided clarification on section 33.06 Earmarked Revenue regarding the concerns of the collection not being a full year by informing the committee that the lump sum would have to be identified if the intention would be to start in 2020, then language would read as such.

Discussion regarding the wording for the intergovernmental agreement. CC Conrad clarified that the wording for the intergovernmental agreement would instruct the municipalities that the distribution received would have to be directed towards roads or capital improvements.

CC Conrad reiterated that the ordinance would be unenforceable even if it passed through the committee to the County Board. From an administrative standpoint it is words on paper. The ordinance does not carry any weight as proposed for reasons outlined in previous memos according to Wisconsin Statutes. Excluding the school districts from distribution, the intergovernmental agreement, and the distribution of funds with strings attached are violations of state statute per his opinion.

Supervisor Hoffman questioned including the school districts in the distribution, could an amount be set instead of the equalized value formula for just the school districts? CC Conrad clarified that the equalized value would be the distribution formula for each city, village, town and school district if that was the chosen distribution method of the ordinance.

Supervisor Hansen discussed the ordinance passing through County Board and how does it become enforced? CC Conrad advised the committee that whoever is administering that program would determine whether they could administer the program or not, meaning collect and/or distribute the tax or not. The ultimate administrator would be the County Executive.

Hansen went on to question why the intergovernmental agreement can not specify that the distribution of funds is to be used for road work. CC Conrad emphasized that from a legal perspective, the statute says a county cannot tell a municipality how to use funds.

County Board Chairperson Brey moved, seconded by Supervisor Hoffman to adopt Chapter 33 County Sales and Use Tax with the following amendments:

Under Section 33.06 Earmarked Revenues, Subset 1, pursuant to Wis Stat. 77.76(3), the sum of \$1,500,000 in 2020 will be available to be distributed in arrears to each of the cities, villages, and towns within Manitowoc County based on equalized value, in relation to the total sum to be distributed. The amount to be distributed will be adjusted annually based on equalized value. Eliminate the following language from the draft ordinance: “The terms and conditions of the distribution to each city, village, and town shall be set forth in a standard intergovernmental cooperative agreement between Manitowoc County and each city, village, and town. In order to receive the distribution, each city, village, or town shall agree to be bound by the terms of the intergovernmental cooperative agreement with Manitowoc County, the terms of which shall be annually reviewed and approved by resolution by the County Board. In the event that a city, village, or town declines to be so bound, the sums that would otherwise be allocated to that city, village, or town shall be utilized by the Manitowoc County Highway Department as provided in §33.06(2) of this Sales and Use Tax Ordinance. In the event that a city, village, or town does not act in accordance with the terms of an intergovernmental cooperative agreement, Manitowoc County, in its sole discretion may decline to offer any sums to that city, village, or town in the following year and the sums that would otherwise have been allocated to that city, village, or town shall be utilized by the Manitowoc County Highway Department as provided in §33.06(2) of this Sales and Use Tax Ordinance.”



Under Subsection 2 of 33.06 – Eliminate the language: “and for purchasing capital equipment used in maintaining and constructing the Manitowoc County transportation system.”

Under Section 33.08 Seven Year Review, update the dates as follows: change October 1, 2026 to October 1, 2027; change 2027 to 2028; change June 1, 2027 to June 1, 2028; and change 2028 to 2029.

Discussion was opened on the amendment. Brey expressed that he was in favor of the sales tax and including the municipalities in the distribution. From the three listening session held by the Finance Committee, his impression was that people were not against the sales tax as long as they knew the money was going towards road repair.

Hansen questioned if it would be better to base the distribution off a percentage versus an exact amount. Future hope is that as a county we will grow. If that happens then the governmental bodies will benefit as well from the increase rather than set a fixed amount that would not change. The concern is that the distribution would not be used for the intention of road work. Hoffmann advised the committee that the local governments are only 3-5 member boards. They are controlled by their constituents. If this distribution is supposed to be used towards road work, the board budgets the distribution for road work.

County Board Chairperson Brey moved, seconded by Supervisor Baumann to amend his proposal, that the Sales and Use Tax shall become effective the 1<sup>st</sup> of January 2020.

Brey reviewed the proposal that starting in 2020 there will be a half a percent sales tax in Manitowoc County. After the first year, the County will start paying out the proposed amount of \$1,500,000 to all the municipalities based on equalized value and after 7 years on October 1, 2027 it would be reviewed again and whoever is the county board at that time would consider going on with it or ending it, that would be their prerogative at that time.

Discussion as to why a review rather than a sunset.

County Board Chairperson Brey moved, seconded by Supervisor Baumann to amend his proposal by changing Section 33.08 from a seven year review to a seven year sunset.

Discussion took place regarding the change from a lump sum to the use of a percentage for the distribution. The distribution may be small for some municipalities, but most are willing to take what the County would be willing to give. Supervisor Maresh mentioned at the town of Kossuth Annual Meeting many of those in attendance questioned her as to why the County was dragging their feet passing the ordinance. They want to see something done.

Supervisor Hansen moved, seconded by Neils to amend the amount provided under Section 33.06 (1) from the fixed sum of \$1,500,000 as proposed by Chair Brey to 30% of the sales and use tax collected in the previous year.

Supervisor Behnke discussed how it is important to have the municipalities in agreement with the County Board on the proposed ordinance before it goes to the County Board meeting.

Baumann and Brey agreed to send a joint letter to each municipality providing the opportunity to review the ordinance and request a recommendation/resolution either in support or opposition to the half percent sales tax.

Supervisor Hoffman moved, seconded by Supervisor Hansen to adopt the amendments to Chair Brey's initial proposal to the Ordinance for Chapter 33 County Sales and Use Tax. Upon voice vote, the motion carried unanimously.

Supervisor Hoffman moved, seconded by Supervisor Brunner to adopt the Ordinance for Chapter 33 County Sales and Use Tax as amended. Upon voice vote, the motion carried unanimously.

Brey mentioned the earliest the ordinance would come to the County Board would be for the June 18, 2019 meeting. This would give the municipalities time to respond with a recommendation or resolution.

Adjournment: Supervisor Brey moved to adjourn, seconded by Supervisor Brunner and the motion passed unanimously. The committee adjourned at 5:36 p.m.

Respectfully submitted,

Jessica Backus, County Clerk



**MANITOWOC COUNTY  
AD HOC COUNTY SALES TAX  
EXPLORATORY COMMITTEE  
MEETING NOTICE**

**DATE:** Thursday, May 30, 2019  
**TIME:** 4:15 P.M.  
**PLACE:** Communications and Technology Building  
Conference Room 111/112  
1024 South 9<sup>th</sup> St., Manitowoc, WI 54220

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the committee may convene in closed session. The following matters may be considered at the meeting:

1. Call to order.
2. Approval of the April 30, 2019 meeting minutes.
3. Approval of agenda.
4. Public comment.
5. Discussion and possible action on Resolution Requesting Corporation Counsel to Seek Attorney General Opinion.
6. Discussion on Manitowoc County Half-Percent Sales Tax.
7. Adjournment.

Date: May 22, 2019

Jim Baumann, Chairperson  
Prepared by Jessica Backus, County Clerk

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

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**MANITOWOC COUNTY AD HOC COUNTY SALES TAX EXPLORATORY COMMITTEE**  
Communications & Technology Building  
May 30, 2019

Attendance: Chair Jim Baumann, Supervisor John Brunner, Supervisor Paul Hansen, Supervisor Chuck Hoffman, Supervisor Rita Metzger, Supervisor Jon Neils, and Supervisor Ken Swade. Also in attendance: County Executive Bob Ziegelbauer, Corporation Counsel Peter Conrad, Supervisor Kevin Behnke, Supervisor Susie Maresh, and Supervisor Don Zimmer. County Board Chair Jim Brey and Supervisor Mike Williams were excused.

Call to Order: The meeting was called to order by Chairperson Baumann at 4:15 p.m.

Approval of the minutes of the April 30, 2019 Ad Hoc County Sales Tax Exploratory Committee meeting: Supervisor Brunner moved to approve the meeting minutes, seconded by Supervisor Hansen. Upon vote, the motion passed unanimously.

Approval of the Agenda: Supervisor Hoffman moved to approve the agenda, seconded by Supervisor Neils. Upon vote, the motion passed unanimously.

Public Comment:

Chairperson Baumann declared public comment open at 4:15p.m.

Maura Yost, Town of Centerville, wanted clarification on whether or not the County Executive would prevent the enactment of a sales tax if the Attorney General concludes that school districts can be excluded from sales tax revenue distribution.

No one else present wished to speak, subsequently Chairperson Baumann closed public input at 4:16 p.m.

Discussion and possible action on Resolution Requesting Corporation Counsel to Seek Attorney General Opinion: Chairperson Baumann opened discussion on the resolution. Supervisor Hansen informed the committee that he would not support the resolution because it would be a waste of time. He supported the Ordinance Chapter 33 County Sales and Use Tax as it read.

Supervisor Zimmer does not agree with excluding the school districts. If the school districts could be excluded, then we could pick and choose what municipalities could be excluded from the distribution based on the wording and who interpreted the statute. Corporation Counsel's opinion stands as the school districts need to be included in the distribution for the ordinance to be legal.

Supervisor Hansen appreciated Corporation Counsel's opinion, however there are Corporation Counsels are two counties, who distribute to municipalities only, which did not have a concern with excluding the school districts. Corporation Counsel Peter Conrad (CC Conrad) stated those Corporation Counsels did not issue a formal written opinion on the issue and do not represent Manitowoc County.

Chairperson Baumann mentioned it would be difficult to figure out the distribution amount for the outlying school districts. Another concern would be that half the sales tax distribution would go towards the school districts if they were to be included in the ordinance, which would leave minimal funds to distribute to the county and municipalities.

Supervisor Hoffman moved, seconded by Supervisor Neils to adopt Resolution Requesting Corporation Counsel to Seek Attorney General Opinion. Upon voice vote, the motion carried with 6 ayes and 1 no. The resolution will be brought to the County Board at the June meeting.

Discussion on Manitowoc County Half-Percent Sales Tax: Supervisor Swade questioned if the County were to keep 100% of the sales tax, would it be legal to apply half to road improvement and half to provide property tax relief. CC Conrad stated that it would be legal. The funds have to be applied to reduce the levy (property tax relief) or capital projects (non-operational expenses). It could be used towards debt reduction as well since the debt was incurred to procure capital projects.

Supervisor Hansen questioned if the sales tax funds were used to pay off debt, then those funds that would have been budgeted towards debt services could now be budgeted for operational expenses. CC Conrad mentioned that could be a possibility.

Supervisor Brunner mentioned the City of Two Rivers, City Manager Greg Buckley reported the City Council unanimously voted to support the half percent sales tax. They would have liked to have seen the distribution based on population rather than equalized value, but supported it regardless.

Adjournment: Supervisor Neils moved to adjourn, seconded by Supervisor Hoffman and the motion passed unanimously. The committee adjourned at 4:40 p.m.

Respectfully submitted,

Jessica Backus, County Clerk