

2022/2023 OFFICIAL PROCEEDINGS
MANITOWOC COUNTY BOARD OF SUPERVISORS

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MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 19, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Center, in the City of Manitowoc, being the 19th day of April 2022, for the purpose of transacting business as a Board of Supervisors.

Supervisor Brey called the meeting to order at 6:00 p.m.

Supervisor Brey gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

County Clerk Backus read the Certification of Election for the County Board for a two-year term starting April 19, 2022, and expiring April 15, 2024. The clerk then administered the oath of office.

County Clerk Backus read the Certification of Election for the County Executive for a four-year term starting April 19, 2022, and expiring April 20, 2026. The clerk then administered the oath of office.

Roll call: 24 members present: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisor Shimulunas was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Gerroll, the March 15, 2022 meeting minutes were approved on a unanimous vote.

Establish County Board Rules: Supervisor Behnke moved, seconded by Supervisor Heller to adopt Resolution (2022/2023-1) Adopting County Board Rules. Upon vote, the motion carried unanimously.

No. 2022/2023 - 1

RESOLUTION ADOPTING COUNTY BOARD RULES

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

WHEREAS, a proposed set of Manitowoc County Board Rules for the County Board Elected April 2022 has been provided to the members-elect; and

WHEREAS, the Manitowoc County Board of Supervisors wishes to adopt the proposed rules with the understanding that they will be reviewed by the Executive Committee, which may recommend additions, changes, or deletions to the rules at the next regular County Board meeting, and that the rules may be amended from time to time;

NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors adopts the proposed Manitowoc County Board Rules for the County Board elected April 2022.

Dated this 19th day of April 2022.

Respectfully submitted by Jim Brey, Supervisor.

FISCAL IMPACT: None.

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. _____

I respect the prerogative of the members of the Manitowoc County Board of Supervisors to voice their opinions on legislative issues. Therefore, it is my practice to neither approve nor veto a legislative policy resolution that has been enacted by the County Board in order to allow the County Board, acting as the legislative branch of county government, to freely express its sentiment on legislative and public policy issues or to request action by a governmental entity, or both.

Bob Ziegelbauer, County Executive.

Election of Officers

CHAIR

Vice-Chair Behnke announced that nominations were open for Chair. Supervisor Sitkiewitz nominated Supervisor Brey. Supervisor Maresh nominated Supervisor Martell. Supervisor Engelbrecht moved to close nominations, seconded by Supervisor Falkowski. Speeches were given by the candidates.

Ballots were cast and the results were read aloud. Supervisor Brey received 12 votes. Supervisor Martell received 12 votes. The results were a tie, the Vice-Chair allowed supervisors the opportunity to speak on each candidate's behalf. Speeches were given for each candidate. Ballots were cast for the second time and the results were read aloud. Supervisor Brey received 11 votes. Supervisor Martell received 13 votes. Supervisor Martell was elected as Chair for a two-year term.

FIRST VICE-CHAIR

Chairperson Martell announced that nominations were open for the position of First Vice-Chair. Supervisor Engelbrecht nominated Supervisor Behnke. There were no other nominations. Supervisor Gerroll moved to close nominations and pass by unanimous vote, seconded by

Supervisor Sitkiewitz. Upon vote, Supervisor Behnke was elected as First Vice-Chair for a two-year term by unanimous vote.

SECOND VICE-CHAIR

Chairperson Martell announced that nominations were open for Second Vice-Chair. Supervisor Falkowski nominated Supervisor Gerroll. There were no other nominations. Supervisor Neils moved to close nominations and pass by unanimous vote, seconded by Supervisor Hansen. Upon vote, Supervisor Gerroll was elected as Second Vice-Chair for a two-year term by unanimous vote.

ANNOUNCEMENT

Chairperson Martell announced the April 26, 2022 County Board will start at 6:00 p.m.

ADJOURNMENT

Supervisor Neils moved to adjourn, seconded by Supervisor Muench, and the motion was adopted by acclamation. The meeting adjourned at 6:37 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:
<https://www.youtube.com/watch?v=IFzrVsHyy-8>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, April 26, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 26th day of April 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Chairperson Martell gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 21 members present: Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Wagner, Weiss, and Zimmer. Supervisors Baumann, Linsmeier, Sitkiewitz and Vogt were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Neils, the April 19, 2022 meeting minutes were approved on a unanimous vote.

County Clerk Backus announced the addition to the agenda: Under XII. Appointments by County, D. Expo-Ice Center Board the appointment of Donna Bruns was added to succeed Jack Nasep for a three-year term expiring April 2025. Supervisor Maresh moved, seconded by Supervisor Zimmer to approve the agenda. Upon voice vote, the motion carried unanimously.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Proclaiming the Month of May as Foster Care Month to Foster Care Coordinators Karen Zahn, Kristy Torrison, Emily Cortens and Foster Family Jessica and Alan Fischer. Mr. and Mrs. Fischer spoke of fostering 7 children over the last 3 years and the great joy they and the children have received in doing so. They also thanked the Human Services Department staff for all of their assistance over the years.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Honoring Heart-A-Rama for 50 Years of Volunteer Service to Supervisors Hansen, Gerroll and Hacker. Supervisor Hansen thanked the Board and commented that Heart-A-Rama began 50 years ago by four couples that wanted to do something bigger than a simple fundraiser and that this production and its great success exhibits the spirit of the lakeshore.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commemorating the Life and Service of David E. Gauger to family members of Mr. Gauger and they expressed their appreciation for the honor.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commemorating the Life and Service of Marie B. Kohlbeck. Mrs. Kohlbeck's granddaughter thanked the Board and commented that her grandmother was someone who cared about the County. The family was extremely honored by the proclamation.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:28 p.m.

Maura Jost, Town of Centerville, advocated for half cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:34 p.m.

APPOINTMENTS BY CHAIRPERSON

Chairperson Martell presented his Supervisor Appointments for committees. The standing committee appointments are: Finance Committee: Hansen-Chair, Baumann, Brey, Hacker, and Shimulunas; Highway Committee: Behnke-Chair, Engelbrecht, Gerroll, Maresh, and Vogt; Land Conservation Committee/Natural Resources & Education Committee: Wagner-Chair, Engelbrecht, Hansen, Jadowski, and Phipps; Personnel Committee: Maresh-Chair, Behnke, Heller, Metzger, and Neils; Public Safety: Falkowski-Chair, Linsmeier, Muench, Naidl, and Vogt; Public Works: Gerroll-Chair, Klein, Sitkiewitz, Weiss, and Zimmer. The appointments to Boards, Commissions, and Committees are: Bay Area Workforce Development Board: County Executive; Criminal Justice Coordinating Council: Falkowski, alternate-Muench; English Lake Management District: Wagner; Millhome Dam Lake District Board of Commissioners: Wagner; Sergeant-At-Arms: Behnke; Sheboygan River & Rockville Mill Pond Management District: Wagner; Silver Lake Inland Lake Protection & Rehabilitation District Board: Wagner; and Wisconsin Counties Utility Tax Association: Engelbrecht. Supervisor Brey moved, seconded by Supervisor Heller, to approve the committee appointments. Upon voice vote, the motion carried unanimously.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Bob Ziegelbauer's appointments to Boards, Commissions, and Organizational appointments: Aging and Disability Resource Center of the Lakeshore Board (ADRC): Jadowski, Wagner; Bay-Lake Regional Planning Commission: Falkowski; Board of Health: Metzger, Muench, Naidl, and Neils; Community Action Program (CAP): Metzger; Expo-Ice Center Board: Behnke and Sitkiewitz; Glacierland Resource Conservation & Development Council: Neils; Human Services Board: Baumann 2024, Shimulunas 2023, Brey 2025, Klein 2025, and Naidl 2025; Industrial Development Corporation: Hacker; Land Information Council: Wagner; Lester Public Library Board of Trustee: Weiss; Local Emergency Planning Committee: Falkowski, alternate-Muench; Manitowoc Public Library Board of Trustees: Martell; Planning and Park Commission: Falkowski 2025, Dyzak 2026 as a citizen member, Vogt 2027, and Zimmer 2028; Transportation Coordinating Committee: Weiss and Hacker; VTAE District II Farm Committee: Wagner. Supervisor Muench moved, seconded by Supervisor Behnke to approve County Executive Bob Ziegelbauer's appointments to Boards, Commissions, and Organizational appointments. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Bonnie Timm to the Board of Adjustment to complete a term expiring July 2024. Supervisor Engelbrecht moved, seconded by Supervisor Neils to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Annette Kaminsky to the Board of Health to complete a term expiring April 2024. Supervisor Metzger moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Nancy Newberg to the Expo-Ice Center Board to complete a term expiring December 31, 2024. Supervisor Behnke moved, seconded by Supervisor Neils to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of Laurie Burke and Donna Bruns to the Human Services Board for a three-year term expiring April 2025. Supervisor Shimulunas moved, seconded by Supervisor Zimmer to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Josh Stradal to the Joint Dispatch Board for a two-year term expiring April 2024. Supervisor Falkowski moved, seconded by Supervisor Hansen to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Cindy Neelis to the Transportation Coordinating Committee to complete a term expiring April 2024. Supervisor Weiss moved, seconded by Supervisor Neils to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Executive Committee: Chairperson Martell gave a brief report.

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

Highway Committee: Supervisor Gerroll gave a brief report.

Human Service Board:

Supervisor Brey moved, seconded by Supervisor Maresh to adopt Resolution 2022/2023-2 Designating Human Services Department the Elder Abuse Reporting Agency. Upon vote, the motion carried unanimously.

No. 2022/2023 - 2

**RESOLUTION DESIGNATING HUMAN SERVICES DEPARTMENT
THE ELDER ABUSE REPORTING AGENCY**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin Stat. § 46.90, known as the Elder Abuse Reporting System, was
2 signed into law on May 2, 1984; and
3

4 WHEREAS, the Elder Abuse Reporting System requires county boards to designate an
5 agency in the county to receive reports of elder abuse; and
6

7 WHEREAS, pursuant to Resolution No. 85-154, Manitowoc County designated the
8 Manitowoc County Office on Aging as the county agency to receive reports of suspected elder
9 abuse in February of 1984; and
10

11 WHEREAS, as of January 1, 2022, the adult protective services unit in the Human Services
12 Department receives and manages all elder abuse funds; and
13

14 WHEREAS, after careful consideration and review, the Human Services Department
15 recommends that the county update its agency designation and identify the Human Services
16 Department as the county's elder abuse reporting agency;
17

18 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
19 county of Manitowoc designates the Manitowoc County Human Services Department as the
20 county agency to receive reports of suspected abuse of elderly persons under Wis. Stat. § 46.90.

Dated this 26th day of April 2022.

Respectfully submitted by the Human Services Board.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Behnke gave a brief report.

Planning & Park Commission: Supervisor Falkowski gave a brief report.
Supervisor Falkowski moved, seconded by Supervisor Zimmer to enact Ordinance 2022/2023-3
Amending Zoning Map (Michael Chalupny). Upon vote, the motion carried unanimously.

No. 2022/2023 - 3

ORDINANCE AMENDING ZONING MAP
(Michael Chalupny)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on March 28, 2022; and
3

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

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

11 A tract of land in Part of the SW1/4, of the NE 1/4, of Section 13, T21N-R23E, in the Town
12 of Gibson, Manitowoc County, Wisconsin described as follows:
13

14 Beginning at the North 1/4 Corner of said Section 13; Thence S00°35'05"W, along
15 the west line of said section, 1325.29 feet, to the NW Corner of the SW1/4, of the
16 NE 1/4, of said section, also being the point of beginning of this description; Thence
17 S89°45'04"E, 330.00 feet; Thence S00°35'05"W, 1325.44 feet, to the south line of
18 said NE 1/4; Thence N89°43'29"W, along said line, 330.00 feet, to the center of
19 said section; Thence N00°35'05"E, along the west line of said NE1/4, 1325.29 feet,
20 to the point of beginning of this description; said parcel containing approximately
21 437,364 square feet or 10.0405 acres of land and is hereby rezoned from Exclusive
22 Agriculture (EA) District to General Agriculture (GA) District.

Dated this 26th day of April 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance 2022/2023-
4 Amending Zoning Map (Estate of Lorraine Krcma). Upon vote, the motion carried unanimously.

No. 2022/2023 - 4

ORDINANCE AMENDING ZONING MAP
(Estate of Lorraine Krcma)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on March 28, 2022; and
3

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

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

10
11 A tract of land in part of Lot 1 of Certified Survey Map Volume 26 Page 391 being part of
12 the Northwest 1/4 of the Northeast 1/4 of Section 4, T.21 N. - R. 23 E., Town of Gibson,
13 Manitowoc County, Wisconsin described as follows:

14
15 Commencing at the North 1/4 corner of Section 4; thence South 89°57'26" East
16 55.04' feet; thence along the northerly line of the NE 1/4 North 89°48'41" East
17 406.83 feet to the point of beginning; thence continuing along said line North
18 89°48'41" East 398.86 feet; thence South 4°31'14" West 296.26 feet; thence North
19 89°38'45" West 383.82 thence North 1°37'55" East 291.76 feet to the point of
20 beginning, said parcel containing approximately 2.64 acres of land and is hereby
21 rezoned from Large Estate (LE) District to Small Estate (SE) District;

22
23 and

24
25 A tract of land in part of Lot 1 of Certified Survey Map Volume 26 Page 391 being part of
26 the Northwest 1/4 of the Northeast 1/4 of Section 4, T.21 N. - R. 23 E., Town of Gibson,
27 Manitowoc County, Wisconsin described as follows:

28
29 Beginning at the Northwest corner of said Lot 1; thence North 89°48'41" East 87.24
30 feet; thence South 1°37'55" West 291.76 feet; thence South 89°38'45" East 383.82
31 feet; thence North 4°31'14" East 296.26 feet; thence North 89°48'41" East 413.02
32 feet; thence South 1°37'19" East 306.83 feet; thence South 89°52'00" West 907.74
33 feet; thence North 0°00'37" West 305.85 feet to the point of beginning, said parcel
34 containing approximately 3.7 acres of land and is hereby rezoned from Large Estate
35 (LE) District to Exclusive Agriculture (EA) District.

Dated this 26th day of April 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Heller to enact Ordinance 2022/2023-5 Amending Zoning Map (Leon Plansky). Upon vote, the motion carried unanimously.

ORDINANCE AMENDING ZONING MAP
(Leon Plansky)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on March 28, 2022; and
3

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

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

11 A tract of land in part of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4)
12 of Section Seven (7), Township Twenty (20) North, Range Twenty-Five (25) East, Town of Two
13 Rivers, Manitowoc County, Wisconsin, and further described as follows:
14

15 Commencing at the South Quarter Corner of said Section 7; thence S88°-54'-11"E
16 along the South line of the SE1/4 of said Section 7, a distance of 82.50 feet to the
17 point of beginning; thence N00°-47'-53"E 329.99 feet; thence S88°-54'-11"E
18 396.09 feet to West line of lands described in Document No. 530303; thence S00°-
19 29'-25"W along said West line, a distance of 330.00 feet to the South line of said
20 SE1/4; thence N88°-54'-11"W along said South line, a distance of 397.86 feet to
21 the point of beginning; said tract containing approximately 130,995 square feet
22 (3.007 acres) of land and is hereby rezoned from Exclusive Agriculture (EA)
23 District to Small Estate (SE) District.

Dated this 26th day of April 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Behnke to enact Ordinance 2022/2023-6
Amending Zoning Map (Kevin and Sheri Schreiber). Upon vote, the motion carried unanimously.

ORDINANCE AMENDING ZONING MAP
(Kevin and Sheri Schreiber)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on March 28, 2022; and
3

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

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

11 A tract of land in part of the Northwest 1/4 of the Southwest 1/4, Section 32, T.19 N. - R.23
12 E., Town of Manitowoc Rapids, Manitowoc County, Wisconsin described as follows:
13

14 Commencing at the West 1/4 of Section 32; thence along the westerly line of the
15 SW 1/4 South 2°26'17" West 656.79 feet; thence North 88°40'18" East 1,210.34
16 feet to the centerline of Shadyside Road; thence along said line South 0°25'07"
17 West 251.37 feet to the point of beginning; thence North 89°54'09" West 750.00
18 feet; thence South 0°25'07" West 250.00 feet; thence South 89°54'09" East 750.00
19 feet; thence North 0°25'07" East 250.00 feet to the point of beginning, said tract
20 containing approximately 4.3 acres of land and is hereby rezoned from Exclusive
21 Agriculture (EA) District to Small Estate (SE) District.
22

23 and
24

25 A tract of land in part of the Northwest 1/4 of the Southwest 1/4, Section 32, T.19 N. - R.23
26 E., Town of Manitowoc Rapids, Manitowoc County, Wisconsin described as follow:
27

28 Commencing at the West 1/4 of Section 32; thence along the westerly line of the
29 SW 1/4 South 2°26'17" West 656.79 feet to the point of beginning; thence North
30 88°40'18" East 1,210.34 feet to the centerline of Shadyside Road; thence along said
31 line South 0°25'07" West 251.37 feet; thence North 89°54'09" West 750.00 feet;
32 thence South 0°25'07" West 250.00 feet; thence South 89°54'09" East 750.00 feet;
33 thence South 0°25'07" West 185.00 feet; thence North 89°54'09" West 1,232.94
34 feet; thence North 2°19'58" East 656.79 feet to the point of beginning, said tract
35 containing approximately 14.5 acres of land and is hereby rezoned from Exclusive
36 Agriculture (EA) District and Large Estate (LE) District to General Agriculture
37 (GA) District.

Dated this 26th day of April 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Maresh to adopt Resolution 2022/2023-7 Authorizing 2022-2023 Snowmobile Trail Aids Program. Upon vote, the motion carried unanimously.

No. 2022/2023 - 7

RESOLUTION AUTHORIZING 2022-2023 SNOWMOBILE TRAIL AIDS PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, Manitowoc County has completed 49 years of participation in the Wisconsin
5 Snowmobile Trail Aids Program by acquiring, developing, insuring, and maintaining public
6 snowmobile trails in the county in accordance with Wisconsin Department of Natural Resources
7 (“DNR”) standards; and
8

9 WHEREAS, Manitowoc County is eligible to continue its participation in the Snowmobile
10 Trail Aids Program and has budgeted \$72,120.00 to cover the costs for 240.4 miles of trail; and
11

12 WHEREAS, the Planning and Zoning Department has provided the County Board with a
13 trail system map showing the 240.4 miles of trail that are included in the Manitowoc County public
14 snowmobile trail system;
15

16 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
17 county of Manitowoc approves the trail system map provided by the Planning and Zoning
18 Department; and
19

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

26 BE IT FURTHER RESOLVED that the Planning and Zoning Director is authorized to sign
27 documents and take the actions necessary to undertake, direct, and complete the 2022-2023
28 Snowmobile Trail Aids Program; and
29

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

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

Dated this 26th day of April 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. \$72,120.00 is included in the 2023 approved budget. The State of Wisconsin reimburses Manitowoc County the total amount spent on the program.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Zimmer to adopt Resolution 2022/2023-8 Authorizing 2022-2023 Snowmobile Trail Aids for Bridge Development. Upon vote, the motion carried unanimously.

No. 2022/2023 - 8

RESOLUTION AUTHORIZING 2022-2023 SNOWMOBILE TRAIL AIDS FOR BRIDGE DEVELOPMENT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, Manitowoc County has completed 49 years of participation in the Wisconsin
5 Snowmobile Trail Aids Program by acquiring, developing, insuring, and maintaining public
6 snowmobile trails in the county in accordance with Wisconsin Department of Natural Resources
7 (“DNR”) standards; and
8

9 WHEREAS, Manitowoc County is eligible to continue its participation in the Snowmobile
10 Trail Aids Program and the State of Wisconsin will cover the cost share percentage of 100% for
11 Snowmobile Trail Aid to cover the costs for trail maintenance and bridge construction; and
12

13 WHEREAS, the Collins Paradise snowmobile club and the Planning and Zoning
14 Department have identified the location of a proposed snowmobile bridge needed to cross a
15 tributary to the Mud Creek adjacent to CTH W and have provided the county board of supervisors

16 of the county of Manitowoc with a map showing the bridge development project within the
17 Snowmobile Trail Aids Program;

18
19 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
20 county of Manitowoc approves the bridge development provided by the Planning and Zoning
21 Department; and

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

28
29 BE IT FURTHER RESOLVED that the Planning and Zoning Director is authorized to sign
30 documents and take the actions necessary to undertake, direct, and complete the 2022-2023
31 Snowmobile Trail Aid Grant for bridge development; and

32
33 BE IT FURTHER RESOLVED that upon completion of acquisition and development of
34 the snowmobile trail bridge through the Snowmobile Trail Aids Program, the bridge will be
35 designated as a public snowmobile trail bridge; and

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

Dated this 26th day of April 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. \$82,200.00 is included in the 2022 approved budget.
The State of Wisconsin reimburses Manitowoc County the total amount
spent on the program.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Gerroll gave a brief report.

Miscellaneous - Board of Health and Personnel Committee: Supervisor Metzger moved, seconded
by Supervisor Muench to adopt Resolution 2022/2023-9 Authorizing Addition of 0.14 Full-Time
Equivalent Health Department Employee (Sanitarian). Upon vote, the motion carried
unanimously.

**RESOLUTION AUTHORIZING ADDITION OF 0.14 FULL-TIME
EQUIVALENT HEALTH DEPARTMENT EMPLOYEE
(Sanitarian)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Health Department is currently allocated a 0.86 FTE environmental health
2 technician position; and

3
4 WHEREAS, the 0.86 FTE environmental health technician position will soon become
5 vacant; and

6
7 WHEREAS, the last DATCP agent evaluation indicated that the facility per employee
8 workload was too high; and

9
10 WHEREAS, the Health Department's contract with the state of Wisconsin requires that
11 any new agents are registered sanitarians or become registered sanitarians within five years of hire;
12 and

13
14 WHEREAS, converting the 0.86 FTE environmental health technician position to a 1.0
15 FTE sanitarian position will assist with workload issues identified by DATCP; and

16
17 WHEREAS, after careful consideration and review, the Board of Health and Personnel
18 Committee support converting the 0.86 FTE environmental health technician position to a 1.0 FTE
19 sanitarian;

20
21 NOW, THEREFORE, BE IT RESOLVED that the number of authorized full-time Health
22 Department positions is increased by 0.14 FTE positions by converting the 0.86 FTE
23 environmental health technician position to a 1.0 FTE sanitarian position; and

24
25 BE IT FURTHER RESOLVED that the 2022 Full-Time Equivalent Report (FTE) by
26 Department included in the 2022 Adopted Annual Budget Book is amended accordingly and that
27 the Finance Director is directed to record such information in the official books of the County for
28 the year ending December 31, 2022 as may be required.

Dated this 26th day of April 2022.

Respectfully submitted by the Board of Health and Personnel Committee.

FISCAL IMPACT: Total annual cost of the FTE increase is estimated to be \$7,574.

APPROVED: Bob Ziegelbauer, County Executive.

ANNOUNCEMENTS – Chairperson Martell announced the Wisconsin Counties Association conference will be held September 18 – 20, 2022 and supervisors who have interest in attending to contact him.

ADJOURNMENT

Supervisor Gerroll moved to adjourn, seconded by Supervisor Engelbrecht, and the motion was adopted by acclamation. The meeting adjourned at 7:03 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=sB8k7SK-Uas>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, May 17, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 17th day of May 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Zimmer gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 22 members present: Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Maresh, Martell, Metzger, Muench, Naidl, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisors Baumann, Linsmeier, and Neils were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Heller, the April 26, 2022 meeting minutes were approved on a unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Honoring the Roncalli Jost Division 4 State Boys Basketball Champions. Coach Garceau thanked the board for the honor.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Proclaiming June Dairy Month to the Breakfast on the Farm hosts Grotegut Farms. Doug Grotegut thanked the board for the proclamation and invited everyone to join them on June 12 for Breakfast on the Farm.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:09 p.m.

Maura Jost, Town of Centerville, advocated for half cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:14 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointments of Todd Blaser and Justin Hansen to the Traffic Safety Commission. Supervisor Falkowski moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Board of Health: Supervisor Metzger gave a brief report.

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

Finance Committee: Supervisor Hansen gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.

Public Safety Commission: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Gerroll gave a brief report.

ANNOUNCEMENTS – Chairperson Martell announced there would be an ice cream social before the June meeting, along with taking the 2022-2024 County Board photo.

ADJOURNMENT

Supervisor Muench moved to adjourn, seconded by Supervisor Heller, and the motion was adopted by acclamation. The meeting adjourned at 6:32 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=IMJ-rwsBQQU>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, June 21, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 21st day of June 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Klein gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 23 members present: Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisors Baumann and Behnke were excused.

On a motion by Supervisor Vogt, seconded by Supervisor Engelbrecht, the May 17, 2022 meeting minutes were approved on a unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Public Works Director Gerry Neuser presented an Expo Overview and 2021 Results of Operation Report. Expo Facility Manager Jennell Shelton provided highlights and sponsorships of the upcoming Manitowoc County Fair, which will take place August 24-28, 2022 with the theme "Summer Nights and Carnival Lights". Tess Salm, Manitowoc County 2022 Fairest of the Fair provided information about a few events that will be at the fair this year.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:20 p.m.

Maura Jost, Town of Centerville, advocated for half cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:24 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of David Wetenkamp as Soil and Water Conservation Director. Supervisor Maresh moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Kenneth Schuler to the Board of Adjustment for a three year term expiring July 2025. Supervisor Neils moved,

seconded by Supervisor Hansen to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of David Funkhouser and Brian Kohlmeier to the Joint Dispatch Board for a two year term expiring June 2024. Supervisor Falkowski moved, seconded by Supervisor Phipps to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of Jamie Zastrow, Alternate) Elizabeth Runge, and Alternate) Adam Tegen to the Northeast Wisconsin Regional Economic Partnership for a one year term expiring July 2023. Supervisor Vogt moved, seconded by Supervisor Heller to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of David Korinek to the Planning and Park Commission for a seven year term expiring July 2029. Supervisor Zimmer moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Planning & Park Commission: Supervisor Falkowski gave a brief report.

Supervisor Falkowski moved, seconded by Supervisor Zimmer to enact Ordinance 2022/2023-10 Amending Zoning Map (Larry Krueger). Upon vote, the motion carried unanimously.

No. 2022/2023 - 10

ORDINANCE AMENDING ZONING MAP

(Larry Krueger)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on May 23, 2022; and
3

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

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

11 A parcel of land located in part of the Southwest Quarter (SW1/4) of the Southeast Quarter
12 (SE1/4) of Section Eleven (11), Township Twenty (20) North, Range Twenty-One (21) East, Town
13 of Maple Grove, Manitowoc County, Wisconsin described as follows:
14

15 Commencing at the Southeast Corner of said Section 11; thence N89°-49'-47"W
16 along the South line of the SE1/4 of said Section 11, a distance of 1591.61 feet;

17 then Northwesterly 50.67 along the centerline of Marquette Rd and the arc of a
18 curve to the right, having a radius of 355.34 and a chord which bears N85°-44'-
19 41''W 50.62 to the point of beginning; thence continue Northwesterly 227.47 along
20 said centerline and the arc of a curve to the right, having a radius of 355.34 and a
21 chord which bears N63°-19'-16''W 223.61 feet; thence N00°-06'-46''E 192.52 feet;
22 thence S89°-49'-47''E 200.00 feet; thence S00°-06'-46''W 292.33 feet to the
23 centerline of Marquette Rd and the point of beginning, said parcel containing
24 approximately 51,189 square feet (1.175 acres) of land and is hereby rezoned from
25 Exclusive Agriculture (EA) District to Rural Residential (RR) District.

26
27 and

28
29 A parcel of land located in part of the Southwest Quarter (SW1/4) of the Southeast Quarter
30 (SE1/4) of Section Eleven (11), Township Twenty (20) North, Range Twenty-One (21) East, Town
31 of Maple Grove, Manitowoc County, Wisconsin described as follows:

32
33 Commencing at the South Quarter Corner of said Section 11; thence N00°-11'-
34 13''W along the West line of the SE1/4 of said Section 11, a distance of 905.36 feet
35 to the centerline of Marquette Rd. and the point of beginning; thence continue N00°-
36 11'-13''W along said West line, a distance of 427.38 feet to the North line of the
37 SW1/4 of said SE1/4; thence S89°-28'-42''E along said North line, a distance of
38 155.00 feet; thence S00°-11'-13''E 585.25 feet to the centerline of Marquette Rd;
39 thence N44°-18'-49''W 222.61 feet point of beginning, said parcel containing
40 approximately 78,472 square feet (1.801 acres) of land and is hereby rezoned from
41 Exclusive Agriculture (EA) District to Rural Residential (RR) District.

Dated this 21st day of June 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance 2022/2023-11 Amending Zoning Map (McHugh Bros. Holding LLC). Upon vote, the motion carried unanimously.

No. 2022/2023 - 11

ORDINANCE AMENDING ZONING MAP
(McHugh Bros. Holding LLC)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on March 28, 2022 and May 23,
3 2022; and

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

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

11
12 A parcel of land in part of Lots 3, 4, and 5 of J.G. Scheuer and Others Subdivision of
13 Government Lot 3, also being situated in Government Lot 3 of Section 11, Township 21 North,
14 Range 24 East, Town of Two Creeks, Manitowoc County, Wisconsin further described as follows:

15
16 Commencing from the South 1/4 Corner of said Section 11; thence N00°29'59"E
17 along the East line of the SW 1/4 of said Section 11 a distance of 2,126.23 feet;
18 thence S89°30'01"E a distance of 1,710.90 feet to the Southwest Corner of Certified
19 Survey Map document Number 602963, Volume 10, Page 649 also being the Point
20 of Beginning; thence N61°43'08"E a distance of 225.39 feet along the South Line
21 of said Certified Survey Map; thence continuing along said South Line
22 N86°29'16"E a distance of 212.43 feet to a Meander Line being S86°29'16"W a
23 distance of ±54 feet to the Ordinary High Water Mark of Lake Michigan; thence
24 S22°27'31"W a distance of 154.84 feet along said Meander line; thence continuing
25 along said Meander Line S10°10'09"E a distance of 779.64 feet to end of said
26 meander line being N89°53'38"W a distance of ±21 from said Lake Michigan;
27 thence N89°53'38"W a distance of 393.25 feet to the Center of Lakeshore Road;
28 thence N06°54'44"W a distance of 795.74 feet along said Center of Lakeshore Road
29 to the Point of Beginning, said parcel having an area of approximately 348,757
30 Square Feet (8.006 Acres) and is hereby rezoned from Large Estate (LE) District
31 to Small Estate (SE) District.

Dated this 21st day of June 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Aging and Disability Board: Supervisor Wagner gave a brief report.

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

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

Finance Committee: Supervisor Hansen gave a brief report. Supervisor Hansen moved, seconded by Supervisor Brey to adopt Resolution 2022/2023-12 Denying Claim (State Farm Mutual Automobile Insurance Company/Laurie Titus). Upon vote, the motion carried unanimously.

No. 2022/2023 - 12

RESOLUTION DENYING CLAIM
(State Farm Mutual Automobile Insurance Company/Laurie Titus)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, State Farm Mutual Automobile Insurance Company made a claim with
2 Manitowoc County on April 4, 2022 seeking reimbursement for repairs to a vehicle owned by its
3 insured (Laurie Titus) purportedly caused by being rear-ended by a Manitowoc County volunteer;
4 and

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

8
9 WHEREAS, the insurance carrier has reviewed the information provided, investigated the
10 facts, and determined that Manitowoc County should deny the claim; and

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

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

Dated this 21st day of June 2022.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Gerroll gave a brief report.

Human Service Board: Supervisor Brey gave a brief report.

Land Conservation Committee/UW-Extension Education and Agriculture Committee:
Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.
Supervisor Maresh moved, seconded by Supervisor Hansen to enact Ordinance 2022/2023-13 Amending Manitowoc County Code § 5.06 (Elected Official Compensation). Upon vote, the motion carried unanimously.

No. 2022/2023 - 13

ORDINANCE AMENDING MANITOWOC COUNTY CODE § 5.06
(Elected Official Compensation)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, in October of 2017, Manitowoc County codified its policy on how to establish
2 the salary of elected officials; and
3

4 WHEREAS, the method used by Manitowoc County to establish such salaries is the same
5 used to determine the salaries of non-elected officials so there is a consistent and fair basis upon
6 which to make such recommendations to the County Board, which accurately reflects both the
7 complexity of work performed and the local labor market; and
8

9 WHEREAS, at the time the policy was adopted, the following guidelines were used to
10 implement the policy:
11

- 12 (1) Elected offices that are below 85% of the maximum of the wage band would be
13 increased by a maximum of 5.0% each year until the 85% mark is met; and
14
15 (2) Elected offices that are above 85% of the maximum of the wage band will be frozen
16 at the current rate until future increases in the wage schedule cause the
17 compensation for the elected office to meet the 85% level
18

19 and
20

21 WHEREAS, despite being used since adoption of the policy, the guidelines have not been
22 included in the policy to date; and
23

24 WHEREAS, after careful consideration and review, the Personnel Committee recommends
25 including the guidelines in the adopted policy that is used to determine the salaries of non-elected
26 officials;
27

28 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
29 ordain as follows:
30

31 Manitowoc County Code § 5.06(3)(a) is amended to read as follows:
32

33 (a) The recommended salary shall be 85% of the wage band for the first year
34 of an elected official's term, except for the County Clerk. The
35 recommended salary for the County Clerk shall be 85% of the wage band
36 plus \$1,000.00. If the salary for an elected official is below 85% of the
37 wage band, an increase of no more than 5% will be added to that salary until
38 the salary equals 85%. If the salary for an elected official is above 85% of
39 the wage band, the salary will be frozen at the current rate until future
40 increases in the wage schedule cause the salary to meet the 85% level.

41
42 and

43
44 BE IT FURTHER ORDAINED that if applicable, the table of contents shall be updated to
45 reflect this amendment; and

46
47 BE IT FURTHER ORDAINED that this ordinance shall be effective upon publication.

Dated this 21st day of June 2022.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Linsmeier to approve Resolution 2022/2023-14 Amending Employee Policy Manual §§ 4.08, 8.01, 12.05, 14.09, 18.02, and 18.06 (Criminal Background Investigations, Policy on Harassment in the Work Place, Leaves of Absence, Employment Discrimination or Service Delivery Grievances, Overtime, Field Training Officer Premium). Upon vote, the motion carried unanimously.

No. 2022/2023 - 14

**RESOLUTION AMENDING EMPLOYEE POLICY MANUAL §§ 4.08,
8.01, 12.05, 14.09, 18.02, AND 18.06**

(Criminal Background Investigations, Policy on Harassment in the Work Place,
Leaves of Absence, Employment Discrimination or Service Delivery Grievances,
Overtime, Field Training Officer Premium)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3
4 WHEREAS, Section 4.08 (Criminal Background Investigations) of the Employee Policy
5 Manual establishes the rules and guidelines Manitowoc County uses when conducting pre-
6 employment criminal background checks; and

7

8 WHEREAS, Section 8.01 (Policy on Harassment in the Work Place) of the Employee
9 Policy Manual establishes the rules and guidelines regarding harassment in the work place; and
10

11 WHEREAS, Section 12.05 (Leaves of Absence) of the Employee Policy Manual
12 establishes the rules and guidelines regarding unpaid leave of absence for employees; and
13

14 WHEREAS, Section 14.09 (Employment Discrimination or Service Delivery Grievances)
15 provides the current procedure for employees to use when a grievance alleges discrimination; and
16

17 WHEREAS, Section 18.02 (Overtime) provides guidelines on the payment of overtime;
18 and
19

20 WHEREAS, Section 18.06 (Field Training Officer Premium) provides the guidelines the
21 County uses for premium pay for field training officers in the Sheriff's Office and Joint Dispatch
22 Center; and
23

24 WHEREAS, amendments must be made to the Employee Policy Manual from time-to-time
25 to keep policies current, reflect current practice, and address new issues and circumstances; and
26

27 WHEREAS, the proposed revision to Section 4.08 (Criminal Background Investigations)
28 clarifies retention practices for background check information and aligns the Policy Manual with
29 the way the County currently handles re-hired seasonal employees; and
30

31 WHEREAS, the proposed revision to Section 8.01 (Policy on Harassment in the Work
32 Place) updates the harassment complaint procedure to remove the limitation of "sexual"
33 harassment, provides a complaint procedure for all forms of harassment, removes reference to
34 Civil Rights Timeline, and adds timely resolution language; and
35

36 WHEREAS, the proposed revision to Section 12.05 (Leaves of Absence) is in response to
37 an occasion where a new employee with no paid time off available ends up with a mandated
38 quarantine and would exclude quarantine days from being deducted from an employee's unpaid
39 leave bank and allow the County Executive to approve additional days if necessary; and
40

41 WHEREAS, the policy in Section 14.10 (Employment Discrimination or Service Delivery
42 Grievances) is not applicable to a Civil Rights Compliance Plan, rather such policy will be covered
43 under Section 8.02 as proposed herein and therefore the current Section 14.10 can be repealed; and
44

45 WHEREAS, the proposed revision to Section 18.02 (Overtime) updates the policy to
46 include additional authorized emergency response units in the Sheriff's Office including "Drone"
47 and "Mobile Field Force"; and
48

49 WHEREAS, the proposed revision to Section 18.06 (Field Training Officer Premium)
50 clarifies the policy and reflects current practice that employees are assigned as field training
51 officers rather than being "designated"; and
52

53 WHEREAS, after careful consideration and review, the Personnel Committee recommends
54 approval of the following amendments to the Manitowoc County Employee Policy Manual;
55

56 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
57 county of Manitowoc amends Section 4.08 (Criminal Background Investigations) of the
58 Manitowoc County Employee Policy Manual as follows:
59

60 Employee Policy Manual § 4.08 (Criminal Background Investigations) is amended to read as
61 follows:
62

63 4.08 Criminal Background Investigations
64

65 All persons ~~applying~~considered for a position with Manitowoc County will be asked to
66 sign a release to allow a criminal background check to be conducted. Certain other County
67 positions may be required to complete a background check with other agencies and in cases
68 such as this the law or regulation shall prevail as to what type of background check is done.
69 An unconditional offer of employment shall never be made prior to conducting the criminal
70 background investigation. In accordance with Manitowoc County's Civil Rights
71 Compliance Plan, applicants cannot be discriminated against on the basis of past
72 convictions unless the conviction was for a charge that is substantially related to the job
73 for which he/she is applying. In determining whether the criminal conviction is
74 substantially related, the length of time between the conviction and the application, the
75 nature of the offense, and comparing the general circumstances of the crime to the
76 likelihood of those circumstances being duplicated in the workplace shall be considered.
77

78 Criminal history information collected under this policy shall be kept in the confidential
79 personnel file or electronic equivalent of the employee. For those candidates not hired, the
80 criminal history information will be kept with the hiring packet and discarded based on
81 retention requirements. The information shall be used for the sole purpose of evaluation
82 of the candidate and shall only be disclosed as permitted or required by law.
83

84 If the candidate had a criminal background investigation completed by Manitowoc County
85 within the last 12 months and the results are satisfactory for the position(s) for which they
86 are applying, a subsequent investigation may be waived at the discretion of the Personnel
87 Department.
88

89 Criminal background checks for volunteers are not covered under this policy. Volunteer
90 background check requirements are covered under Section 25.05 (1)(c) of this manual.
91

92 and
93

94 BE IT FURTHER RESOLVED that the county board of supervisors of the county of
95 Manitowoc amends Section 8.01 (Policy on Harassment in the Work Place) of the Manitowoc
96 County Employee Policy Manual as follows:
97

98 Employee Policy Manual § 8.02 (Policy on Harassment in the Work Place) is amended to read as
99 follows:

100
101 8.02 Policy on Harassment in the Work Place

102
103 ...

104
105 (5) Complaint Procedure: Any employee who believes that he/she has been the subject
106 of ~~sexual~~ harassment should immediately report the matter to any of the following:
107 their supervisor, department director, manager, any other County management
108 person, or the Personnel Department. Manitowoc County forbids retaliation against
109 anyone for reporting ~~sexual~~ harassment or otherwise assisting in the investigation
110 of a ~~sexual~~ harassment complaint.

111
112 (6) It is the policy of Manitowoc County to investigate all complaints of ~~sexual~~
113 harassment thoroughly and promptly. Manitowoc County will, to the greatest
114 extent possible, maintain the confidentiality of those involved in the investigation.
115 If the investigation confirms that ~~sexual~~ harassment has occurred, Manitowoc
116 County will take appropriate disciplinary action, up to and including discharge of
117 the harassing employee(s).

118
119 ...

120
121 (8) Informal Complaints: Employees may wish to bring issues of harassment to
122 management's attention in an informal manner. The management representative
123 will conduct a thorough review to determine the nature, extent and merit of the
124 employee's complaint. If further review is warranted, the management
125 representative shall contact the Personnel Director. Following the course of the
126 investigation, an appropriate course of action will be recommended. The person
127 conducting the review shall follow-up with the employee making the complaint to
128 advise the employee of the conclusion of the investigation. ~~The time line for the~~
129 ~~investigation of complaints of sexual harassment is identical to any complaint filed~~
130 ~~under the County's Civil Rights Compliance Plan.~~

131
132 (9) Formal Complaint: Employees represented by a Union and covered by a collective
133 bargaining agreement that contains a grievance procedure may file complaints
134 through the grievance procedure outlined in the collective bargaining agreement.
135 Other employees ~~have access to the grievance procedure detailed in this~~
136 ~~manual~~ wishing to file a formal complaint should contact the Personnel Department
137 for the appropriate form. The Personnel Department along with Corporation
138 Counsel will conduct a thorough review to determine the nature, extent and merit
139 of the employee's complaint. The Personnel Department shall follow-up with the
140 employee making the complaint to advise the employee of the conclusion of the
141 investigation. Employees who are not familiar with these procedures may obtain a
142 copy and/or explanation of the process which affects them through their union
143 representatives, department supervisors or the Personnel Department.

144
145 (10) All complaints will be investigated promptly and, where investigation confirms that
146 this policy has been violated, appropriate action will be taken in a timely fashion.
147 Employees will be protected against retaliation and their complaints will be treated
148 confidentially.

149
150 (11) Complaints can also be filed with various State and Federal agencies, including the
151 Equal Rights Division, the Equal Employment Opportunity Commission, the U.S.
152 Department of Health and Human Services, the Office of Federal Contract
153 Compliance and the U.S. Department of Justice.

154
155 and

156
157 BE IT FURTHER RESOLVED that the county board of supervisors of the county of
158 Manitowoc amends Section 12.05 (Leaves of Absence) of the Manitowoc County Employee
159 Policy Manual as follows:

160
161 Employee Policy Manual § 12.05(2) (Leaves of Absence) is amended to read as follows:

162
163 12.05 Leaves of Absence

164
165 (2) Up to ten (10) days of unpaid leave may be granted by the Department Director, or
166 in the case of a Department Director requesting a leave of absence, by the County
167 Executive. Unpaid leave required for quarantine as recommended by a County
168 Health Department or Physician is not counted against these days. Additional
169 unpaid days may be approved by the County Executive. While it is understood that
170 the general policy of Manitowoc County is that employees must exhaust all paid
171 leave prior to going on an unpaid leave, discretion may be granted in cases where
172 granting the leave of absence is for the purpose of furthering knowledge, skills, and
173 abilities for the benefit of the department in which the individual is employed.

174
175 and

176
177 BE IT FURTHER RESOLVED that the county board of supervisors of the county of
178 Manitowoc amends Section 14.09 (Employment Discrimination or Service Delivery Grievances)
179 of the Manitowoc County Employee Policy Manual as follows:

180
181 Employee Policy Manual § 14.10 (Employment Discrimination or Service Delivery Grievances)
182 is repealed and deleted in its entirety as follows:

183
184 ~~14.10 Employment Discrimination or Service Delivery Grievances~~

185
186 ~~The county's Civil Rights Compliance Plan contains informal and formal procedures for~~
187 ~~employees to use when a grievance alleges discrimination or a violation of the county's~~
188 ~~commitment to Equal Opportunity in Employment and Service Delivery.~~

189

190 and

191

192 BE IT FURTHER RESOLVED that the county board of supervisors of the county of
193 Manitowoc amends Section 18.02 (Overtime) of the Manitowoc County Employee Policy Manual
194 as follows:

195

196 Employee Policy Manual § 18.02(2)(d) (Overtime) is amended to read as follows:

197

198 (d) For time actually worked during a call-out of the Special Operations Squad,
199 Scuba Team, ~~and Canine Unit~~ or other County authorized emergency
200 response unit.

201

202 and

203

204 BE IT FURTHER RESOLVED that the county board of supervisors of the county of
205 Manitowoc amends Section 18.06 (Field Training Officer Premium) of the Manitowoc County
206 Employee Policy Manual as follows:

207

208 Employee Policy Manual § 18.06 (Field Training Officer Premium) is amended to read as follows:

209

210 18.06 Field Training Officer Premium

211

212 Sheriff's Department and Joint Dispatch Center employees who are assigned by a
213 supervisor to train others or act as a designated ~~as~~ field training officers may elect to receive
214 one hour of pay or one hour of adjustment time for every 8 hours worked as a field training
215 officer.

Dated this 21st day of June 2022.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Commission: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Gerroll gave a brief report.

Miscellaneous - Supervisor Ryan Phipps: Supervisor Phipps moved, seconded by Supervisor Zimmer to adopt Resolution 2022/2023-15 Approving Town of Newton Zoning Ordinance Amendment (Richard and Joan Waak). Upon vote, the motion carried unanimously.

No. 2022/2023 - 15

**RESOLUTION APPROVING TOWN OF NEWTON ZONING
ORDINANCE AMENDMENT
(Richard and Joan Waak)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

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

11 WHEREAS, the Town of Newton amended its zoning ordinance on May 11, 2022 by
12 rezoning a 2.90 acre parcel of property owned by Richard and Joan Waak from A-3 (Farmland
13 Preservation) District to A-2 (General Agriculture) District in accordance with Wis. Stat. § 60.62;
14 and
15

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

20 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
21 county of Manitowoc approves the Town of Newton's zoning ordinance amendment that rezones
22 that certain 2.90 acre parcel of property owned by Richard and Joan Waak from A-3 (Farmland
23 Preservation) District to A-2 (General Agriculture) District and was adopted by the Town Board
24 of Newton on May 11, 2022.

Dated this 21st day of June 2022.

Respectfully submitted by Ryan Phipps, Supervisor, District 11.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

ADJOURNMENT

Supervisor Heller moved to adjourn, seconded by Supervisor Maresh, and the motion was adopted by acclamation. The meeting adjourned at 7:00 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:
https://www.youtube.com/watch?v=6xn_2UGCmR0

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, July 19, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 19th day of July 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Heller gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 21 members were present at the time of voting for ordinances and resolutions: Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer (6:25pm). Supervisors Baumann, Hansen, and Muench were excused.

On a motion by Supervisor Maresh, seconded by Supervisor Heller, the June 21, 2022 meeting minutes were approved on a unanimous vote.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:02 p.m.

No one present wished to speak, subsequently Chairperson Martell closed public input at 6:02 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of Theresa Becker to the Joint Dispatch Board for a two year term expiring August 2024. Supervisor Vogt moved, seconded by Supervisor Falkowski to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Planning & Park Commission: Supervisor Falkowski gave a brief report.

Supervisor Falkowski moved, seconded by Supervisor Vogt to enact Ordinance 2022/2023-16 Amending Zoning Map (Philip G. and Mary J. Franz Revocable Living Trust). Upon vote, the motion carried unanimously.

ORDINANCE AMENDING ZONING MAP
(Philip G. and Mary J. Franz Revocable Living Trust)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on June 27, 2022; and
3

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

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

11 A parcel of land in part of the Southwest 1/4 of the Southeast 1/4, Section 11, T.19 N. -
12 R.22 E., Town of Cato, Manitowoc County, Wisconsin described as follows:
13

14 Beginning at the South 1/4 of Section 11; thence along the westerly line of the SE
15 1/4 North 0°10'08" West 1,315.27 feet; thence North 89°49'22" East 1,311.58 feet;
16 thence South 0°04'00" West 616.16 feet to the northeast corner of Lot 1 Certified
17 Survey Map Volume 32 Page 275; thence along the northerly line of said Lot 1
18 South 89°38'32" West 627.00 feet; thence along the westerly line of said Lot 1
19 South 0°03'58" West 695.00 feet to the southerly line of the SE 1/4; thence along
20 said line South 89°38'32" West 679.21 feet to the point of beginning; said parcel
21 containing approximately 29.45 acres of land and is hereby rezoned from Exclusive
22 Agriculture (EA) District to General Agriculture (GA) District.

Dated this 19th day of July 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Maresh to enact Ordinance 2022/2023-17 Amending Zoning Map (A. Daniel Klemme Revocable Living Trust). Upon vote, the motion carried unanimously.

ORDINANCE AMENDING ZONING MAP
(A. Daniel Klemme Revocable Living Trust)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on June 27, 2022; and
3

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

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

11 A parcel of land in part of the Southwest Quarter (SW1/4) of the Northeast Quarter (NE1/4)
12 of Section 14, Township 17 North, Range 21 East, Town of Schleswig, Manitowoc County,
13 Wisconsin and being described as follows:
14

15 Commencing at the North Quarter Corner of said Section 14; thence S00°-12'-58"W
16 along the West line of the NE1/4 of said Section 14, a distance of 1353.73 feet to
17 the point of beginning; thence S89°-47'-02"E 233.00 feet; thence S00°-12'-58"W
18 309.50 feet; thence S61°-14'-56"W 266.32 feet to the West line of the NE1/4 of said
19 Section 14; thence N00°-12'-58"E along said West line 438.48 feet to the point of
20 beginning; said parcel containing approximately 87,140 square feet (2.00 acres) of
21 land and is hereby rezoned from General Agriculture (GA) District to Rural
22 Residential (RR) District.

Dated this 19th day of July 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance 2022/2023-
18 Amending Zoning Map (Chad Koepfel). Upon vote, the motion carried unanimously.

ORDINANCE AMENDING ZONING MAP
(Chad Koepfel)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on June 27, 2022; and
3

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

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

11 A parcel of land located in the SE 1/4 of the SW 1/4 of Section 21, T.20N., R.23E., Town
12 of Kossuth, Manitowoc County, Wisconsin being part of Lot 2 of a Certified Survey recorded in
13 Volume 28, Page 287, described as follows:
14

15 Commencing at the South 1/4 corner of said Section 21, thence S87°45'45"W along
16 the section line 789.88 feet to the point of real beginning, thence continue
17 S87°45'45"W along said section line 255.00 feet to the west line of said Lot 2,
18 thence N00°07'16"W along said west line 250.00 feet, thence N87°45'45"E 255.00
19 feet, thence S00°07'16"E 255.00 feet to the point of real beginning, said parcel
20 containing approximately 1.46 acres (63,696 square feet) of land and is hereby
21 rezoned from Large Estate Residential (LE) District to Rural Residential (RR)
22 District.

Dated this 19th day of July 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Neils to enact Ordinance 2022/2023-19 Amending Zoning Map (Brian R. and Kelly J. Wimmer). Upon vote, the motion carried unanimously.

ORDINANCE AMENDING ZONING MAP
(Brian R. and Kelly J. Wimmer)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on June 27, 2022; and
3

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

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

11 A parcel of land in part of the NE 1/4 of the NE 1/4 of Section 25, Town 20 North, Range
12 23 East, Town of Kossuth, Manitowoc County, Wisconsin, described as follows:
13

14 Commencing at the NE Corner of said Section 25; Thence S 89°49'49" W, 45.00
15 feet to the point of beginning; Thence continuing S 89°49'49" W, 1270.48 feet;
16 Thence S 00°00'48" W, 752.61 feet; Thence N 89°48'37" E, 908.74 feet; Thence
17 N 00°14'08" W, 407.30 feet; Thence N 89°45'52" E, 365.00 feet; Thence
18 N 00°14'08" W, 344.55 feet to the point of beginning, said parcel containing
19 approximately 808,396 Square Feet (18.558 Acres) of land and is hereby rezoned
20 from Large Estate Residential (LE) District to General Agriculture (GA) District.

Dated this 19th day of July 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Aging and Disability Board: Supervisor Wagner gave a brief report.

Board of Health: Supervisor Metzger gave a brief report.

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

Finance Committee: Supervisor Brey gave a brief report.

Supervisor Brey moved, seconded by Supervisor Falkowski to adopt Resolution 2022/2023-20 Designating Manitowoc County as the County Public Safety Answering Point. Upon vote, the motion carried unanimously.

**RESOLUTION DESIGNATING MANITOWOC COUNTY AS THE
COUNTY PUBLIC SAFETY ANSWERING POINT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, every municipal and state agency that provides fire suppression, law
2 enforcement, and EMS, may establish a 911 system; and
3

4 WHEREAS, most counties in the state operate a Public Safety Answering Point (PSAP) to
5 meet the needs of their citizens; and
6

7 WHEREAS, the 2017-2019 Wisconsin state budget required the Department of Military
8 Affairs to create an emergency services IP network to be provided to all PSAPs; and
9

10 WHEREAS, this digital network is essential in transitioning the state's 911 system from
11 an analog system to an advanced NextGeneration 911 system; and
12

13 WHEREAS, 2019 Wis. Act 26 created a PSAP grant program aimed to provide grant
14 dollars for advanced training of telecommunicators; equipment or software expenses; and
15 incentives to consolidate some or all of the functions of two or more PSAPs; and
16

17 WHEREAS, 2019 Wis. Act 26 requires that only one PSAP per county receive the grant
18 funds; and
19

20 WHEREAS, 2019 Wis. Act 26 provides that the county board of supervisors will determine
21 the grant recipient in the county;
22

23 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
24 county of Manitowoc does hereby designate the Manitowoc County Public Safety Answering
25 Point as the receiving PSAP for the purposes of 2019 Wisconsin Act 26 grant funds or federal
26 grant opportunities.

Dated this 19th day of July 2022.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Human Service Board: Supervisor Brey gave a brief report.

Land Conservation Committee/UW-Extension Education and Agriculture Committee:

Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.

Public Safety Commission: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Gerroll gave a brief report.

ADJOURNMENT

Supervisor Brey moved to adjourn, seconded by Supervisor Gerroll, and the motion was adopted by acclamation. The meeting adjourned at 6:27 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=wxCyrPbAKlo>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, August 16, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 16th day of August 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

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

Roll call: 22 members were present at the time of voting for ordinances and resolutions: Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, and Weiss. Supervisors Baumann, Linsmeier, and Zimmer were excused.

On a motion by Supervisor Behnke, seconded by Supervisor Heller, the July 19, 2022 meeting minutes were approved on a unanimous vote.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:05 p.m.

Rieck Beiersdorf, Town of Meeme, provided information regarding the ordinance for the amendment of the zoning map pertaining to his property.

Maura Yost, Town of Centerville, advocated for a referendum question pertaining to the half-cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:11 p.m.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented Proclamation Declaring September as Juror Appreciation Month to Clerk of Court Director Lynn Zigmunt.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointments of Supervisor James Falkowski and Jill Pope to the Land Information Council for a two year term expiring September 2024. Supervisor Wagner moved, seconded by Supervisor Hansen to approve the appointments. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Planning & Park Commission: Supervisor Falkowski gave a brief report. Supervisor Falkowski moved, seconded by Supervisor Vogt to adopt Resolution 2022/2023-21 Accepting Donation for the Manitowoc County Planning and Parks Commission (Geof and Carla Liban). Upon vote, the motion carried unanimously.

No. 2022/2023 - 21

**RESOLUTION ACCEPTING DONATION FOR THE MANITOWOC
COUNTY PLANNING AND PARKS COMMISSION**
(Geof and Carla Liban)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County parks promote the health and well-being of our
2 community by offering recreational opportunities in a great diversity of geographical landscapes;
3 and
4

5 WHEREAS, Manitowoc County parks provide an opportunity for people to interact with
6 the environment, promoting citizen involvement and a strong sense of community; and
7

8 WHEREAS, Manitowoc County parks facilitate recreational opportunities, meeting the
9 needs of our current and future generations in a manner that is accessible to all while preserving
10 and protecting the County’s open space, water, historical, cultural, and natural resources now and
11 into the future; and
12

13 WHEREAS, Geof and Carla Liban made a donation of \$50,755.00 towards the purchase
14 and installation of a new playground in Lower Cato Falls Park; and
15

16 WHEREAS, after careful consideration and review, the Planning and Park Commission
17 recommends that the donation of Geof and Carla Liban be accepted to assist with the expense and
18 cost associated with the Lower Cato Falls playground;
19

20 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
21 county of Manitowoc accepts the donation from Geof and Carla Liban in the amount of
22 \$50,755.00; and
23

24 BE IT FURTHER RESOLVED that upon receipt of the aforementioned funds, such funds
25 be deposited into the appropriate account designated for the Manitowoc County Parks Department.

Dated this 16th day of August 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. Increases donation revenue and appropriate expense account in the Park Department budget in the amount of the \$50,755.00 donation.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Maresh to adopt Resolution 2022/2023-22 Accepting Donation for the Manitowoc County Planning and Parks Commission (Manitowoc County Fish and Game Protective Association/FORWARD Endowment). Upon vote, the motion carried unanimously.

No. 2022/2023 - 22

**RESOLUTION ACCEPTING DONATION FOR THE MANITOWOC
COUNTY PLANNING AND PARK COMMISSION**
(Manitowoc County Fish and Game Protective Association/FORWARD
Endowment)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County parks promote the health and well-being of our
2 community by offering recreational opportunities in a great diversity of geographical landscapes;
3 and
4

5 WHEREAS, Manitowoc County parks provide an opportunity for people to interact with
6 the environment, promoting citizen involvement and a strong sense of community; and
7

8 WHEREAS, Manitowoc County parks facilitate recreational opportunities, meeting the
9 needs of our current and future generations in a manner that is accessible to all while preserving
10 and protecting the County's open space, water, historical, cultural, and natural resources now and
11 into the future; and
12

13 WHEREAS, the Manitowoc County Fish and Game Protective Association through the
14 FORWARD Endowment made a donation of \$9,070.58 towards the purchase and installation of a
15 new handicap accessible launch pier at the Pigeon Lake public access; and
16

17 WHEREAS, after careful consideration and review, the Planning and Park Commission
18 recommends that the donation of the Manitowoc County Fish and Game Protective Association
19 and FORWARD Endowment be accepted to assist with the expense and cost associated with the
20 Pigeon Lake launch pier replacement;
21

22 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
23 county of Manitowoc accepts the donation from the Manitowoc County Fish and Game Protective
24 Association through the FORWARD Endowment in the amount of \$9,070.58; and
25

26 BE IT FURTHER RESOLVED that upon receipt of the aforementioned funds, such funds
27 be deposited into the appropriate account designated for the Manitowoc County Parks Department.

Dated this 16th day of August 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. Increases donation revenue and appropriate expense account in the Park Department budget in the amount of the \$9,070.58 donation.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Hacker to enact Ordinance 2022/2023-23 Amending Zoning Map (Allen A. and Jeanette Miller Revocable Living Trust). Upon vote, the motion carried unanimously.

No. 2022/2023 - 23

ORDINANCE AMENDING ZONING MAP
(Allen A. and Jeanette Miller Revocable Living Trust)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on July 25, 2022; and
3

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

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

11 A parcel of land in part of the Southwest Quarter (SW1/4) of the Southwest Quarter
12 (SW1/4) of Section Nine (9), Township Seventeen (17) North, Range Twenty-One (21) East,
13 Town of Schleswig, Manitowoc County, Wisconsin, described as follows:
14

15 Commencing at the Southwest Corner of said Section 9; thence N00°-01'-40"E
16 along the west line of the SW1/4 of said Section 9, a distance of 322.39 feet to the
17 northwest corner of Lot 1 of Certified Survey Map, recorded in Volume 18 of
18 Certified Survey Maps on page 3 as Document No. 821616 of Manitowoc County
19 Records and the point of beginning; thence continue N00°-01'-40"E along said west
20 line, a distance of 525.12 feet to the west extension of the south right of way line
21 of Schreiber Rd; thence S84°-36'-29"E along said west extension of and the south
22 right of way line of Schreiber Rd., a distance of 453.13 feet; thence easterly 131.28
23 feet along the arc of a curve to the left and said south right of way line, having a
24 radius of 1188.25 feet and a chord of S87°-46'-23"E 131.21 feet; thence S01°-07'-
25 53"E 473.26 feet to the east extension of the north line of said Lot 1; thence S89°-
26 35'-10"W along said east extension of and the north line of said Lot 1, a distance of
27 591.85 feet to the point of beginning, said parcel containing approximately 291,116

28 square feet (6.683 acres) of land and is hereby rezoned from General Agriculture
29 (GA) District to Large Estate Residential (LE) District.

Dated this 16th day of August 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Neils to enact Ordinance 2022/2023-24 Amending Zoning Map (Rieck and Sandra Beiersdorf). Upon vote, the motion carried unanimously.

No. 2022/2023 - 24

ORDINANCE AMENDING ZONING MAP
(Rieck and Sandra Beiersdorf)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on July 25, 2022; and
3

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

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

11 A parcel of land in part of the East Half (E1/2) of the Southeast Quarter (SE1/4) of the
12 Southwest Quarter (SW1/4) of Section 13, Township 17 North, Range 22 East, Town of Meeme,
13 Manitowoc County, Wisconsin, described as follows:
14

15 Commencing at the South Quarter Corner of said Section 13; thence S89°-13'-47"W
16 along the South line of the SW1/4 of said Section 13, a distance of 452.06 feet to
17 the point of beginning; thence continuing S89°-13'-47"W along said South line
18 208.80 feet to the West line of the E1/2 of the SE1/4 of the SW1/4 of said Section
19 13; thence N00°-36'-14"E along said West line 241.81 feet; thence N89°-13'-47"E
20 208.80 feet; thence S00°-36'-14"W 241.81 feet to the point of beginning, said parcel
21 containing approximately 50,475 square feet (1.16 acres) of land and is hereby
22 rezoned from Exclusive Agriculture (EA) District to Rural Residential (RR)
23 District.

Dated this 16th day of August 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Maresh to enact Ordinance 2022/2023-25 Amending Zoning Map (Edwin Reif). Upon vote, the motion carried unanimously.

No. 2022/2023 - 25

ORDINANCE AMENDING ZONING MAP
(Edwin Reif)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on July 25, 2022; and
3

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

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

11 A parcel of land in part of the Northwest Quarter (NW1/4) of the Northwest Quarter
12 (NW1/4) of Section Twenty-One (21), Township Twenty (20) North, Range Twenty-Three
13 (23) East, Town of Kossuth, Manitowoc County, Wisconsin, described as follows:
14

15 Commencing at the Northwest Corner of said Section 21; thence N88°-22'-35"E
16 along the North line of the NW1/4 of said Section 21, a distance of 406.29 feet to
17 the point of beginning; thence continue N88°-22'-35"E along said North line, a
18 distance of 308.63 feet; thence S24°-39'-17"E 112.23 feet; thence S33°-42'-20"E
19 191.40 feet; thence S88°-22'-35"W 454.20 feet; thence N01°-37'-25"W 265.46 feet
20 to the point of beginning, said parcel containing approximately 99,559 square feet
21 (2.286 acres) of land and is hereby rezoned from Natural Area (NA) District to
22 Small Estate Residential (SE) District.

Dated this 16th day of August 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Aging and Disability Board: Supervisor Wagner gave a brief report.

Executive Committee: Chairperson Martell gave a brief report.

Expo-Ice Center Board: Supervisor Sitkiewitz gave a brief report.
County Executive Bob Ziegelbauer and Chairperson Martell presented Proclamation
Commending Tess Salm Manitowoc County “Fairest of the Fair” to Expo and Fair
Representative Dick Pollen.

Highway Committee: Supervisor Behnke gave a brief report.

Land Conservation Committee/UW-Extension Education and Agriculture Committee:
Supervisor Wagner gave a brief report.

Public Safety Commission: Supervisor Falkowski gave a brief report.
Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to adopt Resolution
2022/2023-26 Authorizing Acceptance of the Tribal and Local Law Enforcement Agency
Initiative Grant Funds. Upon vote, the motion carried unanimously.

No. 2022/2023 - 26

**RESOLUTION AUTHORIZING ACCEPTANCE OF THE TRIBAL AND
LOCAL LAW ENFORCEMENT AGENCY INITIATIVE GRANT FUNDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the State of Wisconsin has allocated \$19 million to Tribal and local Law
2 Enforcement Agencies to make communities safer; and

3
4 WHEREAS, the allocation for each Law Enforcement Agency is based on the size of the
5 population they serve; and

6
7 WHEREAS, the program is intended to provide Law Enforcement Agencies with
8 additional resources to help offset certain costs associated with hiring, training, testing and
9 equipping law enforcement officers, as well as updating certain technology and policies and
10 implementing new crime-reduction initiatives; and

11
12 WHEREAS, Manitowoc County’s allocation of \$77,000 is to be used for recruitment,
13 medical testing, training, wellness and counseling programs, officer equipment, technology,
14 personnel costs and updating use-of-force policies; and

15

16 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
17 county of Manitowoc authorizes the Manitowoc County Sheriff's Office to accept the State of
18 Wisconsin grant funds of \$77,000; and

19
20 BE IT FURTHER RESOLVED that the 2022 budget is amended by the amount of the grant
21 funds allocated and that the Comptroller/Auditor is directed to record such information in the
22 official books of the County for the year ending December 31, 2022 as may be required.

Dated this 16th day of August 2022.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenses by like amounts.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Gerroll gave a brief report.

ADJOURNMENT

Supervisor Brey moved to adjourn, seconded by Supervisor Muench, and the motion was adopted by acclamation. The meeting adjourned at 6:36 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=J5FGR1Wq1Oo>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, September 20, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 20th day of September 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Sitkiewitz gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members were present at the time of voting for ordinances and resolutions: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer.

On a motion by Supervisor Behnke, seconded by Supervisor Engelbrecht, the August 16, 2022 meeting minutes were approved on a unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commemorating the Life and Service of Supervisor Jack Richard Nasep.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Honoring 4-H Week.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Declaring October 2022 Crime Prevention Month.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:14 p.m.

Maura Yost, Town of Centerville, advocated for a half-cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:20 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of Don Weiss to the Manitowoc-Calumet Library System Board of Trustees for a three-year term expiring September 2025. Supervisor Baumann moved, seconded by Supervisor Sitkiewitz to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Planning & Park Commission: Supervisor Falkowski gave a brief report.

Supervisor Falkowski moved, seconded by Supervisor Zimmer to adopt Ordinance 2022/2023-27 Amending Zoning Map (William Schisel and Niccole Holmes). Upon vote, the motion carried unanimously.

No. 2022/2023 - 27

ORDINANCE AMENDING ZONING MAP

(William Schisel and Niccole Holmes)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on August 22, 2022; and
3

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

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

11 A tract of land located in part of the Southwest Quarter (SW1/4) of the Southeast Quarter
12 (SE1/4) of Section Fifteen (15), Township Nineteen (19) North, Range Twenty-Three (23) East,
13 Town of Manitowoc Rapids, Manitowoc County, Wisconsin described as follows:
14

15 Commencing at the South Quarter Corner of said Section 19; thence N00°-42'-
16 54"W along the west line of the Southeast Quarter of said Section 19, a distance of
17 1314.24 feet to the north line of the SW1/4 of said SE1/4; thence N89°-24'-35"E
18 along said north line, a distance of 631.63 feet to the east right of way line of Neuser
19 Dr. and the point of real beginning; thence continue N89°-24'-35"E along said
20 north line, a distance of 680.65 feet to the east line of said SW1/4 of the SE1/4;
21 thence S01°-09'-20"E along said east line, a distance of 509.22 feet to the northerly
22 line of Tract 6 of Certified Survey Map recorded in Volume 28 of Certified Survey
23 Maps on Page 359 as Document No. 1079665 of Manitowoc County Records;
24 thence N80°-40'-50"W along said northerly line, a distance of 161.30 feet; thence
25 S88°-50'40"W along said northerly line, a distance 65.00 feet to the westerly line
26 of said Tract 6; thence S01°-09'-20"E along said westerly line, a distance of 72.20
27 feet to the northerly line of Tract 4 of Certified Survey Map recorded in Volume 27
28 of Certified Survey Maps on Page 307 as Document No. 1048179 of Manitowoc
29 County Records; thence S88°-46'-03"W along the northerly line of said Tract 4, a
30 distance of 11.73 feet; thence S88°-33'-40"W along said northerly line, a distance
31 of 335.35 feet to the east right of way line of Neuser Dr.; thence N52°-42'-57"W
32 along said easterly right of way line, a distance of 16.71 feet; thence Northwesterly
33 235.12 feet along the arc of curve to the right and said easterly right of way line,

34 having a radius of 260.00 feet and a chord which bears N26°-48'-34"W 227.19 feet;
35 thence N00°-54'-10"W along said east right of way line, a distance of 345.30 feet
36 to the point of real beginning, said parcel containing approximately 358,122 square
37 feet (8.221 acres) of land and is hereby rezoned from Rural Residential (RR)
38 District to Commercial Business (CB) District.

Dated this 21st day of September 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Metzger gave a brief report.

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

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

Finance Committee: Supervisor Hansen gave a brief report.

Highway Committee: Supervisor Behnke gave a brief report.

Human Services Board: Supervisor Brey gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.

Public Safety Commission: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Sitkiewitz gave a brief report.

Transportation Coordinating Committee: Supervisor Hacker gave a brief report.

ANNOUNCEMENTS: Chairperson Martell announced the next two County Board meetings will be October 11-County Executive's Budget Presentation and October 31-Annual Meeting and Public Hearing.

ADJOURNMENT

Supervisor Neils moved to adjourn, seconded by Supervisor Falkowski, and the motion was adopted by acclamation. The meeting adjourned at 6:48 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=Bt1s5ctRDh4>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, October 11, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Center, in the City of Manitowoc, being the 11th day of October 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Jadowski gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 21 members were present: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Hacker, Hansen, Heller, Jadowski, Klein, Maresh, Martell, Muench, Naidl, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisors Gerroll, Linsmeier, Metzger, and Neils were excused.

On a motion by Supervisor Baumann, seconded by Supervisor Engelbrecht the September 20, 2022 meeting minutes were approved on a unanimous vote.

Chairperson Martell announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer presented the proposed 2023 budget. Executive Ziegelbauer commented we will raise our tax bills by less than 3% due to the effects of inflation. The 2023 priorities fall into three main categories of combating inflation with an investment in human capital by raising the pay scale up 5% and proceeding with a 5% increase in the health insurance premiums; making a major expansion in the Human Services department designated to get a handle on mental health, child welfare, and the opioid crisis; and the final category of continuing with an aggressive highway maintenance program for 18.2 miles of road resurfacing.

ANNOUNCEMENTS

Chairperson Martell announced the Annual County Board meeting and Public Hearing on the 2023 Budget will be Monday, October 31, 2022 at the Heritage Center.

ADJOURNMENT

Supervisor Brey moved to adjourn, seconded by Supervisor Maresh, and the motion was adopted by acclamation. The meeting adjourned at 6:21 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

**The County Board meeting is available for viewing at:

<https://www.youtube.com/watch?v=kINrW9WJL5I>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Monday, October 31, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Center, in the City of Manitowoc, being the 31st day of October, 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Falkowski gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 25 members were present at the time of voting for ordinances and resolutions: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer.

On a motion by Supervisor Behnke, seconded by Supervisor Engelbrecht, the October 11, 2022 meeting minutes were approved on a unanimous vote.

Chairperson Martell announced there were no changes to the agenda.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

Bryan Grunewald, CLA Representative presented the 2021 Comprehensive Annual Financial Report and 2021 Audit.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment on the County Executive's Proposed 2023 Annual Budget open at 6:32 p.m.

No one present wished to speak regarding the proposed budget, subsequently Chairperson Martell closed public input at 6:33 p.m. on this matter.

Chairperson Martell declared public comment on non-budget issues open at 6:33 p.m.

Maura Yost, Town of Centerville, advocated for a .05% sales tax.

No one else present wished to speak on non-budget issues, subsequently Chairperson Martell closed public input at 6:37 p.m.

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

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

Supervisor Falkowski moved, seconded by Supervisor Muench to adopt Resolution 2022/2023-28 Authorizing County Conservation Aids Grant Application. Upon vote, the motion carried unanimously.

No. 2022/2023 - 28

**RESOLUTION AUTHORIZING COUNTY CONSERVATION AID
GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Planning and Zoning Department wishes to complete
2 upgrades to the park system including installing an extension to the pier at Long Lake (“Project”);
3 and
4

5 WHEREAS, the Manitowoc County Planning and Zoning Department has identified a total
6 cost of \$10,206.00 for this Project; and
7

8 WHEREAS, the Wisconsin Department of Natural Resources (WDNR) has grant funding
9 available through the County Conservation Aids (CCA) program for the installation of fish and
10 game projects under Wis. Stat. § 23.09(12); and
11

12 WHEREAS, the CCA grant program may reimburse fifty percent of the total project cost
13 for eligible projects; and
14

15 WHEREAS, the Planning and Park Commission held a public hearing on October 24, 2022
16 to consider the grant application and after careful consideration and review recommends the
17 Planning and Zoning Department pursue the available grants under the CCA program for the
18 Project;
19

20 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
21 county of Manitowoc authorizes the Planning and Zoning Director, or his designee, to apply for
22 and accept a CCA grant from the WDNR in the total amount of up to \$5,103.00 for the Project;
23 and
24

25 BE IT FURTHER RESOLVED that the Planning and Zoning Director, or his designee, is
26 authorized to sign documents and take actions necessary to accept the grant and complete the
27 Project as authorized in the County’s grant application to the WDNR, including obtaining any
28 permits that may be required; and
29

30 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
31 information in the official books of the County for the year ending December 31, 2022 as may be
32 required with carryover to 2023 as needed.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Increases State Conservation Aid by \$5,103.00 and an associated expense account by an equal amount.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Neils to adopt Resolution 2022/2023-29 Authorizing Grant Application (Carsten’s Lake Public Access). Upon vote, the motion carried unanimously.

No. 2022/2023 - 29

RESOLUTION AUTHORIZING GRANT APPLICATION
(Carsten's Lake Public Access)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Wisconsin Department of Natural Resources has matching grant funding
2 available through its Recreational Boating Facility Program, to assist governmental units in
3 developing boating facilities; and
4

5 WHEREAS, the launch pier, access road and parking area at Carsten’s Lake are in poor
6 condition and do not meet current ADA guidelines; and
7

8 WHEREAS, the Manitowoc County Parks Department proposes to install a new ADA
9 compliant launch pier and repave the access road and parking area (the “Project”) to allow for
10 proper marking of accessible parking; and
11

12 WHEREAS, the Project is estimated to cost \$99,369.00, of which half, or \$49,684.50,
13 could be funded by the Wisconsin Department of Natural Resources through its Recreation
14 Boating Facilities grant program if approved; and
15

16 WHEREAS, after careful consideration and review the Planning and Park Commission
17 recommends the Planning and Zoning Department pursue the available grants under the
18 Recreational Boating Facility Program for the Project;
19

20 NOW, THEREFORE, BE IT RESOLVED the county board of supervisors of the county
21 of Manitowoc authorizes the Planning Director to apply for and accept a Recreational Boating
22 Facility Grant from the Wisconsin Department of Natural Resources for the construction and
23 installation of an ADA approved launch pier and parking lot and access road pavement; and
24

25 BE IT FURTHER RESOLVED that the Planning Director is authorized to sign documents
26 and take the actions necessary to undertake, direct, and complete the Project, including applying
27 for and obtaining any permits that may be required; and
28

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

33
34 BE IT FURTHER RESOLVED that to the extent the grant is awarded and received in
35 2022, revenues and expenses in the Park budget are amended by the amount of any grant award
36 approved by the State of Wisconsin, and the Finance Director is directed to record such information
37 in the official books of the County for the year ending December 31, 2022 with carryover to 2023
38 as may be required.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No additional tax levy impact. Appropriate revenue and expense accounts
in the Park Departments budget are hereby increased by the amount of any
State grant amount authorized.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Sitkiewitz to adopt Resolution 2022/2023-
30 Accepting Harpt Lake Land Donation (Donald J. Schoenke Estate). Upon vote, the motion
carried unanimously.

No. 2022/2023 - 30

RESOLUTION ACCEPTING HARPT LAKE LAND DONATION
(Donald J. Schoenke Estate)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County promotes the health and well-being of our community by
2 offering recreational opportunities in a great diversity of geographical landscapes including parks,
3 open spaces, recreational trails, and lake and river accesses; and

4
5 WHEREAS, Manitowoc County provides public access facilities to Harpt Lake, including
6 a boarding dock and boat ramp; and

7
8 WHEREAS, Dawn Schoenherr, personal representative of the Donald J. Schoenke Estate,
9 has offered to donate tax parcel no. 006-017-002-007.00 (the “Property”) to Manitowoc County
10 for parking associated with the Harpt Lake public access; and

11

12 WHEREAS, the Property is a 1.61 acre parcel of land adjacent to the existing Harpt Lake
13 public access; and
14

15 WHEREAS, after careful consideration and review, the Planning and Park Commission
16 recommends that the county of Manitowoc accept the land donation of the Donald J. Schoenke
17 Estate to expand public access at Harpt Lake;
18

19 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
20 county of Manitowoc accepts the donation from the Donald J. Schoenke Estate for the 1.61 acre
21 parcel of real property identified as tax parcel no. 006-017-002-007.00; and
22

23 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors directs
24 the County Clerk, Planning Director, and other appropriate county officials to prepare and execute
25 any and all documents associated with the donation and conveyance of said land from the Donald
26 J. Schoenke Estate to Manitowoc County; and
27

28 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors wishes
29 to acknowledge and thank Dawn Schoenherr and the Donald J. Schoenke Estate for its generous
30 donation.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance 2022/2023-31 Amending Zoning Map (Stahl Revocable Trust). Upon vote, the motion carried unanimously.

No. 2022/2023 - 31

ORDINANCE AMENDING ZONING MAP
(Stahl Revocable Trust)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on September 26, 2022; and
3

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

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

10
11 A parcel of land located in part of the NW 1/4 of the NW 1/4 of Section 22, Town 21 North,
12 Range 23 East, Town of Gibson, Manitowoc County, Wisconsin, described as follows:

13
14 Commencing at the NW 1/4 Corner of said Section 22; Thence S 00°36'49" W,
15 1322.63 feet coincident with the west line of said NW 1/4; Thence S 89°56'39" E,
16 165.00 feet to the point of beginning; Thence continuing S 89°56'39" E, 165.00
17 feet; Thence N 00°36'49" E, 430.00 feet; Thence N 89°56'39" W, 165.00 feet;
18 Thence S 00°36'49" W, 430.00 feet to the point of beginning, said parcel containing
19 70,947 Square Feet (1.629 Acres) of land and is hereby rezoned from Exclusive
20 Agriculture (EA) District to Rural Residential (RR) District.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Vogt to enact Ordinance 2022/2023-32 Amending Zoning Map (John Kiel). Upon vote, the motion carried unanimously.

No. 2022/2023 - 32

ORDINANCE AMENDING ZONING MAP
(John Kiel)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on October 24, 2022; and
3

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

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

10
11 A parcel of land in part of the Southeast 1/4 of the Northeast 1/4 of Section 1,
12 T.19N. - R.22E., Town of Cato, Manitowoc County, Wisconsin, described as follows:
13

14 Commencing at the East 1/4 Corner of Section 1; thence along the easterly line of
15 the NE 1/4 North 00°00'56" West 656.81 feet; thence South 88°45'20" West 37.00
16 feet to the westerly line of CTH. "T" being the point of beginning; thence
17 continuing South 88°45'20" West 594.59 feet; thence North 34°23'24" East 413.32
18 feet; thence North 88°45'20" East 361.00 feet to the westerly line of CTH, "T";
19 thence along said line South 0°00'56" East 336.00 to the point of beginning, said
20 parcel containing approximately 3.685 acres of land and is hereby rezoned from
21 General Agriculture (GA) District to Small Estate Residential (SE) District.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Sitkiewitz to enact Ordinance 2022/2023-33 Amending Zoning Map (Dean and Beth Buchholz). Upon vote, the motion carried unanimously.

No. 2022/2023 - 33

ORDINANCE AMENDING ZONING MAP
(Dean and Beth Buchholz)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on October 24, 2022; and
3

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

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

11 A parcel of land in part of the NW 1/4 of the NE 1/4 of Section 25, Town 19 North, Range
12 22 East, Town of Cato, Manitowoc County, Wisconsin, described as follows:
13

14 Commencing at the N 1/4 Corner of said Section 25; Thence S 00°11'23" W, 412.32
15 feet coincident with the west line of said NE 1/4 to the point of beginning; Thence
16 continuing S 00°11'23" W, 533.79 feet; Thence S 88°50'55" E, 733.44 feet; Thence
17 N 00°01'16" E, 184.54 feet; Thence N 42°15'28" W, 203.50 feet; Thence

18 N 15°57'37" W, 338.71 feet; Thence S 77°22'57" W, 514.02 feet to the point of
19 beginning, said parcel containing approximately 380,332 Square Feet (8.731 Acres)
20 of land is hereby rezoned from Exclusive Agriculture (EA) District to General
21 Agriculture (GA) District.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Maresh to enact Ordinance 2022/2023-34 Amending Zoning Map (Donald Schoenke). Upon vote, the motion carried unanimously.

No. 2022/2023 - 34

ORDINANCE AMENDING ZONING MAP
(Donald Schoenke)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on October 24, 2022; and
3

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

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

11 A parcel of land in part of the Southwest 1/4 of the Northwest 1/4 of Section 2,
12 T.20 N. - R. 23 E., Town of Kossuth, Manitowoc County, Wisconsin described as follows:
13

14 Commencing at the West 1/4 of Section 2; thence along the westerly line of the
15 NW ¼ North 0°45'05" West 703.88 feet to the point of beginning; thence
16 continuing North 0°45'05" West 599.90 feet; thence North 88°56'50" East 1,308.93
17 feet; thence South 0°23'17" East 599.94 feet; thence South 88°56'50" West
18 1,305.13 feet to the point of beginning, said parcel containing approximately 18.0
19 acres of land and is hereby rezoned from Exclusive Agriculture (EA) District to
20 General Agriculture (GA) District.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Neils to enact Ordinance 2022/2023-35 Amending Zoning Map (Russel R. Fritsch). Upon vote, the motion carried unanimously.

No. 2022/2023 - 35

ORDINANCE AMENDING ZONING MAP
(Russel R. Fritsch)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on October 24, 2022; and
3

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

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

11 A parcel of land in part of the Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4)
12 of Section 17, Township 17 North, Range 21 East, Town of Schleswig, Manitowoc County,
13 Wisconsin, described as follows:
14

15 Commencing at the East Quarter Corner of said Section 17; thence S00°-21'-40"W
16 along the East line of the SE1/4 of said Section 17, a distance of 344.20 feet to the
17 point of beginning; thence continuing S00°-21'-40"W along said East line 488.72
18 feet; thence S88°-37'-56"W 670.49 feet; thence N00°-21'-40"E 516.49 feet; thence
19 S88°-59'-42"E 670.22 feet to the point of beginning, said parcel containing
20 approximately 336,837 square feet (7.73 acres) of land and is hereby rezoned from
21 General Agriculture (GA) District to Large Estate Residential (LE) District.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Baumann to adopt Resolution 2022/2023-36 Adopting Manitowoc County Planning and Park Commission Fee Schedule. Upon vote, the motion carried unanimously.

No. 2022/2023 - 36

RESOLUTION ADOPTING MANITOWOC COUNTY PLANNING AND PARK COMMISSION FEE SCHEDULE

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4
5 WHEREAS, the Manitowoc County Planning and Park Commission has reviewed the
6 Planning and Zoning Department Fee Schedule and recommends that it be adjusted; and

7
8 WHEREAS, a copy of the proposed Planning and Zoning Department fee schedule has
9 been provided to the County Board;

10
11 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of
12 Supervisors approves the proposed Planning and Zoning Department Fee Schedule to be effective
13 January 1, 2023, and directs that a copy of the fee schedule be included as an appendix to the
14 Manitowoc County Code Chapter 4, Finances.

Dated this 31st day of October 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: Indeterminable.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Hansen gave a brief report.
Supervisor Hansen moved, seconded by Supervisor Brey to adopt Resolution 2022/2023-37
Authorizing Claim Against Dog License Fund (Kevin Binversie). Upon vote, the motion carried
unanimously.

**RESOLUTION AUTHORIZING CLAIM AGAINST DOG LICENSE FUND
(Kevin Binversie)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin Stat. § 174.11 provides the procedure regarding claims for damage
2 by dogs to domestic animals; and
3

4 WHEREAS, under that statute, the owner of any domestic animal that was injured by a
5 dog may, within three days of such injury, file a claim for damages with the town clerk in which
6 the damage occurred; and
7

8 WHEREAS, upon presentation of a claim, the town board must investigate the claim and
9 certify and return to the County Clerk a report of the investigation and the amount of damages
10 suffered; and
11

12 WHEREAS, on July 9, 2022, the Town of Meeme received a report of a dog attack from
13 Kevin Binversie, which resulted in injuries to Mr. Binversie's dog; and
14

15 WHEREAS, the Town of Meeme investigated the claim and returned a report of its
16 investigation including the amount of damages suffered to the County Clerk; and
17

18 WHEREAS, pursuant to Wisconsin Stat. § 174.11(2)(b), the County Clerk shall submit to
19 the County Board any claim filed and reported by the town; and
20

21 WHEREAS, the amount of damages reported to the County Clerk shall be prima facie
22 proof of the actual damages sustained; and
23

24 WHEREAS, the Town of Meeme has reported that Mr. Binversie's dog suffered \$1,580.60
25 in damages; and
26

27 WHEREAS, Manitowoc County Code Wisconsin Stat. § 4.04 limits the amount of
28 damages allowed to \$1,000; and
29

30 WHEREAS, the claim shall be solely against the dog license fund; and
31

32 WHEREAS, pursuant to Wis. Stat. § 174.12, the allowance by the county board of the
33 claim constitutes an assignment to the county of the cause of action of the claimant, and the county
34 may sue and recover from the owner of the dog doing the damage the full amount thereof;
35

36 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
37 county of Manitowoc authorizes the claim by Mr. Binversie against the dog license fund as filed
38 and reported by the Town of Meeme subject to any lawful limitations imposed by the Manitowoc
39 County Code; and

40 BE IT FURTHER RESOLVED that the county of Manitowoc accepts the assignment of
41 the cause of action of the claimant against the owner of the dog having done the damage in this
42 case.

Dated this 31st day of October 2022.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None. The claim is against the dog license fund. The County can recover lost revenue through an action against the dog owner.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Behnke gave a brief report. Supervisor Behnke moved, seconded by Supervisor Gerroll to adopt Resolution 2022/2023-38 Petitioning for Airport Improvement Aid and Designating the Secretary of Transportation as Agent. Upon vote, the motion carried unanimously.

No. 2022/2023 - 38

**RESOLUTION PETITIONING FOR AIRPORT IMPROVEMENT AID
AND DESIGNATING THE SECRETARY OF TRANSPORTATION AS
AGENT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

5 WHEREAS, Manitowoc County desires to develop or improve the Manitowoc County
6 Airport, located in Manitowoc County, Wisconsin; and
7

8 WHEREAS, Manitowoc County desires to make a PETITION FOR AIRPORT PROJECT
9 to the Secretary of the Wisconsin Department of Transportation; and
10

11 WHEREAS, airport users have been consulted in formulating the proposed improvements
12 included in this Resolution; and
13

14 WHEREAS, a public hearing was held prior to the filing of this Resolution Petitioning for
15 Airport Improvement Aid in accordance with Wis. Stat. § 114.33(2), as amended, and a transcript
16 of the hearing is to be transmitted with the petition;
17

18 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
19 county of Manitowoc hereby approves a petition for federal or state aid, or both, in the following
20 form:

21
22 The petitioner, desiring to sponsor an airport development project with federal or state aid,
23 or both, in accordance with the applicable state and federal laws, respectfully represents and states:
24

25 1. That the airport, which it desires to develop, should generally conform to the
26 requirements for a General Aviation type airport as defined by the Federal Aviation
27 Administration.

28
29 2. That the character, extent, and kind of improvements which it desires under the
30 project are as follows:

- 31
- 32 • Conduct drainage study;
- 33 • Develop storm water management plan and correct drainage issues;
- 34 • Maintain/rehabilitate/reconstruct runway 17/35;
- 35 • Maintain/rehabilitate/reconstruct runway 7/25;
- 36 • Maintain/rehabilitate/reconstruct taxiway and taxilane pavements;
- 37 • Maintain/rehabilitate/reconstruct apron pavements;
- 38 • Conduct Airport master plan and update Airport Layout Plan (ALP);
- 39 • Perimeter fence repairs/reconstruction;
- 40 • Wildlife site visit and study;
- 41 • Land and/or easement acquisition for Airport development and runway approach
42 protection;
- 43 • Construct helipad;
- 44 • Clear and maintain runway approaches as stated in Wis. Admin. Code ch. Trans 55.
- 45 • Any necessary related work.
- 46

47 3. That the airport project, which your petitioner desires to sponsor, is necessary to
48 meet the existing and future needs of the airport.

49
50 and

51
52 BE IT FURTHER RESOLVED that it is recognized that the improvements petitioned for
53 as listed will be funded individually or collectively as funds are available, with specific project
54 costs to be approved as work is authorized, the proportionate cost of the airport development
55 projects described above which are to be paid by Manitowoc County to the Secretary of the
56 Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in
57 trust for the purposes of the project; any unneeded and unspent balance after the project is
58 completed is to be returned to Manitowoc County by the Secretary; Manitowoc County will,
59 subject to available appropriations, make available any additional monies that may be found
60 necessary, upon request of the Secretary, to complete the project as described above; the Secretary
61 shall have the right to suspend or discontinue the project at any time additional monies are found
62 to be necessary by the Secretary and Manitowoc County does not provide the same; in the event

63 Manitowoc County unilaterally terminates the project, all reasonable federal and state expenditures
64 related to the project shall be paid by Manitowoc County; and
65

66 BE IT FURTHER RESOLVED that Manitowoc County is required by Wis.
67 Stat. § 114.32(5) to designate the Secretary as its agent to accept, receive, receipt for, and disburse
68 any funds granted by the United States under the federal Airport and Airway Improvement Act,
69 and is authorized by law to designate the Secretary as its agent for other purposes; and
70

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

84 BE IT FURTHER RESOLVED that Manitowoc County requests that the Secretary
85 provide, pursuant to Wis. Stat. § 114.33(8)(a), that Manitowoc County may acquire the required
86 land or interests in land that the Secretary shall find necessary to complete the aforesaid project;
87 and
88

89 BE IT FURTHER RESOLVED that Manitowoc County agrees to maintain and operate the
90 airport in accordance with the conditions established in Wis. Admin. Code ch. Trans 55, or in
91 accordance with Manitowoc County’s assurances enumerated in a Federal Grant Agreement; and
92

93 BE IT FURTHER RESOLVED that the County Executive and the County Clerk are
94 authorized to sign and execute any agency, or other, agreement and Federal Block Grant Owner
95 Assurances authorized by this Resolution.

Dated this 31st day of October 2022.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: No tax levy impact and, based on the funding mechanism, no budget modifications are required at this time. If the petition is successful, the county will be eligible for grant funding for land acquisition and necessary work relating to the proposed improvements. Any necessary budget amendments will be brought to the County Board for approval.

APPROVED: Bob Ziegelbauer, County Executive.

Human Services Board: Supervisor Shimulunas gave a brief report.

Land Conservation Committee/UW-Extension Education and Agriculture Committee:
Supervisor Wagner gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.

Public Safety Committee: Supervisor Falkowski gave a brief report.
Supervisor Falkowski moved, seconded by Supervisor Muench to adopt Resolution 2022/2023-39
Accepting Donation from Georginna Kohlbeck. Upon vote, the motion carried unanimously.

No. 2022/2023 - 39

**RESOLUTION ACCEPTING DONATION FROM GEORGINNA
KOHLBECK**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Sheriff's Office is called upon to protect, investigate,
2 and respond to dangerous situations with limited warning; and
3

4 WHEREAS, the Manitowoc County Sheriff's Office Detective Bureau has expanded
5 investigations into fraud, sexual exploitation, computer crimes, and other complex crimes; and
6

7 WHEREAS, specialized training and equipment can assist in these complex and lengthy
8 investigations; and
9

10 WHEREAS, the Manitowoc County Sheriff's Office received a donation of \$7,500 from
11 Georgianna Kohlbeck to assist the Detective Bureau with equipment and training; and
12

13 WHEREAS, Sheriff Hartwig requests that this donation be accepted and placed in to trust
14 account 756.23425 until training or specialized equipment is researched and determined to assist
15 officers and provide the greatest impact on their work and safety; and
16

17 WHEREAS, after careful consideration and review, the Public Safety Committee
18 recommends accepting the donation of \$7,500 from Georgianna Kohlbeck;
19

20 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
21 county of Manitowoc accept the donation of Georgianna Kohlbeck in the amount of \$7,500;

Dated this 31st day of October 2022.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No levy impact. Increases the funds in trust account no. 756.23425 by \$7,500.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Sitkiewitz gave a brief report.

ANNOUNCEMENTS

Chairperson Martell announced the next County Board meeting will be November 10, 2022 at 6:00 p.m.

ADJOURNMENT

Supervisor Gerroll moved to adjourn, seconded by Supervisor Heller, and the motion was adopted by acclamation. The meeting adjourned at 7:09 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

**The County Board meeting is available for viewing at:

<https://www.youtube.com/watch?v=1GIKmdKSU-4>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Clerk's Correction 11/14/2022

Thursday, November 10, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 10th day of November 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

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

Chairperson Martell acknowledged supervisors who had served or are currently serving in the military.

Roll call: 24 members were present at the time of voting for ordinances and resolutions: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Phipps, Shimulunas (excused at 6:37p.m.), Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisor Neils was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Engelbrecht, the October 31, 2022 meeting minutes were approved on a unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Declaring Manitowoc County America Recycles Day 2022 to Ascend Services Executive Director Deanna Genske and Public Works Director Gerry Neuser.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:12 p.m.

Maura Yost, Town of Centerville, advocated for a half-cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:17 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointments of Tonya Dvorak, Marilyn Lenz, Barbara Plazewicz, and Dick Pollen to the Expo-Ice Center Board. Supervisor Behnke moved, seconded by Supervisor Sitkiewitz to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer’s appointment of Jason Freiboth to the Joint Dispatch Board. Supervisor Hacker moved, seconded by Supervisor Falkowski to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer’s appointment of Ben Meinnert to the Joint Dispatch Board. Supervisor Falkowski moved, seconded by Supervisor Weiss to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer’s appointment of Kurt Carlson to the Veterans Service Commission. Supervisor Muench moved, seconded by Supervisor Sitkiewitz to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

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

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

Finance Committee: Supervisor Hansen gave a brief report.

Supervisor Hansen moved, seconded by Supervisor Brey to adopt Resolution 2022/2023-40 Adopting 2023 Budget and Property Levy. Discussion followed. *Upon vote, the motion carried 23 ayes and 1 no. Supervisor Klein voted no.*

No. 2022/2023 - 40

RESOLUTION ADOPTING 2023 BUDGET AND PROPERTY LEVY

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, a detailed copy of the County Executive’s proposed 2023 annual budget has
2 been made available to each county supervisor and to the general public; and
3

4 WHEREAS, the proposed 2023 annual budget was presented to the Manitowoc County
5 Board of Supervisors at its meeting on October 11, 2022; and
6

7 WHEREAS, formal publication of a budget summary and announcement of a public hearing
8 was made in accordance with Wis. Stat. § 65.90 and Wis. Stat. ch. 985 in the Manitowoc Herald
9 Times Reporter on October 9, 2022; and
10

11 WHEREAS, a public hearing on the proposed 2023 annual budget was held for the purpose
12 of obtaining public input, and the proposed 2023 annual budget was reviewed by the Manitowoc
13 County Board of Supervisors at its annual meeting on October 31, 2022; and
14

15 WHEREAS, the proposed 2023 annual budget includes performance based increases for the
16 Manitowoc County pay plan pursuant to Manitowoc County Code §§ 5.02(3)(c), (d) and (e); and
17

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

21 WHEREAS, the Wisconsin Department of Revenue has calculated the applicable increase
22 in the consumer price index as of August 31, 2022 to be 7.7%; and
23

24 WHEREAS, a 5.0% increase in the wage schedule will assist in maintaining a competitive
25 wage schedule; and
26

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

31 WHEREAS, employees at or above midpoint who exceed job requirements (*i.e.* receive a
32 cumulative score of between 2.01 and 2.74 on their employee evaluation) will receive a 1.0%
33 increase; and
34

35 WHEREAS, employees at or above midpoint whose performance exceeds the proficient
36 performance level (*i.e.* receive a cumulative score of 2.75 or greater on their employee evaluation)
37 will receive a 2.0% increase; and
38

39 WHEREAS, the maximum of the non-represented wage schedule was raised in 2019 and
40 2021 with no adjustment made to the wage schedule mid-point; and
41

42 WHEREAS, because the midpoint was not adjusted contemporaneously with the maximum,
43 the current “midpoint” no longer reflects the actual midpoint of each wage band; and
44

45 WHEREAS, the midpoint for each wage band will be adjusted to align with the new
46 maximums; and
47

48 WHEREAS, additional steps have been included in the wage schedule between MIN – MID
49 to step employees to the new mid-point; and
50

51 WHEREAS, the Manitowoc County self-insured group health plan has maintained its
52 current rates since 2015; and
53

54 WHEREAS, the Manitowoc County self-insured group health plan will raise its rate by 5%
55 for 2023;
56

57 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the county
58 of Manitowoc hereby adopts a Governmental Funds Budget and a service delivery Proprietary
59 Fund Budget for the calendar year beginning January 1, 2023 as indicated in the attached 2023
60 annual budget for Manitowoc County and any attachments or addenda thereto; and
61

62 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors hereby
63 authorizes that the following sums of money be raised for the ensuing year:

64			
65	State Special Charges - Charitable & Penal	\$	345.00
66	County Aid Bridges (Wis. Stat. § 82.08)	\$	135,933.00
67	Illegal Real Estate Taxes Charged Back (Prior Year)	\$	0.00
68	<u>All Other County Taxes</u>	\$	<u>32,323,249.67</u>
69	Gross County Tax Levy	\$	32,458,837.67

70
71 and

72
73 BE IT FURTHER RESOLVED that Manitowoc County shall apportion the tax for bridges
74 under Wis. Stat. § 82.08 on the taxable property of the participating districts; and

75
76 BE IT FURTHER RESOLVED that the 2023 annual budget in detail hereto attached shall
77 be made a part of the Tax Levy; and

78
79 BE IT FURTHER RESOLVED that the wage schedule is increased by 5.0% as of December
80 25, 2022 and all employees at or below maximum shall receive a 5.0% increase as of December
81 25, 2022; and

82
83 BE IT FURTHER RESOLVED that the performance-based increases included in the 2023
84 annual budget will be granted pursuant to Manitowoc County Code §§ 5.02(3)(c), (d) and (e) as
85 follows:

86
87 (1) Employees below midpoint who meet or exceed job requirements (*i.e.* receive a
88 cumulative score of 1.75 or greater on their employee evaluation) are eligible for a
89 step increase; and

90
91 (2) Employees at or above midpoint who exceed job requirements (*i.e.* receive a
92 cumulative score of between 2.01 and 2.74 on their employee evaluation) will
93 receive a 1.0% increase; and

94
95 (3) Employees at or above midpoint whose performance exceeds the proficient
96 performance level (*i.e.* receive a cumulative score of 2.75 or greater on their
97 employee evaluation) will receive a 2.0% increase; and

98
99 (4) Employees at or above maximum who exceed job requirements (*i.e.* receive a
100 cumulative score of between 2.01 and 2.74 on their employee evaluation) will
101 receive a 1.0% increase, paid to them per pay period for the following year; and

102
103 (5) Employees at or above maximum whose performance exceeds the proficient
104 performance level (*i.e.* receive a cumulative score of 2.75 or greater on their
105 employee evaluation) will receive a 2.0% increase, paid to them per pay period for
106 the following year; and

107
108 BE IT FURTHER RESOLVED that the midpoint for each wage band will be adjusted to
109 align with the new maximums; and

110
111 BE IT FURTHER RESOLVED, additional steps have been included in the wage schedule
112 between MIN – MID to step employees to the new mid-point; and

113
114 BE IT FURTHER RESOLVED that the monthly premiums for the self-insured group
115 health plan will increase by 5% for 2023;

116
117 BE IT FURTHER RESOLVED that the Finance Director is authorized to make any
118 technical corrections to the budget that are necessary.

Dated this 10th day of November 2022.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: Requires a composite tax levy and rate, based upon the budget book as printed, as follows:

Tax Levy of \$32,459,182.67
Composite Tax Rate of \$4.479037 per \$1,000 of equalized value.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Behnke gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.
Supervisor Maresh moved, seconded by Supervisor Heller to adopt Resolution 2022-2023-41 Authorizing Reallocation of Public Works 1.0 Full-Time Equivalent Position (Information Systems Manager to System Engineer and Infosec Officer). Upon vote, the motion carried unanimously.

No. 2022/2023 - 41

**RESOLUTION AUTHORIZING REALLOCATION OF PUBLIC WORKS
1.0 FULL-TIME EQUIVALENT POSITION**

(Information Systems Manager to System Engineer and Infosec Officer)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, currently the Public Works Department is allocated a 1.0 FTE Information
2 Systems Manager position; and

3
4 WHEREAS, the Information Systems Manager is presently vacant; and

5
6 WHEREAS, the supervisory and other managerial duties assigned to the Information
7 Systems Manager position have been delegated to another department employee; and

8

9 WHEREAS, the Public Works Department would like to convert the 1.0 FTE Information
10 Systems Manager position to a 1.0 FTE System Engineer and Infosec Officer position; and
11

12 WHEREAS, this change would not result in a change in position pay grade or any addition
13 to Department FTE count; and
14

15 WHEREAS, after careful consideration and review, the Personnel Committee recommends
16 the current 1.0 FTE Information Systems Manager position be converted to a 1.0 FTE System
17 Engineer and Infosec Officer position;
18

19 NOW, THEREFORE, BE IT RESOLVED that county board of supervisors of the county
20 of Manitowoc authorizes the reallocation of the 1.0 FTE Information Systems Manager position
21 to a 1.0 FTE System Engineer and Infosec Officer position; and
22

23 BE IT FURTHER RESOLVED that the 2022 Full-Time Equivalent Report (FTE) by
24 Department included in the 2022 Adopted Annual Budget Book is amended accordingly and that
25 the Finance Director is directed to record such information in the official books of the County for
26 the year ending December 31, 2022 as may be required.

Dated this 10th day of November 2022.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Heller to adopt Resolution 2022-2023-42
Authorizing Reallocation of Public Works 1.0 Full-Time Equivalent Position (Senior Engineer to
Information Technology Divisions Director). Upon vote, the motion carried unanimously.

No. 2022/2023 - 42

**RESOLUTION AUTHORIZING REALLOCATION OF PUBLIC WORKS
1.0 FULL-TIME EQUIVALENT POSITION
(Senior Engineer to Information Technology Division Director)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, currently the Public Works Department is allocated a 1.0 FTE Information
2 Systems Manager position; and
3

4 WHEREAS, the Information Systems Manager is presently vacant; and

5
6 WHEREAS, the supervisory and other managerial duties assigned to the Information
7 Systems Manager position have been delegated to the current Senior Engineer; and

8
9 WHEREAS, due to the assignment of the Information Systems Manager supervisory duties
10 to the Senior Engineer position, the Public Works Department would like to change the title of the
11 Senior Engineer position from Senior Engineer to Information Technology Division Director; and

12
13 WHEREAS, this change would not result in a change in position pay grade or any addition
14 to Department FTE count; and

15
16 WHEREAS, after careful consideration and review, the Personnel Committee recommends
17 the current 1.0 FTE Senior Engineer position be converted to a 1.0 FTE Information Technology
18 Division Director position;

19
20 NOW, THEREFORE, BE IT RESOLVED that county board of supervisors of the county
21 of Manitowoc authorizes the reallocation of the 1.0 FTE Senior Engineer position to a 1.0 FTE
22 Information Technology Division Director position; and

23
24 BE IT FURTHER RESOLVED that the 2022 Full-Time Equivalent Report (FTE) by
25 Department included in the 2022 Adopted Annual Budget Book is amended accordingly and that
26 the Finance Director is directed to record such information in the official books of the County for
27 the year ending December 31, 2022 as may be required.

Dated this 10th day of November 2022.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Maresh moved, seconded by Supervisor Heller to adopt Resolution 2022-2023-43
Authorizing Reallocation of Human Services Department 1.0 Full-Time Equivalent Position
(AODA Case Manager to Substance Abuse Technician). Upon vote, the motion carried
unanimously.

No. 2022/2023 - 43

**RESOLUTION AUTHORIZING REALLOCATION OF HUMAN
SERVICES DEPARTMENT 1.0 FULL-TIME EQUIVALENT POSITION
(AODA Case Manager to Substance Abuse Technician)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, there is a currently a vacant AODA Case Manager position; and
2
3 WHEREAS, recruitment for this position has not produced qualified candidates; and
4
5 WHEREAS, the Human Services Department believe that it is more likely to find a
6 candidate to fill a Substance Abuse Technician position to complete basic, non-treatment aspects
7 for AODA clients; and
8
9 WHEREAS, the need for these services is increasing; and
10
11 WHEREAS, the reallocation of an AODA Case Manager position to a Substance Abuse
12 Technician will free up current AODA Case Managers to complete the counseling needed for
13 clients; and
14
15 WHEREAS, reallocating an AODA Case Manager position to a Substance Abuse
16 Technician will result in a pay grade change from a salaried C43 to an hourly C42; and
17
18 WHEREAS, reallocating an AODA Case Manager position to a Substance Abuse
19 Technician will not change the funding source of the position or the Human Services Department's
20 total FTE count; and
21
22 WHEREAS, after careful consideration and review, the Personnel Committee recommends
23 the current 1.0 FTE AODA Case Manager position be converted to a 1.0 FTE Substance Abuse
24 Technician position;
25
26 NOW, THEREFORE, BE IT RESOLVED that county board of supervisors of the county
27 of Manitowoc authorizes the reallocation of the 1.0 FTE AODA Case Manager position to a 1.0
28 FTE Substance Abuse Technician position; and
29
30 BE IT FURTHER RESOLVED that the 2022 Full-Time Equivalent Report (FTE) by
31 Department included in the 2022 Adopted Annual Budget Book is amended accordingly and that
32 the Finance Director is directed to record such information in the official books of the County for
33 the year ending December 31, 2022 as may be required.

Dated this 10th day of November 2022.

Respectfully submitted by the Personnel Committee.

FISCAL IMPACT: None. The pay grade for the position will change from a salaried C43 to an hourly C42, *i.e.* a decrease in wages; however, the position is currently grant funded, so there will be no impact to the tax levy.

APPROVED: Bob Ziegelbauer, County Executive.

Public Safety Commission: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Sitkiewitz gave a brief report.

ADJOURNMENT

Supervisor Gerroll moved to adjourn, seconded by Supervisor Muench, and the motion was adopted by acclamation. The meeting adjourned at 6:51 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=Uyrg42n444Y>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, December 20, 2022

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 20th day of December 2022, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Phipps gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members were present at the time of voting for ordinances and resolutions: Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisor Baumann was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Engelbrecht, the November 10, 2022 meeting minutes were approved on a unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICERS, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation of January 2023 as Mentoring Month for Big Brothers Big Sisters to Big Brothers Big Sisters representative Nikki Reich.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:06 p.m.

Gene Weyer, Town of Newton, read Judith Perlman's public input opposing the courthouse dome project and bonding for the project.

Michael Fredrich, City of Manitowoc, opposed the courthouse dome project.

Maura Yost, Town of Centerville, opposed bonding for projects and advocated for a half-cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:23 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of Lori Fure as Human Services Director. Supervisor Brey moved, seconded by Supervisor Hansen to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Matthew Pawlowski to the Expo-Ice Center Board. Supervisor Behnke moved, seconded by Supervisor Sitkiewitz to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Joe Jeanty to the Joint Dispatch Board. Supervisor Falkowski moved, seconded by Supervisor Vogt to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of Deborah Brotcke and Charles Krueger to the Manitowoc-Calumet Library System Board of Trustees. Supervisor Muench moved, seconded by Supervisor Neils to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

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

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance 2022/2023-44 Amending Zoning Map (Casey Stangel). Upon vote, the motion carried unanimously.

No. 2022/2023 - 44

ORDINANCE AMENDING ZONING MAP
(Casey Stangel)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on December 5, 2022; and
3

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

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

11 A parcel of land in part of the NW 1/4 of the SE 1/4 of Section 03, Town 21 North,
12 Range 24 East, Town of Two Creeks, Manitowoc County, Wisconsin, described as follows:
13

14 Commencing at the E 1/4 Corner of said Section 03; Thence S 88°23'59" W,
15 1344.40 feet to the point of beginning; Thence S 88°23'59" W, 1194.40 feet;
16 Thence S 00°24'28" W, 398.29 feet; Thence N 88°23'59" E, 1194.55 feet; Thence
17 N 00°23'11" E, 398.28 feet to the point of beginning, said parcel containing
18 approximately 475,451 Square Feet (10.915 Acres) of land and is hereby rezoned
19 from Exclusive Agriculture (EA) District to General Agriculture (GA) District.

Dated this 20th day of December 2022.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Metzger gave a brief report.

Executive Committee: Chairperson Martell gave a brief report.

Finance Committee: Supervisor Hansen gave a brief report.

Highway Committee: Supervisor Gerroll gave a brief report.

Land Conservation Committee/UW-Extension Education and Agriculture Committee: Supervisor Wagner gave a brief report. Supervisor Wagner moved, seconded by Supervisor Phipps to adopt Resolution 2022/2023-45 Authorizing Surface Water Management Grant Application. Upon vote, the motion carried unanimously.

No. 2022/2023 - 45

**RESOLUTION AUTHORIZING SURFACE WATER MANAGEMENT
GRANT APPLICATION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the approved Manitowoc County Land and Water Resource Plan identifies
2 concerns with non-point pollution of surface water and ground water contamination in Manitowoc
3 County; and
4

5 WHEREAS, nonpoint source pollution is the most important remaining uncontrolled
6 source of water pollution to the Lake Michigan ecosystem; and
7

8 WHEREAS, the Pine Creek sub-watershed, located in Manitowoc County, is identified on
9 the State of Wisconsin's Impaired Waters List; and
10

11 WHEREAS, a nine key element plan was developed and approved in 2019 for the Pine
12 Creek sub-watershed identifying environmental stressors and provides a coordinated effort to
13 ensure that the most effective best management practices are selected and implemented to reduce
14 polluted runoff from a variety of sources; and
15

16 WHEREAS, the Soil and Water Conservation Department has the opportunity to apply for
17 and receive Surface Water Management Grant funds from the Department of Natural Resources to

18 help address non-point pollution with cost-sharing contracts, reimburse the Soil and Water
19 Conservation Department for approved expenses, and provide funds to hire a summer intern for 10
20 weeks in 2023, for stream inventory, data collection, and landowner outreach; and

21
22 WHEREAS, the Soil and Water Conservation Department has applied for a Surface Water
23 Management Grant for management plan implementation in the amount of \$50,000, which would
24 be used for cost share funding of approved best management practices and departmental costs as
25 described in the grant budget; and

26
27 WHEREAS, the Soil and Water Conservation Department has applied for a Surface Water
28 Management Grant for surface water education in the amount of \$5,000, which would be used to
29 cover all staffing funds to hire a summer intern for 10 weeks in 2023, for stream inventory, data
30 collection and landowner outreach; and

31
32 WHEREAS, after careful consideration and review, the Land Conservation Committee
33 recommends the Soil and Water Department pursue available grants under the Surface Water
34 Management Grant program for management plan implementation and surface water education;

35
36 NOW, THEREFORE, BE IT RESOLVED, that the county board of supervisors of the
37 county of Manitowoc authorizes the Soil and Water Conservation Department to apply for and
38 accept a Surface Water Management Grant for management plan implementation in an amount up
39 to \$50,000 and a Surface Water Management Grant for surface water education in an amount up to
40 \$5,000 to hire a summer intern for 10 weeks in 2023, for stream inventory, data collection and
41 landowner outreach; and

42
43 BE IT FURTHER RESOLVED that the Manitowoc County Soil and Water Conservation
44 Department will meet the financial obligations necessary to fully and satisfactorily complete the
45 projects as outlined in the grant applications and any agreements entered into pursuant thereto; and

46
47 BE IT FURTHER RESOLVED that the director of the Manitowoc County Soil and Water
48 Conservation Department, or his or her designee, is hereby authorized and empowered to sign
49 documents and take the actions necessary to undertake, direct, and complete the grant projects,
50 including, but not limited to submitting the following documents to the Wisconsin Department of
51 Natural Resources (WDNR) for financial assistance: sign and submit application, enter into an
52 agreement/contract with WDNR, submit required reports to WDNR to satisfy the
53 agreement/contract, submit reimbursement request(s) to WDNR per the agreement/contract, and
54 sign and submit other documentation as necessary to complete the project per the
55 agreement/contract; and

56
57 BE IT FURTHER RESOLVED that the Manitowoc County Soil and Water Conservation
58 Department will comply with all local, state, and federal rules, regulations, and ordinances relating
59 to the management plan implementation project, the surface water education project, and the cost-
60 share agreement(s)/contract(s); and

61
62 BE IT FURTHER RESOLVED that if grant funds are awarded, the Manitowoc County
63 Board of Supervisors authorizes the 2023 Soil and Water Conservation Department adopted

64 budget to be amended accordingly and the Finance Director shall record such information in the
65 official books of the County for year ending December 31, 2023 as may be required.

Dated this 20th day of December 2022.

Respectfully submitted by the Land Conservation Committee.

FISCAL IMPACT: No additional tax levy impact. Appropriate revenue and expense accounts in the Soil and Water Conservation Department budget will be increased by the amount of any state grant amount authorized.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Maresh gave a brief report.

Public Safety Commission: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Gerroll gave a brief report.

Miscellaneous – Personnel Committee and Board of Health: Supervisor Maresh moved, seconded by Supervisor Metzger to adopt Resolution 2022/2023-46 Creating Public Health Technician 1.0 Full-Time Equivalent Position. Upon vote, the motion carried unanimously.

No. 2022/2023 - 46

RESOLUTION CREATING PUBLIC HEALTH TECHNICIAN 1.0 FULL-TIME EQUIVALENT POSITION

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, there is a current vacancy for Public Health Nurse; and

2

3 WHEREAS, recruitment for this position has not produced qualified candidates; and

4

5 WHEREAS, the Health Department has a current casual employee performing the duties
6 of a Public Health Technician and has found this position to be valuable; and

7

8 WHEREAS, the Public Health Technician position will have additional financial
9 responsibilities that will help the Department start accepting Medicaid reimbursement in 2023;
10 and

11

12 WHEREAS, reallocating the Public Health Nurse position to a new Public Health
13 Technician position will result in a pay grade change from a salaried C43 to an hourly B22 and
14 will not change the funding source of the position or the Department's total FTE count;

15

16 WHEREAS, reallocating Public Health Nurse position to a new Public Health Technician
17 position will not change the funding source of the position or the Health Department’s total FTE
18 count; and

19
20 WHEREAS, after careful consideration and review, the Board of Health and the
21 Personnel Committee recommend reallocating Public Health Nurse position to a new Public
22 Health Technician position;

23
24 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
25 county of Manitowoc reallocates 1.0 Full-Time Public Health Nurse position to a new 1.0 Full-
26 Time Public Health Technician position; and

27
28 BE IT FURTHER RESOLVED that the 2022 Full-Time Equivalent Report (FTE) by
29 Department is amended accordingly and that the Finance Director is directed to record such
30 information in the official books of the County for the year ending December 31, 2022 as may be
31 required.

Dated this 20th day of December 2022.

Respectfully submitted by the Personnel Committee and Board of Health.

FISCAL IMPACT: None. The pay grade for the position will change from a salaried C43 to an hourly B22, *i.e.* a decrease in wages.

APPROVED: Bob Ziegelbauer, County Executive.

Miscellaneous – Public Works Committee and Finance Committee: Supervisor Gerroll moved, seconded by Supervisor Hansen to adopt Resolution 2022/2023-47 Approving the Purchase of the Lakeside Foods Corporate Office Building. Upon discussion and vote, the motion carried unanimously.

No. 2022/2023 - 47

**RESOLUTION APPROVING THE PURCHASE OF THE LAKESIDE
FOODS CORPORATE OFFICE BUILDING**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County maintains a downtown Manitowoc campus of county
2 government office buildings, specifically the County Courthouse, Law Enforcement Center and
3 Jail, Public Health building, Communications and Technology building, Administration building,
4 and Human Services building; and

5
6 WHEREAS, the existing Human Services building is beyond capacity for employee
7 offices; and

8
9 WHEREAS, Manitowoc County owned parking lots are beyond capacity for employee and
10 public parking; and

11
12 WHEREAS, Manitowoc County has the opportunity to purchase the Lakeside Foods
13 corporate office building located at 808 Hamilton Street in Manitowoc, Wisconsin; and

14
15 WHEREAS, the Lakeside Foods corporate office building was built in 1957 as the
16 Manitowoc Public Library utilizing the highest quality materials and methods; and

17
18 WHEREAS, the Lakeside Foods corporate office building is large enough to house two
19 divisions of the current Human Services Department, alleviating overcrowding in the current
20 Human Services Building and allowing for substantial room for future growth; and

21
22 WHEREAS, the Lakeside Foods office building's parking lot has the capacity for 98
23 vehicles, which would greatly relieve the parking congestion in Manitowoc County owned parking
24 lots and offer more parking to the general public in the downtown area; and

25
26 WHEREAS, the opportunity to purchase a quality government building and add parking
27 capacity in the downtown campus is rare and the acquisition would address long-term office space
28 and parking needs; and

29
30 WHEREAS, Lakeside Foods has accepted the Manitowoc County's offer to purchase the
31 Property for \$800,000.00 subject to certain contingencies, including the contingency that the
32 purchase is subject to the approval of the county board of supervisors of the county of Manitowoc;
33 and

34
35 WHEREAS, a copy of the Commercial Offer to Purchase has been provided to the county
36 board of supervisors of the of county of Manitowoc; and

37
38 WHEREAS, the Lakeside Foods corporate office building has 27,500 sq. ft. of usable
39 space, which amounts to a cost of \$29.00 per square foot at a purchase price of \$800,000.00, which
40 is extremely low; and

41
42 WHEREAS, the Public Works Committee and Finance Committee recommend funding
43 this land purchase and site improvements from the Human Services Special Revenue Fund; and

44
45 WHEREAS, after careful consideration and review, both the Public Works Committee and
46 the Finance Committee recommend the purchase of the Lakeside Foods corporate office building
47 for \$800,000.00;

48
49 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
50 county of Manitowoc approves and authorizes the purchase of the Lakeside Foods corporate office

51 building located at 808 Hamilton Street in Manitowoc, for the sum of \$800,000.00 as provided in
52 the fully executed offer to purchase dated November 7, 2022; and

53
54 BE IT FURTHER RESOLVED that the county board of supervisors of the county of
55 Manitowoc authorizes the County Executive, County Board Chair, County Clerk, Corporation
56 Counsel, and such other county officials as may be necessary to finalize and execute any and all
57 documents required to complete the purchase of the Lakeside Foods corporate office building; and

58
59 BE IT FURTHER RESOLVED that the Finance Director is authorized to transfer
60 \$800,000.00 from the Human Services Special Revenue Fund for the purchase of this property and
61 record such information in the official books of the County.

Dated this 20th day of December 2022.

Respectfully submitted by the Public Works Committee and Finance Committee.

FISCAL IMPACT: \$800,000 for the purchase of which will be covered from the Human
Services Fund.

APPROVED: Bob Ziegelbauer, County Executive.

ADJOURNMENT

Supervisor Brey moved to adjourn, seconded by Supervisor Maresh, and the motion was adopted
by acclamation. The meeting adjourned at 6:54 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=KQY9Sx4GjG8>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, January 17, 2023

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 17th day of January 2023, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Weiss gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members were present at the time of voting for resolutions: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisor Hansen was excused.

On a motion by Supervisor Behnke, seconded by Supervisor Heller, the December 20, 2022 meeting minutes were approved on a unanimous vote.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:02 p.m.

Sulynn Moore, City of Manitowoc, expressed disappointment regarding Resolution 2022/2023-48 and a financial concern if there is a tax increase due to the project.

Maura Yost, Town of Centerville, advocated for a half-cent sales tax resolution with a sunset clause along with advocating for an advisory referendum pertaining to the courthouse dome project.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:08 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of Natasha Khan to the Manitowoc-Calumet Library System Board of Trustees. Supervisor Neils moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Board of Health: Supervisor Metzger gave a brief report.

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

Executive Committee: Chairperson Martell gave a brief report. Supervisor Gerroll moved, seconded by Supervisor Brey to adopt Resolution 2022/2023-48 Expressing Intent to Explore Courthouse Dome Project and Establishing Ad Hoc Courthouse Dome Advisory Committee. Discussion followed.

Amendment: Supervisor Behnke moved, seconded by Supervisor Falkowski to amend the resolution after line 38, add bullet point: “To go ahead, or not go ahead, with the project to repair the dome, replace the windows, and replace the HVAC system.” Upon discussion and vote, the motion carried unanimously.

Supervisor Gerroll moved, seconded by Supervisor Brey to adopt Resolution 2022/2023-48 Expressing Intent to Explore Courthouse Dome Project and Establishing Ad Hoc Courthouse Dome Advisory Committee as Amended. Upon discussion and vote, the motion carried 23 ayes and 1 no. Supervisor Phipps voted no.

No. 2022/2023 - 48

**RESOLUTION EXPRESSING INTENT TO EXPLORE COURTHOUSE
DOME PROJECT AND ESTABLISHING AD HOC COURTHOUSE
DOME ADVISORY COMMITTEE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the current Manitowoc County courthouse (“Courthouse”) was originally
2 built in 1907; and
3

4 WHEREAS, throughout the history of the Courthouse, multiple improvements have been
5 made, including in 1950 when the exterior dome was rebuilt and repaired after sustaining damage
6 from a severe wind and hail storm; and
7

8 WHEREAS, the 1950 repairs included replacing the original steel-framed exterior glass
9 dome with stainless steel panels altering the exterior appearance of the Courthouse; and
10

11 WHEREAS, in 2004, the county board of supervisors of the county of Manitowoc
12 authorized an Historic Structure Report (“2004 Report”) for the Courthouse to prioritize its
13 restoration, focusing on, *inter alia*, the exterior dome and tower and the interior dome; and
14

15 WHEREAS, the 2004 Report recommended restoration of the tower and exterior dome to
16 a condition that replicates the original construction as closely as feasible; and
17

18 WHEREAS, the 2004 Report further recommended that the interior dome also be restored
19 because the successful restoration of both domes must be viewed as a combined package as both
20 domes are integral to one another and the rotunda space below; and
21

22 WHEREAS, in 2022 the Public Works Department commissioned a study to assist the
23 department with project scope and budget considerations for restoration and repair of the
24 Courthouse tower and exterior dome, restoration of the atrium interior dome, replacement of the
25 Courthouse exterior windows, and courthouse HVAC system (“Project”); and

26
27 WHEREAS, the Courthouse is listed on the National Register of Historic Places; and

28
29 WHEREAS, the Courthouse is the civic image of the Manitowoc County government and
30 is central to the fiber of Manitowoc County; and

31
32 WHEREAS, investing in the Courthouse is a long term generational investment for the
33 community; and

34
35 WHEREAS, after careful consideration and review, the board of supervisors of the county
36 of Manitowoc wishes to explore the Project with the understanding that the following constitute
37 major decision checkpoints:

- 38
- 39 • Request for Proposals (RFP) for Engineering and Architectural work - beginning
 - 40 of year 1;
 - 41 • Decide whether to go out for bids on the three phases of the work (dome restoration,
 - 42 windows, HVAC) - end of year 1;
 - 43 • Decide on the funding mechanism - end of year 1;
 - 44 • Accept or reject the bids - beginning of year 2;
 - 45 • Monitor the bids and the work during construction and installation - years 2 and 3;

46
47 and

48
49 WHEREAS, prior to commencing construction, the project must bid in accordance with
50 Wis. Stat. § 66.0901; and

51
52 WHEREAS, if an acceptable bid is received by the County, construction on the Project
53 would commence in 2024; and

54
55 WHEREAS, to ensure the Project is completed in an efficient and cost effective manner,
56 an ad hoc Courthouse Restoration Advisory Committee should be formed to provide
57 recommendations to the Public Works Committee on project scope and budget considerations; and

58
59 WHEREAS, the Courthouse Restoration Advisory Committee should consist of the
60 members of the Executive Committee, the chair of the Public Works Committee, the chair of the
61 Finance Committee, six members of the County Board to be appointed by the County Board chair,
62 two citizen members, and one Manitowoc County circuit court judge;

63
64 NOW THEREFORE BE IT RESOLVED that the county board of supervisors of the county
65 of Manitowoc hereby establishes an ad hoc Courthouse Restoration Advisory Committee to
66 provide recommendations to the Public Works Committee regarding the Project; and

67

68 BE IT FURTHER RESOLVED that the ad hoc Courthouse Restoration Advisory
69 Committee shall consist of the members of the Executive Committee, the chair of the Public Works
70 Committee, the chair of the Finance Committee, six members of the County Board to be appointed
71 by the County Board chair, two citizen members to be appointed by the County Board chair, and
72 one Manitowoc County circuit court judge to be appointed by the County Board chair; and

73
74 BE IT FURTHER RESOLVED that the County Board chair shall appoint the chair of the
75 ad hoc Courthouse Restoration Advisory Committee; and

76
77 BE IT FURTHER RESOLVED that the ad hoc Courthouse Restoration Advisory
78 Committee shall have an indefinite term, but shall dissolve and cease to exist upon completion of
79 the Project.

Dated this ____ day of January 2023.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Brey gave a brief report.
Supervisor Brey moved, seconded by Supervisor Baumann to adopt Resolution 2022/2023-49
Denying Claim (Wisconsin Realtors Association). Upon vote, the motion carried unanimously.

No. 2022/2023 - 49

RESOLUTION DENYING CLAIM
(Wisconsin Realtors Association)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin Realtors Association filed a claim with Manitowoc County on
2 December 28, 2022 demanding the County repeal Manitowoc County Code § 13.32(2); and

3
4 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to
5 its insurance carrier; and

6
7 WHEREAS, the insurance carrier has reviewed the information provided and determined
8 that there is no coverage for the claim; and

9
10 WHEREAS, the Corporation Counsel, investigated the facts, and determined that
11 Manitowoc County should deny the claim; and

12

13 WHEREAS, the Finance Committee has reviewed the Corporation Counsel’s
14 recommendation that the claim be denied and that the county issue a formal disallowance;

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

Dated this 17th day of January 2022.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Land Conservation Committee/UW-Extension Education and Agriculture Committee:
Supervisor Wagner gave a brief report. Supervisor Wagner moved, seconded by Supervisor Engelbrecht to adopt Resolution 2022/2023-50 Authorizing West Foundation Grant. Upon vote, the motion carried unanimously.

No. 2022/2023 - 50

RESOLUTION AUTHORIZING WEST FOUNDATION GRANT

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Ruth St. John and John Dunham West Foundation, Inc. awards grants to
2 arts and humanitarian, cultural, and civic organizations centered on the Lakeshore area; and

3
4 WHEREAS, the University of Wisconsin Division of Extension Manitowoc County
5 (“UWEX Manitowoc County”) fosters civic leadership, empowering citizens to make positive,
6 transformative changes in their communities; and

7
8 WHEREAS, UWEX Manitowoc County works with community partners to address food
9 insecurity by increasing access to healthy affordable culturally appropriate safe food through
10 farmers markets and community gardens; and

11
12 WHEREAS, food insecurity is the limited or unknown availability of nutritional,
13 affordable, culturally appropriate, and safe food for everyone in a household to meet their basic
14 needs; and

15

16 WHEREAS, Manitowoc County is home to 8,000 people eligible for Supplemental
17 Nutrition Assistance Program, as well as seven census tracts where 30% or more of the residents
18 are under 200% of the federal poverty level indicating low-income people with limited access to
19 healthy food; and

20
21 WHEREAS, UWEX Manitowoc County desires to apply for a grant from the West
22 Foundation to pay for the start-up costs and technical assistance necessary to establish a program
23 to oversee and manage community gardens, provide farm market electronic benefits transfer
24 (“EBT”) machines, and engage other proven programs that are not currently provided by any
25 Manitowoc County entity to address food insecurity issues in the County; and

26
27 WHEREAS, UWEX Manitowoc County has identified a total cost of approximately
28 \$30,000.00 for this project; and

29
30 WHEREAS, after careful consideration and review, the Extension, Education, and
31 Agriculture Committee recommends UWEX Manitowoc County pursue available grants from the
32 Ruth St. John and John Dunham West Foundation, Inc.;

33
34 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
35 county of Manitowoc authorizes the UWEX Manitowoc County Area Extension Director to apply
36 for and accept a grant from the Ruth St. John and John Dunham West Foundation, Inc. in an
37 amount not to exceed \$30,000.00 to be used to create a plan to establish and maintain community
38 gardens, EBT at the farmer’s market, and engage other programs, to prepare marketing materials,
39 acquire services, educate market vendors, hire interns, and perform other work as outlined in the
40 grant proposal; and

41
42 BE IT FURTHER RESOLVED that the UWEX Manitowoc County Area Extension
43 Director, or his or her designee, is authorized to sign documents and take actions necessary to
44 complete the project as authorized in the grant application; and

45
46 BE IT FURTHER RESOLVED that the Finance Director is directed to record such
47 information in the official books of the County for the year ending December 31, 2023 as may be
48 required with carryover to 2024.

Dated this 17th day of January 2022.

Respectfully submitted by the Extension, Education, and Agriculture Committee.

FISCAL IMPACT: No levy impact. Increases revenues and expenses by offsetting amounts.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Gerroll gave a brief report.

ANNOUNCEMENT

Chairperson Martell announced the next County Board meeting will be February 21, 2023 with a start time of 5:30 p.m. because of the February Primary Election.

ADJOURNMENT

Supervisor Brey moved to adjourn, seconded by Supervisor Maresh, and the motion was adopted by acclamation. The meeting adjourned at 6:31 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=Z4d7bN2yKLM>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, February 21, 2023

5:30 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 21st day of February 2023, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 5:30 p.m.

Supervisor Engelbrecht gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 23 members were present at the time of voting for resolutions: Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Maresh, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas (5:47 p.m. arrival), Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisor Baumann was excused.

On a motion by Supervisor Hansen, seconded by Supervisor Behnke, the January 17, 2023 meeting minutes were approved on a unanimous vote.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 5:32 p.m.

Maura Yost, Town of Centerville, expressed her discontent with the County's borrowing habits and advocated for a half-cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 5:36 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of Atty. Katherine Reynolds to the Ethics Board. Supervisor Heller moved, seconded by Supervisor Sitkiewitz to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Gary Shavlik to the Local Emergency Planning Committee. Supervisor Falkowski moved, seconded by Supervisor Linsmeier to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of Benjamin Meinnert and Joseph Jeanty to the Traffic Safety Commission. Supervisor Neils moved, seconded by Supervisor Muench to approve the appointments. Upon voice vote, the motion carried unanimously.

APPOINTMENTS BY CHAIRPERSON

Chairperson Martell presented his appointments of Supervisor Jim Brey, Supervisor Jim Baumann, Supervisor Doug Klein, Supervisor Leo Naidl, Supervisor Ryan Phipps, Supervisor Ken Sitkiewitz, Circuit Court Judge Robert Dewane, Citizen Member Kaitlin Piazza, and Citizen Member John Delsman to the Ad Hoc Courthouse Restoration Advisory Committee. Supervisor Brey moved, seconded by Supervisor Behnke to approve the appointments. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

Planning and Park Commission: Supervisor Falkowski gave a brief report. Supervisor Falkowski moved, seconded by Supervisor Vogt to enact Ordinance 2022/2023-51 Amending Zoning Map (Brad and Jennifer Kurtzweil). Upon vote, the motion carried unanimously.

No. 2022/2023 - 51

ORDINANCE AMENDING ZONING MAP
(Brad and Jennifer Kurtzweil)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on January 23, 2023; and
3

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

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

11 A parcel of land in part of the NW 1/4 of the NW 1/4 of Section 15, Town 19 North,
12 Range 23 East, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, described as
13 follows:
14

15 Commencing at the W 1/4 Corner of said Section 15; Thence S 89°52'33" E,
16 1303.35 feet coincident with the south line of said NW 1/4 to the east line of the
17 W 1/2 of said NW 1/4; Thence N 00°31'06" E, 1908.52 feet coincident with said
18 east line to the point of beginning; Thence N 00°31'06" E, 412.00 feet to the south
19 line of an existing parcel; Thence N 89°28'54" W, 374.85 feet coincident with
20 said south line; Thence S 00°05'32" W, 412.00 feet; Thence S 89°28'47" E,
21 371.79 feet to the point of beginning, said parcel containing approximately
22 153,806 Square Feet (3.531 Acres) of land and is hereby rezoned from Exclusive
23 Agriculture (EA) District to Rural Residential (RR) District.

Dated this 21st day of February 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance 2022/2023-52 Amending Zoning Map (Muench Irrevocable Family Trust). Upon vote, the motion carried unanimously.

No. 2022/2023 - 52

ORDINANCE AMENDING ZONING MAP
(Muench Irrevocable Family Trust)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on January 23, 2023; and
3

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

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

11 A tract of land in part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4)
12 of Section 36, Township 18 North, Range 22 East, Town of Liberty, Manitowoc County,
13 Wisconsin being described as follows:
14

15 Commencing at the Southeast Corner of said Section 36; thence S89°-49'-56"W
16 along the South line of the SE1/4 of said Section 36 a distance of 455.90 feet to
17 the point of beginning; thence continuing S89°-49'-56"W along said South line
18 223.51 feet to the Southeast Corner of Lot 1 of Certified Survey Map recorded in
19 Volume 31 of Certified Survey Maps, on Pages 197-198, as Document No.
20 1148560; thence N00°-29'-40"W 157.80 feet to a corner of said Lot 1; thence
21 S89°-50'-06"W 22.19 feet to a corner of said Lot 1; thence N36°-19'-18"W 21.65
22 feet to a corner of said Lot 1; thence N00°-29'-40"E 19.51 feet to the North line
23 of said Lot 1; thence S89°-50'-06"W along said North line 272.41 feet; thence
24 N00°-29'-40"E 131.36 feet; thence N89°-49'-56"E 531.08 feet; thence S00°-29'-
25 40"W 326.21 feet to the point of beginning, said parcel containing approximately
26 114,492 square feet (2.63 acres) of land and is hereby rezoned from Exclusive
27 Agriculture (EA) District to Rural Residential (RR) District;
28

29 and

30

31 A tract of land in part of Lot 1 of Certified Survey Map recorded in Volume 31, on Pages
32 197-198, as Document No. 1148560; being a part of the Southeast Quarter (SE1/4) of the
33 Southeast Quarter (SE1/4) of Section 36, Township 18 North, Range 22 East, Town of Liberty,
34 Manitowoc County, Wisconsin being described as follows:

35

36 Commencing at the Southeast Corner of said Section 36; thence S89°-49'-56"W
37 along the South line of the SE1/4 of said Section 36, a distance of 986.98 feet to
38 the point of beginning; thence continuing S89°-49'-56"W along said South line
39 124.00 feet to the West line of Lot 1 of said Certified Survey Map; thence N00°-
40 29'-40"E along said West line 194.85 feet to the North line of Lot 1 of said
41 Certified Survey Map; thence N89°-50'-06"E along said North line 124.00 feet;
42 thence S00°-29'-40"W 194.85 feet to the point of beginning, said parcel
43 containing approximately 24,162 square feet (0.55 acres) of land and is hereby
44 rezoned from Rural Residential (RR) District to Exclusive Agriculture (EA)
45 District.

Dated this 21st day of February 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Zimmer to enact Ordinance 2022/2023-53 Repealing and Recreating Manitowoc County Code Chapter 31 (Floodplain Zoning). Upon vote, the motion carried unanimously.

No. 2022/2023 - 53

**ORDINANCE REPEALING AND RECREATING MANITOWOC COUNTY CODE
CHAPTER 31
(FLOODPLAIN ZONING)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Federal Emergency Management Administration has published new
2 Flood Insurance Rate Maps and Flood Insurance Study for Manitowoc County that becomes
3 effective on February 23, 2023; and

4

5 WHEREAS, the Wisconsin Department of Natural Resources (“WDNR”) has promulgated
6 a new model ordinance for counties to maintain compliance with Wis. Admin. Code ch. NR 116
7 and the National Flood Insurance Program 44 CFR Parts 59-72; and
8

9 WHEREAS, Manitowoc County must adopt an updated Floodplain Ordinance to
10 incorporate the new Flood Insurance Rate Maps, Flood Insurance Study, and changes to the
11 WDNR floodplain model ordinance standards to continue participation in the National Flood
12 Insurance Program; and
13

14 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
15 public hearing on January 23, 2023, to discuss and consider the proposed revision to the
16 Floodplain Zoning Ordinance for Manitowoc County; and
17

18 WHEREAS, the Planning and Park Commission, after careful consideration of the
19 testimony at the hearing and an examination of the facts, recommends that the county board
20 approve the following comprehensive revision of the Floodplain Ordinance;
21

22 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does
23 ordain as follows:
24

25 Manitowoc County Code Chapter 31, Floodplain Zoning is repealed and reenacted to read
26 as follows:
27

28 FLOODPLAIN ZONING

29 Part I. General Provisions.

- 30 31.01 Title.
- 31 31.02 Statement of Purpose.
- 32 31.03 Statutory Authorization.
- 33 31.04 Finding of Fact.
- 34 31.05 Warning and Disclaimer of Liability.
- 35
- 36

37 Part II. Definitions.

- 38 31.06 Definitions.
- 39

40 Part III. Applicability and Compliance.

- 41 31.07 Areas to Be Regulated.
- 42 31.08 Municipalities and State Agencies Regulated.
- 43 31.09 Compliance.
- 44 31.10 Abrogation and Greater Restrictions.
- 45 31.11 Interpretation.
- 46 31.12 Severability.
- 47
- 48
- 49

51	Part IV. Floodplain Districts and Maps.
52	
53	31.13 Establishment of Districts.
54	31.14 Official Maps and Revisions.
55	31.15 Locating Floodplain Boundaries.
56	31.16 Removal of Land From Floodplain.
57	
58	Part V. General Standards Applicable to All Floodplain Districts.
59	
60	31.17 General Development Standards.
61	31.18 Hydraulic and Hydrologic Analyses.
62	31.19 Watercourse Alterations.
63	31.20 Development and Wis. Stat. Chs. 30 and 31.
64	31.21 Public or Private Campgrounds.
65	
66	Part VI. Floodway District (FW).
67	
68	31.22 Applicability.
69	31.23 Permitted Uses.
70	31.24 Standards for Developments in Floodway Areas.
71	31.25 Prohibited Uses.
72	
73	Part VII. Floodfringe District (FF).
74	
75	31.26 Applicability.
76	31.27 Permitted Uses.
77	31.28 Standards for Development in Floodfringe Areas.
78	
79	Part VIII. General Floodplain District (GFP).
80	
81	31.29 Applicability.
82	31.30 Floodway Boundaries.
83	31.31 Permitted Uses.
84	31.32 Standards for Development in the General Floodplain District.
85	31.33 Determining Floodway and Floodfringe Limits.
86	
87	Part IX. Coastal Floodplain District.
88	
89	31.34 Applicability.
90	31.35 Standards for Development in the Coastal Floodplain District.
91	
92	Part X. Nonconforming Uses.
93	
94	31.36 General.
95	31.37 Floodway Areas.
96	31.38 Floodfringe Areas.

- 97 31.39 Coastal Floodplain Areas.
- 98
- 99 Part XI. Administration.
- 100
- 101 31.40 Administration.
- 102 31.41 Planning and Zoning Department.
- 103 31.42 Planning and Park Commission.
- 104 31.43 Board of Adjustment.
- 105
- 106 Part XII. Procedure.
- 107
- 108 31.44 Land Use Permit.
- 109 31.45 Floodproofing Requirements.
- 110 31.46 Certificate of Compliance.
- 111 31.47 Other Permits.
- 112 31.48 Appeals.
- 113 31.49 Appeals of Permit Denials.
- 114 31.50 Boundary Disputes.
- 115 31.51 Variances.
- 116 31.52 Public Information.
- 117 31.53 Amendments.
- 118 31.54 General.
- 119 31.55 Procedures.

120

121 Part XIII. Violations and Enforcement.

122

- 123 31.56 Violations.
- 124 31.57 Enforcement.
- 125 31.58 Penalties.
- 126 31.59 Effective Date.

127

128 PART I. GENERAL PROVISIONS.

129

130 31.01 Title.

131

132 This ordinance may be referred to as the Floodplain Ordinance or the Floodplain Zoning
133 Ordinance for Manitowoc County, Wisconsin.

134

135 31.02 Statement of Purpose.

136

137 This Floodplain Ordinance is intended to regulate floodplain development to protect life,
138 health, and property; minimize expenditures of public funds for flood control projects;
139 minimize rescue and relief efforts undertaken at the expense of the taxpayers; minimize
140 business interruptions and other economic disruptions; minimize damage to public
141 facilities in the floodplain; minimize the occurrence of future flood blight areas in the
142 floodplain; discourage the victimization of unwary land and home buyers; prevent

143 increases in flood heights that could increase flood damage and result in conflicts
144 between property owners; and discourage development in a floodplain if there is any
145 practicable alternative to locate the activity, use, or structure outside of the floodplain.
146

147 31.03 Statutory Authorization.

148
149 This Floodplain Ordinance is adopted pursuant to the authorization in Wis. Stat. §§
150 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stat. § 87.30.
151

152 31.04 Finding of Fact.

153
154 Uncontrolled development and use of the floodplains and rivers of Manitowoc County
155 would impair the public health, safety, convenience, general welfare, and tax base.
156

157 31.05 Warning and Disclaimer of Liability.

- 158
- 159 (1) The flood protection standards in this Floodplain Ordinance are based on
160 engineering experience and scientific research. Larger floods may occur or the
161 flood height may be increased by man made or natural causes.
162
 - 163 (2) This Floodplain Ordinance does not imply or guarantee that non floodplain areas
164 or permitted floodplain uses will be free from flooding and flood damages.
165
 - 166 (3) This Floodplain Ordinance does not create liability on the part of, or a cause of
167 action against, Manitowoc County or any officer or employee thereof for any
168 flood damage that may result from reliance on this Floodplain Ordinance.
169

170 PART II. DEFINITIONS.

171
172 31.06 Definitions.

173
174 “A zone” means an area shown on the Official Floodplain Zoning Map which would be
175 inundated by the regional flood. An A zone may be numbered or unnumbered.
176 Depending on the availability of data for a given area, an A zone may not be reflective of
177 the flood profile.
178

179 “AH zone” See “area of shallow flooding.”
180

181 “AO zone” See “area of shallow flooding.”
182

183 “Accessory structure or use” means a building, facility, structure, or use that is accessory
184 or incidental to the principal use of a building, property, or structure. An accessory
185 structure shall not be used for human habitation.
186

187 “Alteration” means an enhancement, upgrade, or substantial change or modification other
188 than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air
189 conditioning, or other systems within a structure.

190
191 “Area of shallow flooding” means a designated AO, AH, AR/A, AR/AH, or VO zone on
192 a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual
193 chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does
194 not exist, where the path of flooding is unpredictable and where velocity flood may be
195 evident. Such flooding is characterized by ponding or sheet flow.

196
197 “Base flood” means the flood having a one percent chance of being equaled or exceeded
198 in any given year, as published by FEMA as part of a Flood Insurance Study (FIS) and
199 depicted on a Flood Insurance Rate Map (FIRM).

200
201 “Basement” means any enclosed area of a building having its floor sub grade, i.e., below
202 ground level, on all sides.

203
204 “Breakaway wall” means a wall that is not part of the structural support of the building
205 and is intended through its design and construction to collapse under specific lateral
206 loading forces, without causing damage to the elevated portion of the building or
207 supporting foundation system.

208
209 “Building” means a structure.

210
211 “Bulkhead line” means a geographic line along a reach of navigable water, which has
212 been adopted by a municipal ordinance and approved by the Department pursuant to Wis.
213 Stat. § 30.11 and which allows limited filling between this bulkhead line and the original
214 ordinary highwater mark, except where such filling is prohibited by the floodway
215 provisions of this Floodplain Ordinance.

216
217 “Campground” means a parcel of land that is designed, intended, maintained, or used for
218 the purpose of providing sites for nonpermanent overnight use by 4 or more camping
219 units or that is advertised or represented as a camping area.

220
221 “Camping unit” means any portable device, no more than 400 square feet in area, used as
222 a temporary shelter, including but not limited to a bus, camping trailer, motor home, pick
223 up truck, tent, van, or any other mobile recreational vehicle.

224
225 “Certificate of compliance” means a written document certifying that the construction
226 and use of a structure, the use of the property, the elevation of fill, or the elevation of the
227 lowest floor of a structure is in compliance with all of the provisions of this Floodplain
228 Ordinance.

229
230 “Channel” means a natural or artificial watercourse with a definite bed and banks to
231 confine and conduct normal flow of water.

232

233 “Coastal floodplain” means an area along the coast of Lake Michigan that is inundated by
234 the regional flood and that is also subject to additional hazard due to wave runup.

235
236 “Coastal high hazard area” means an area of special flood hazard extending from
237 offshore to the inland limit of a primary frontal dune along an open coast, and any other
238 area subject to high velocity wave action from storms.

239
240 “Corrected effective model” means a hydraulic engineering model that corrects any
241 errors that occur in the duplicate effective model, adds any additional cross sections to
242 the duplicate effective model, or incorporates more detailed topographic information than
243 that used in the current effective model.

244
245 “Crawl space” or “crawlway” means an enclosed area below the first usable floor of a
246 building, generally less than five feet in height, used for access to plumbing and electrical
247 utilities.

248
249 “Deck” means an unenclosed exterior structure that has no roof or sides and has a
250 permeable floor that allows the infiltration of precipitation.

251
252 “Department” or “DNR” means the Wisconsin Department of Natural Resources.

253
254 “Development” means any artificial change to improved or unimproved real estate,
255 including but not limited to the construction of buildings, structures or accessory
256 structures; the construction of additions or alterations to buildings, structures or accessory
257 structures; the repair of any damaged structure or the improvement or renovation of any
258 structure, regardless of percentage of damage or improvement; the placement of buildings
259 or structures; subdivision layout and site preparation; mining, dredging, filling, grading,
260 paving, excavation or drilling operations; the storage, deposition or extraction of
261 materials or equipment; and the installation, repair or removal of public or private sewage
262 disposal systems or water supply facilities.

263
264 “Director” means the director of the Manitowoc County Planning and Zoning
265 Department or the department director’s designee.

266
267 “Dryland access” means a vehicular access route that is above the regional flood
268 elevation and that connects land located in the floodplain to land outside the floodplain,
269 such as a road with its surface above regional flood elevation that is wide enough for
270 wheeled rescue and relief vehicles.

271
272 “Duplicate effective model” means a copy of the hydraulic analysis used in the effective
273 Flood Insurance Study and referred to as the effective model.

274
275 “Effective model” means the hydraulic engineering model that was used to produce the
276 current effective Flood Insurance Study.

277

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

280
281 “Existing manufactured home park or subdivision” means a parcel of land, divided into
282 two or more manufactured home lots for rent or sale, on which the construction of
283 facilities for servicing the lots is completed before the effective date of this Floodplain
284 Ordinance. At a minimum, this includes the installation of utilities, the construction of
285 streets, and either final site grading or the pouring of concrete pads.

286
287 “Existing model (pre-project)” means a modification of the duplicate effective model or
288 corrected effective model to reflect any man made modifications that have occurred
289 within the floodplain since the date of the effective model but prior to the construction of
290 the project for which the revision is being requested. If no modification has occurred
291 since the date of the effective mode, then this model would be identical to the corrected
292 effective model or duplicate effective model.

293
294 “Expansion to existing mobile/manufactured home park” or “expansion” means the
295 preparation of additional sites by the construction of facilities for servicing the lots on
296 which the mobile or manufactured homes are to be affixed. This includes installation of
297 utilities, construction of streets, and either final site grading or the pouring of concrete
298 pads.

299
300 “Federal Emergency Management Agency” or “FEMA” means the federal agency that
301 administers the National Flood Insurance Program.

302
303 “Flood” or “flooding” means a general and temporary condition of partial or complete
304 inundation of normally dry land areas caused by one of the following conditions: the
305 overflow or rise of inland waters; the rapid accumulation or runoff of surface waters from
306 any source; the inundation caused by waves or currents of water exceeding anticipated
307 cyclical levels along the shore of Lake Michigan or Lake Superior, or the sudden increase
308 caused by an unusually high water level in a natural body of water, accompanied by a
309 severe storm, or by an unanticipated force of nature, such as a seiche, or by some
310 similarly unusual event.

311
312 “Flood frequency” means the probability of a flood occurrence which is determined from
313 statistical analyses. The frequency of a particular flood event is usually expressed as
314 occurring, on the average, once in a specified number of years or as a percent chance of
315 occurring in any given year.

316
317 “Floodfringe” means that portion of the floodplain outside of the floodway which is
318 covered by flood waters during the regional flood and is associated with standing water
319 rather than flowing water.

320
321 “Flood hazard boundary map” means a map designating approximate flood hazard areas.
322 Flood hazard areas are designated as unnumbered A zones and do not contain floodway
323 lines or regional flood elevations. This map forms the basis for both the regulatory and

324 insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a
325 Flood Insurance Study and a Flood Insurance Rate Map.

326
327 “Flood Insurance Rate Map” or “FIRM” means a map on which the Federal Insurance
328 Administration has delineated both special flood hazard areas (the floodplain) and the
329 risk premium zones applicable to the community. A FIRM can only be amended by the
330 Federal Emergency Management Agency.

331
332 “Flood Insurance Study” or “FIS” means a technical engineering examination,
333 evaluation, and determination of the local flood hazard areas. It provides maps
334 designating those areas affected by the regional flood and provides both flood insurance
335 rate zones and base flood elevations and may provide floodway lines. The flood hazard
336 areas are designated as numbered and unnumbered A zones. Flood Insurance Rate Maps
337 that accompany the Flood Insurance Study form the basis for both the regulatory and the
338 insurance aspects of the National Flood Insurance Program.

339
340 “Floodplain” means land that has been or may be covered by flood water during the
341 regional flood. It includes the floodway and the floodfringe, and may include other
342 designated floodplain areas for regulatory purposes.

343
344 “Floodplain island” means a natural geologic land formation within the floodplain that is
345 surrounded, but not covered, by floodwater during the regional flood.

346
347 “Floodplain management” means the policy and procedures to insure wise use of
348 floodplains, including mapping and engineering, mitigation, education, and
349 administration and enforcement of floodplain regulations.

350
351 “Flood profile” means a graph or a longitudinal profile line showing the relationship of
352 the water surface elevation of a flood event to locations of land surface elevations along a
353 stream or river.

354
355 “Floodproofing” means any combination of structural provisions, changes, or
356 adjustments to properties and structures, water and sanitary facilities, and contents of
357 buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

358
359 “Flood protection elevation” means an elevation of two feet of freeboard above the water
360 surface profile elevation designated for the regional flood (also see “freeboard”).

361
362 “Flood storage” means those floodplain areas where storage of floodwater has been taken
363 into account during analysis in reducing the regional flood discharge.

364
365 “Floodway” means the channel of a river or stream and those portions of the floodplain
366 adjoining the channel required to carry the regional flood discharge.

367
368 “Freeboard” means a safety factor expressed in terms of a specified number of feet above
369 a calculated flood level. Freeboard compensates for any factors that cause flood heights

370 greater than those calculated, including ice jams, debris accumulation, wave action,
371 obstruction of bridge openings and floodways, the effects of watershed urbanization, and
372 loss of flood storage areas due to development and aggregation of the river or stream bed.

373
374 “Habitable structure” means any structure or portion of a structure use or designed for
375 human habitation.

376
377 “Hearing notice” means the publication or posting meeting the requirements of Wis. Stat.
378 ch. 985. For appeals, a Class 1 notice, published once at least one week (7 days) before
379 the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice,
380 published twice, once each week consecutively, the last at least one week (7 days) before
381 the hearing is required.

382
383 “High flood damage potential” means damage that could result from flooding that
384 includes any danger to life or health or any significant economic loss to a structure or
385 building and its contents.

386
387 “Highest adjacent grade” means the highest natural elevation of the ground surface prior
388 to construction next to the proposed walls of a structure.

389
390 “Historic structure” means any structure that is listed individually in the National
391 Register of Historic Places or preliminarily determined by the Secretary of the Interior as
392 meeting the requirements for individual listing on the National Register; certified or
393 preliminarily determined by the Secretary of the Interior as contributing to the historical
394 significance of a registered historic district or a district preliminarily determined by the
395 Secretary to qualify as a registered historic district; individually listed on a state
396 inventory of historic places in states with historic preservation programs which have been
397 approved by the Secretary of the Interior; or individually listed on a local inventory of
398 historic places in communities with historic preservation programs that have been
399 certified either by an approved state program, as determined by the Secretary of the
400 Interior or by the Secretary of the Interior in states without approved programs.

401
402 “Human habitation” means the use of a structure for living for any period of time, or for
403 activities such as sleeping, eating, or cooking, or combination thereof.

404
405 “Increase in regional flood height” means a calculated upward rise in the regional flood
406 elevation greater than 0.00 feet, based on a comparison of existing conditions and
407 proposed conditions, which is directly attributable to development in the floodplain but
408 not attributable to manipulation of mathematical variables such as roughness factors,
409 expansion and contraction coefficients, and discharge.

410
411 “Land use” means any nonstructural use made of unimproved or improved real estate.
412 See also “development.”

413
414 “Lowest adjacent grade” means the elevation of the lowest ground surface that touches
415 any of the exterior walls of a building.

416
417 “Lowest floor” means the lowest floor of the lowest enclosed area (including basement).
418 An enclosed space as provided in s. 31.35(6) is not considered the building’s lowest
419 floor.

420
421 “Maintenance” means the act or process of restoring to original soundness, including
422 redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures,
423 systems or equipment with equivalent fixtures, systems or structures.

424
425 “Manufactured home” means a structure transportable in one or more sections, which is
426 built on a permanent chassis and is designed to be used with or without a permanent
427 foundation when connected to required utilities. The term “manufactured home” includes
428 a mobile home, but does not include a “mobile recreational vehicle.”

429
430 “Mobile manufactured home park or subdivision” means a parcel (or contiguous parcels)
431 of land, divided into two or more manufactured home lots for rent or sale.

432
433 “Mobile recreational vehicle” means a vehicle which is built on a single chassis, 400
434 square feet or less when measured at the largest horizontal projection, designed to be self
435 propelled, carried, or permanently towable by a licensed, light duty vehicle; is licensed
436 for highway use if registration is required; and is designed primarily for use as a
437 temporary living quarters for camping, recreational, seasonal, or travel use rather than for
438 use as a permanent dwelling. Manufactured homes that are towed or carried onto a parcel
439 of land, but do not remain capable of being towed or carried, including park model
440 homes, do not fall within the definition of a “mobile recreational vehicle.”

441
442 “Moderate wave action area” or “MoWA” means a special flood hazard area subject to
443 the potential for breaking wave heights of greater than or equal to 1.5 feet but less than 3
444 feet, where the primary source of flooding is astronomical tides, storm surges, seiches,
445 and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the
446 inland limit of zone VE and a limit of moderate wave action, where identified. (Also
447 known as “coastal A zone”)

448
449 “Municipality” or “municipal” means a city, county, or village governmental unit
450 enacting, administering, or enforcing this Floodplain Ordinance.

451
452 “National Geodetic Vertical Datum” or “NGVD” means the elevations referenced to
453 mean sea level datum, 1929 adjustment.

454
455 “New construction” means, for floodplain management purposes, any structure for which
456 the start of construction commenced on or after the effective date of floodplain zoning
457 regulations adopted by the County and includes any subsequent improvements to the
458 structure.

459
460 “Nonconforming structure” means an existing lawful structure or building which is not in
461 conformity with the dimensional or structural requirements of this Floodplain Ordinance

462 for the area of the floodplain that it occupies, e.g., an existing residential structure in the
463 floodfringe district is a conforming use, but the structure is nonconforming if the lowest
464 floor is lower than the flood protection elevation.

465
466 “Nonconforming use” means an existing lawful use or accessory use of a structure or
467 building which is not in conformity with the provisions of this Floodplain Ordinance for
468 the area of the floodplain which it occupies, e.g., a residence in the floodway.

469
470 “North American Vertical Datum” or “NAVD” means the elevations referenced to mean
471 sea level datum, 1988 adjustment.

472
473 “Obstruction to flow” or “obstruct flow” means any development that blocks the
474 conveyance of floodwaters such that the development alone or together with any future
475 development will cause an increase in regional flood height.

476
477 “Official floodplain zoning map” or “official map” means a map adopted and made part
478 of this Floodplain Ordinance, as described in s. 31.14(1), which has been approved by the
479 Department and FEMA.

480
481 “Open space use” means a use having a relatively low flood damage potential and not
482 involving structures.

483
484 “Ordinary highwater mark” means the point on the bank or shore up to which the
485 presence and action of surface water is so continuous as to leave a distinctive mark such
486 as by erosion, destruction, prevention of terrestrial vegetation, predominance of aquatic
487 vegetation, or any other easily recognized characteristic.

488
489 “Person” means any individual or group of individuals, corporation, partnership,
490 association, municipality, or state agency.

491
492 “Planning and Zoning Department” means the Manitowoc County Planning and Zoning
493 Department or the department director’s designee.

494
495 “Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand
496 with relatively steep seaward and landward slopes immediately landward and adjacent to
497 the beach and subject to erosion and overtopping from high tides and waves during major
498 coastal storms. The inland limit of the primary frontal dune occurs at the point where
499 there is a distinct change from a relatively steep slope to a relatively mild slope.

500
501 “Private sewage system” means a sewage treatment and disposal system serving one
502 structure with a septic tank and soil absorption field located on the same parcel as the
503 structure. It also means an alternative sewage system approved by the Department of
504 Safety and Professional Services (DSPS), including a substitute for the septic tank or soil
505 absorption field, a holding tank, a system serving more than one structure, or a system
506 located on a different parcel than the structure.

507

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

511
512 “Reasonably safe from flooding” means that base flood waters will not inundate the land
513 or damage structures to be removed from the special flood hazard area and that any
514 subsurface waters related to the base flood will not damage existing or proposed
515 buildings.

516
517 “Regional flood” means a flood determined to be representative of large floods known to
518 have occurred in Wisconsin. A regional flood is a flood with a one percent chance of
519 being equaled or exceeded in any given year, and if depicted on the FIRM, the regional
520 flood elevation (RFE) is equivalent to the base flood elevation (BFE).

521
522 “Revised model (post-project)” means a modification of the existing or pre-project
523 conditions model, duplicate effective model or corrected effective model to reflect
524 revised or post-project conditions.

525
526 “Sand dunes” means naturally occurring accumulations of sand in ridges or mounds
527 landward of the beach.

528
529 “Start of construction” means the date a building permit is issued, provided the actual
530 start of construction, repair, reconstruction, rehabilitation, addition, placement, or other
531 improvement commences within 180 days of the permit date. “Actual start” means the
532 first placement of permanent construction on a site, such as the pouring of slab or
533 footings, the installation of piles, the construction of columns, any work beyond initial
534 excavation, or the placement of a manufactured home on a foundation. “Permanent
535 construction” does not include land preparation, such as clearing, grading, and filling;
536 excavation for a basement, footings, pier, or foundation; the erection of temporary forms;
537 the installation of streets or walkways; or the installation of any accessory building on the
538 property, such as a garage or shed not occupied as a dwelling unit or not part of the main
539 structure. “Actual start” of an alteration means the first alteration of any wall, ceiling,
540 floor, or other structural part of a building, even if the alteration does not affect the
541 external dimensions of the building.

542
543 “Structure” means any manmade object with form, shape, and utility, either permanently
544 or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed,
545 including but not limited to roofed and walled buildings, bridges, culverts, dams, and gas
546 or liquid storage tanks.

547
548 “Subdivision” has the meaning given in Wis. Stat. § 236.02(12).

549
550 “Substantial damage” means damage of any origin sustained by a structure, whereby the
551 cost of restoring the structure to its pre damaged condition would equal or exceed 50
552 percent of the equalized assessed value of the structure before the damage occurred.

553

554 “Substantial improvement” means any repair, reconstruction, rehabilitation, addition or
555 improvement of a building or structure, the cost of which equals or exceeds 50 percent of
556 the equalized assessed value of the structure before the improvement or repair is started.
557 If the structure has sustained substantial damage, any repairs are considered substantial
558 improvement regardless of the work performed. The term does not include either any
559 project for the improvement of a building required to correct existing health, sanitary or
560 safety code violations identified by the building official and that are the minimum
561 necessary to assure safe living conditions; or any alteration of a historic structure
562 provided that the alteration will not preclude the structure’s continued designation as a
563 historic structure.

564
565 “Unnecessary hardship” means that there are special conditions affecting a particular
566 property, which were not self created, that make strict conformity with restrictions
567 governing areas, setbacks, frontage, height, or density unnecessarily burdensome or
568 unreasonable in light of the purposes of this Floodplain Ordinance.

569
570 “Variance” means an authorization by the board of adjustment for the construction or
571 maintenance of a building or structure in a manner that is inconsistent with dimensional
572 standards contained in this Floodplain Ordinance. A variance may not be granted for a
573 use that is inconsistent with the standards contained in this Floodplain Ordinance.

574
575 “Violation” means the failure of a structure or other development to be fully compliant
576 with this Floodplain Ordinance. A structure or other development without required
577 permits, lowest floor elevation documentation, floodproofing certificates, or required
578 floodway encroachment calculations is presumed to be in violation until such time as that
579 documentation is provided.

580
581 “Watershed” means the entire region contributing runoff or surface water to a
582 watercourse or body of water.

583
584 “Water surface profile” means a graphical representation showing the elevation of the
585 water surface of a watercourse for each position along a reach of river or stream at a
586 certain flood flow. A water surface profile of the regional flood is used in regulating
587 floodplain areas.

588
589 “Well” means an excavation or opening in the ground made by boring, digging, drilling,
590 driving or other method to obtain groundwater regardless of its intended use.

591
592 **PART III. APPLICABILITY AND COMPLIANCE.**

593
594 **31.07 Areas to Be Regulated.**

595
596 This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH,
597 A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map. Additional areas
598 identified on maps approved by the Department and Manitowoc County may also be
599 regulated under the provisions of this ordinance, where applicable.

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31.08 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Floodplain 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. Although exempt from a local zoning permit and permit fees, the Wisconsin Department of Transportation must provide sufficient project documentation and analysis to ensure that Manitowoc County is in compliance with Federal, State, and local floodplain standards.

If a local transportation project is located within an A zone and is not a Wisconsin Department of Transportation project under Wis. Stat. § 30.2022, then the road project design documents (including appropriate details plans and profiles) may be sufficient to meet the requirements for issuance of a land use permit if the following apply:

- (1) The applicant provides documentation to the Planning and Zoning Department that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location;
- (2) The project is exempt from a DNR permit under Wis. Stat. § 30.123(6)(d);
- (3) The capacity is not decreased;
- (4) The top road grade is not raised;
- (5) No floodway data is available from a federal, state, or other source; and
- (6) If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

31.09 Compliance.

- (1) No structure or use within areas regulated by this Floodplain Ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of this Floodplain Ordinance and all other applicable regulations that apply to uses within the jurisdiction of this Floodplain Ordinance.
- (2) Failure to obtain a land use permit shall be a violation of this Floodplain Ordinance and shall be punishable in accordance with Part XIII of this Floodplain Ordinance.

645 (3) Floodplain development permits issued on the basis of plans and applications
646 approved by the Planning and Zoning Department authorize only the use and
647 arrangement set forth in such approved plans and applications, or amendments
648 thereto if approved by the Planning and Zoning Department. Use, arrangement,
649 or construction contrary to that authorized shall be deemed a violation of these
650 regulations and punishable in accordance with Part XIII of this Floodplain
651 Ordinance.

652

653 31.10 Abrogation and Greater Restrictions.

654

655 (1) This Floodplain Ordinance supersedes all the provisions of any zoning ordinance
656 enacted under Wis. Stat. § 59.69, 59.692 or 59.694, or Wis. Stat. § 87.30 that
657 relate to floodplains. If another ordinance is more restrictive than this Floodplain
658 Ordinance, that ordinance shall continue in full force and effect to the extent of
659 the greater restrictions, but not otherwise.

660

661 (2) This Floodplain Ordinance is not intended to repeal, abrogate, or impair any
662 existing deed restrictions, covenants, or easements. If this Floodplain Ordinance
663 imposes greater restrictions, the provisions of this Floodplain Ordinance shall
664 prevail.

665

666 31.11 Interpretation.

667

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

675

676 31.12 Severability.

677

678 Should any portion of this Floodplain Ordinance be declared unconstitutional or invalid
679 by a court of competent jurisdiction, the remainder of this Floodplain Ordinance shall not
680 be affected.

681

682 PART IV. FLOODPLAIN DISTRICTS AND MAPS.

683

684 31.13 Establishment of Districts.

685

686 (1) The regional floodplain is divided into the following four districts: floodway,
687 floodfringe, general floodplain, and coastal floodplain.

688

689 (2) The Floodway District (FW) consists of the channel of a river or stream and that
690 portion of the floodplain adjoining the channel that is required to carry the

691 regional floodwaters and are contained within AE zones as shown on the FIRM or
692 within A zones shown on the FIRM when determined according to s. 31.33.

693
694 (3) The Floodfringe District (FF) consists of that portion of a riverine special flood
695 hazard area outside the floodway within AE zones of the FIRM, or, when
696 floodway limits have been determined according to s. 31.33, within A zones
697 shown on the FIRM.

698
699 (4) The General Floodplain District (GFP) consists of those riverine areas that may be
700 covered by floodwater during the regional flood in which a floodway boundary
701 has not been delineated on the FIRM and also includes shallow flooding areas
702 identified as AH and AO zones on the FIRM.

703
704 (5) The Coastal Floodplain District (CFP) is an area of special flood hazard extending
705 from offshore to the inland limit of a primary frontal dune along an open coast,
706 and any other area subject to high velocity wave action from storms, including
707 areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE
708 floodway extends into the CFP, development within the floodway must comply
709 with the regulations for both the FW and CFP. Where a riverine A zone or AE
710 zone with no floodway determination abuts the CFP, the riverine study's
711 floodway limit must be determined based on standard floodway expansion
712 principles within the CFP district and development within the floodway must
713 comply with the standards for both the FW and CFP.

714
715 31.14 Official Maps and Revisions.

716
717 (1) Special flood hazard areas (SFHA) are designated as zones A, A1-30, AE, AH,
718 AO, VE, V1-30, or V on the Flood Insurance Rate Maps based on flood hazard
719 analyses summarized in the Flood Insurance Study listed in sub. (2). Additional
720 flood hazard areas subject to regulation under this Floodplain Ordinance are
721 identified on maps based on studies approved by the DNR and listed in sub. (3).
722 These maps and revisions are on file in the office of the Manitowoc County
723 Planning and Zoning Department.

724
725 (2) Official Maps. Based on the Flood Insurance Study 5507CV000A dated August
726 2, 2011, the following Flood Insurance Rate Maps for Manitowoc and
727 Incorporated Areas, issued by the Federal Emergency Management Agency with
728 an effective date of August 2, 2011, are designated as the official maps for
729 purposes of floodplain zoning:

730

731	55071C0010D	55071C0080D	55071C0180D	55071C0216E
732	55071C0020D	55071C0083E	55071C0181D	55071C0217E
733	55071C0030D	55071C0091E	55071C0182D	55071C0218E
734	55071C0034D	55071C0093E	55071C0183D	55071C0235D
735	55071C0037D	55071C0094E	55071C0184D	55071C0245D
736	55071C0040D	55071C0110D	55071C0188D	55071C0255D

737	55071C0041D	55071C0120D	55071C0189D	55071C0256D
738	55071C0042D	55071C0130D	55071C0191D	55071C0257D
739	55071C0044D	55071C0135D	55071C0192D	55071C0258D
740	55071C0055D	55071C0140D	55071C0193D	55071C0259D
741	55071C0059D	55071C0145D	55071C0201D	55071C0265D
742	55071C0060D	55071C0155D	55071C0203D	55071C0270D
743	55071C0063D	55071C0160D	55071C0207E	55071C0276D
744	55071C0064D	55071C0165D	55071C0208D	55071C0277D
745	55071C0065D	55071C0166D	55071C0209E	55071C0278D
746	55071C0066D	55071C0167D	55071C0211E	55071C0279D
747	55071C0067D	55071C0169D	55071C0212E	55071C0281D
748	55071C0068D	55071C0177D	55071C0213E	55071C0282D
749	55071C0078D	55071C0179D	55071C0214E	55071C0283D
750	55071C0284D	55071C0311D	55071C0380D	55071C0415D
751	55071C0290D	55071C0312D	55071C0386D	55071C0416D
752	55071C0295D	55071C0313D	55071C0387D	55071C0417D
753	55071C0301D	55071C0314E	55071C0388D	55071C0420D
754	55071C0302D	55071C0316E	55071C0389D	55071C0426D
755	55071C0303D	55071C0317E	55071C0395D	55071C0427E
756	55071C0304D	55071C0318E	55071C0403D	55071C0428E
757	55071C0306D	55071C0326E	55071C0404D	55071C0429E
758	55071C0307E	55071C0360D	55071C0410D	55071C0436E
759	55071C0308E	55071C0367D	55071C0411D	55071C0438E
760	55071C0309E	55071C0370D	55071C0412D	

(3) Official Maps Based on Other Studies. Any maps referenced in this sub. (3) must be approved by DNR and be more restrictive than those based on the Flood Insurance Study at the site of the proposed development.

(a) Dam Failure Analysis approved by DNR.

1. Millhome Dam Failure analysis approved by the Department of Natural Resources on March 13, 2014, including:

a. Map dated December 8, 2012 and titled “Hydraulic Analysis Millhome Dam.”

b. Floodway data table dated March 13, 2014 and titled “Centerline Profile Hydraulic/Dam Failure Analysis: Condition 2a.”

c. Flood profiles dated March 13, 2014 and titled “Sheboygan River Profile Hydraulic Analysis: Millhome Dam: Condition 2.”

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2. Sheboygan Marsh Dam Failure analysis approved by the Department of Natural Resources on January 5, 2016, including:
 - a. Map dated December 10, 2015 and titled “Hydraulic Shadow Map Sheboygan Marsh Dam.”
 - b. Floodway data table dated December 10, 2015 and titled “FLOODWAY DATA (Sheboygan Marsh Dam Failure under 100-year Flood” with Floodway column.
 - c. Flood profiles dated December 10, 2015 and titled “Sheboygan Marsh Dam Hydraulic Shadow Profile.”

 3. Rockville Dam Failure analysis approved by the Department of Natural Resources on August 3, 1999, including:
 - a. Map dated February 1995 and titled “Rockville Dam Failure Analysis.”
 - b. Floodway data table dated June 1997 and titled “Comparison of Water Surface Elevation and Flows 100-year Flood” DAMBRK Failure Column.
 - c. Flood profiles dated June 1997 and titled “Exhibit 1 100-year floodplain profile Sheboygan River Dam failure Analysis” Failure (DMBRK) profile.

 - (b) Flood Studies.

 - (c) Letter of Map Revision (LOMR).
 1. 11-05-7812P 10/28/2011 Kennel Club
 2. 20-05-4694P 03/11/2021 CTH R Bridge

 - (d) Letter of Map Revision Based on Fill (LOMR-F).
 1. 10-05-2864P 01/18/2011 Riesterer & Schnell
 2. 19-05-4840A 09/25/2019 Winter on Wilke Lake
 3. 20-05-4263A 09/16/2020 CTH CR, Town of Newton, Tract 3 & 4
 4. 98-05-1870A 03/11/1998 15719 Becker Rd.

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

831
832 (5) Any change to the regional flood elevations (RFE) on non FEMA maps must be
833 reviewed and approved by DNR before it is effective.

834

835 31.15 Locating Floodplain Boundaries.

836

837 (1) Discrepancies between the exterior boundaries of zone A1-30, AE, AH, or A on
838 the official floodplain zoning map and actual field conditions shall be resolved
839 using the criteria in sub. (2) and (3). If a significant difference exists, the map
840 must be amended according to s. 31.53.

841

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

845

846 (3) Where flood profiles do not exist, including any boundary of zone A, AO, V1-30,
847 VE, or V, the location of the boundary shall be determined by the map scale,
848 visual on site inspection, and any information provided by the Department.

849

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

856

857 (5) Disputes between the Planning and Zoning Department and an applicant over the
858 district boundary line shall be settled according to s. 31.50 and the criteria in sub.
859 (2) and (3) above.

860

861 (6) Where the flood profiles are based on established base flood elevations from a
862 FIRM, FEMA must also approve any map amendment pursuant to s. 31.53.

863

864 31.16 Removal of Land From Floodplain.

865

866 (1) Compliance with the provisions of this Floodplain Ordinance shall not be grounds
867 for removing land from the floodplain unless the land is filled at least two feet
868 above the regional or base flood elevation, the fill is contiguous to land outside
869 the floodplain, and the map is amended pursuant to s. 31.53.

870

871 (2) The delineation of any of the floodplain districts may be revised by Manitowoc
872 County where natural or man-made changes have occurred and/or where more
873 detailed studies have been conducted. However, prior to any such change,

874 approval must be obtained from the Wisconsin Department of Natural Resources
875 and Federal Emergency Management Agency. A completed Letter of Map
876 Revision is a record of this approval. Manitowoc County shall not sign a
877 community acknowledgement form unless all criteria set forth in the following
878 paragraphs are met:

- 879
- 880 (a) The land and/or land around the structure must be filled at least two feet
881 above the regional or base flood elevation; and
- 882
- 883 (b) The fill must be contiguous to land outside the floodplain. The applicant
884 shall obtain a floodplain development permit before applying for a LOMR
885 or LOMR-F;
- 886
- 887 (3) Removal of lands from the floodplain may also occur by operation of Wis. Stat. §
888 87.30(1)(e) if a property owner has obtained a Letter of Map Amendment from
889 the Federal Emergency Management Agency under 44 C.F.R. 70.

890

891 PART V. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

892

893 31.17 General Development Standards.

- 894
- 895 (1) The county shall review all permit applications to determine whether proposed
896 building sites will be reasonably safe from flooding and assure that all necessary
897 permits have been received from those governmental agencies whose approval is
898 required by federal or state law.
- 899
- 900 (2) If a proposed building site is in a flood prone area, all new construction and
901 substantial improvements shall be designed or modified and adequately anchored
902 to prevent flotation, collapse, or lateral movement of the structure resulting from
903 hydrodynamic and hydrostatic loads including the effects of buoyancy; be
904 constructed with materials resistant to flood damage; be constructed by methods
905 and practices that minimize flood damages; have all mechanical and utility
906 equipment elevated to or above the flood protection elevation.
- 907
- 908 (3) Subdivisions or other proposed new development in a flood-prone area, shall be
909 reviewed for compliance with the above standards. All subdivision proposals,
910 including proposals for mobile or manufactured home parks, shall include
911 regional flood elevation and floodway data for any development that meets the
912 subdivision definition of this Floodplain Ordinance along with all other
913 requirements in s. 31.44.
- 914
- 915 (4) Adequate drainage shall be provided to reduce exposure to flood hazards and all
916 public utilities and facilities, such as sewer, gas, electrical, and water systems are
917 located and constructed to minimize or eliminate flood damages.

918

919 31.18 Hydraulic and Hydrologic Analyses.

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- (1) No floodplain development shall:
 - (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (b) Cause and Increase in the regional flood height due to floodplain storage area lost.
- (2) The Planning and Zoning Department shall deny any permit if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height based on the officially adopted FIRM or other adopted map, unless the provisions of s. 31.53 are met.

31.19 Watercourse Alterations.

- (1) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Planning and Zoning Department has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of s. 31.18 must be met and the flood carrying capacity of any altered or 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 and pursuant to s. 31.53, the Planning and Zoning Department shall apply for a Letter of Map Revision from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

31.20 Development and Wis. Stat. Chs. 30 and 31.

Development that 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 this Floodplain Ordinance are made according to s. 31.53.

31.21 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 Wisconsin Department of Agriculture, Trade and Consumer Protection or its duly authorized agent.

- 965 (2) A land use permit for the campground is issued by the Planning and Zoning
966 Department.
967
- 968 (3) The character of the river system and the elevation of the campground is such that
969 a 72 hour warning of an impending flood can be given to all campground
970 occupants.
971
- 972 (4) There is an adequate flood warning procedure for the campground that offers the
973 minimum notice required under this section to all persons in the campground.
974 This procedure shall include a written agreement between the campground owner,
975 the municipal emergency government coordinator, and the chief law enforcement
976 official which specifies the flood elevation at which evacuation shall occur,
977 personnel responsible for monitoring flood elevations, types of warning systems
978 to be used, the procedures for notifying at risk parties, and the methods and
979 personnel responsible for conducting the evacuation.
980
- 981 (5) This agreement shall be for no more than one calendar year, at which time the
982 agreement shall be reviewed and updated by the officials identified in sub. (4), to
983 remain in compliance with all applicable regulations, including those of the
984 Wisconsin Department of Agriculture, Trade and Consumer Protection and all
985 other applicable regulations.
986
- 987 (6) Only mobile recreational vehicles that are fully licensed, if required, and ready for
988 highway use are allowed.
989
- 990 (7) A recreational vehicle may not occupy any site in the campground for more than
991 180 consecutive days, at which time the recreational vehicle must be removed
992 from the floodplain for a minimum of 24 hours.
993
- 994 (8) All camping units that remain on site for more than 30 days shall be issued a
995 limited authorization by the campground operator, a written copy of which is kept
996 on file at the campground. Such authorization shall allow placement of a camping
997 unit for a period not to exceed 180 days and shall ensure compliance with all the
998 provisions of this section.
999
- 1000 (9) Manitowoc County shall monitor the limited authorizations issued by the
1001 campground operator to assure compliance with the terms of this section.
1002
- 1003 (10) All camping units that remain in place for more than 180 consecutive days must
1004 meet the applicable requirements in either Part VI or Part VII for the floodplain
1005 district in which the structure is located.
1006
- 1007 (11) The campground shall have signs clearly posted at all entrances warning of the
1008 flood hazard and the procedures for evacuation when a flood warning is issued.
1009

- 1010 (12) All service facilities, including but not limited to refuse collection, electrical
1011 service, natural gas lines, propane tanks, sewage systems, and wells shall be
1012 properly anchored and placed at or floodproofed to the flood protection elevation.
1013
- 1014 (13) Standards for structures in a campground:
1015
- 1016 (a) All structures must comply with s. 31.21 or meet the application
1017 requirements of Part VI, VII, VIII, or IX of this Floodplain Ordinance for
1018 the floodplain district in which the structure is located.
1019
- 1020 (b) Deck/landing. A portable landing may be allowed for a camping unit for
1021 each entry, provided that the landing is not permanently attached to the
1022 ground or camping unit, is no more than 200 square feet in size, is
1023 portable, contains no walls or roof, and can be removed from the
1024 campground by a truck and/or trailer.
1025
- 1026 1. Sections of such portable landings may be placed together to form
1027 a single deck not greater than 200 square feet at one entry point.
1028
- 1029 2. Provisions for the removal of these temporary landings during
1030 flood events must be addressed within the written agreement with
1031 Manitowoc County compliant with s. 31.21(4).
1032
- 1033 3. Any such deck/landing structure may be constructed at elevations
1034 lower than the flood protection elevation but must not obstruct
1035 flow of flood waters or cause any increase in flood levels during
1036 the occurrence of the regional flood.
1037
- 1038 (c) Decks/patios that are constructed completely at grade may be allowed but
1039 must also comply with applicable shoreland zoning standards.
1040
- 1041 (d) Camping equipment and appurtenant equipment in the campground may
1042 be allowed provided that the equipment is not permanently attached to the
1043 ground or camping unit, is not used as a habitable structure, and must not
1044 obstruct flow of flood waters or cause any increase in flood levels during
1045 the occurrence of the regional flood. Provisions for the removal of this
1046 equipment during flooding events shall be addressed within the written
1047 agreement with the municipality compliant with s. 31.21(4).
1048
- 1049 (e) Once a flood warning in the written agreement has been issued for the
1050 campground, the campground owner or the designated operator shall
1051 ensure that all persons, camping units, decks, camping equipment and
1052 appurtenant equipment in the campground is evacuated within the
1053 timelines specified within the written agreement with the municipality,
1054 compliant with s. 31.21(4).
1055

1056 (14) A land use permit shall be obtained as provided under s. 31.44 before any
1057 development, repair, modification or addition to an existing structure; or change
1058 in the use of a building or structure, including sewer and water facilities, may be
1059 initiated.

1060
1061 PART VI. FLOODWAY DISTRICT (FW).

1062
1063 31.22 Applicability.

1064
1065 This part applies to all floodway areas on the floodplain zoning maps and those identified
1066 pursuant to s. 31.33.

1067
1068 31.23 Permitted Uses.

1069
1070 The following open space uses are allowed in the floodway district and the floodway
1071 areas of the general floodplain district, if they are not prohibited by any other ordinance,
1072 meet the standards in ss. 31.24 and 31.25, and all necessary permits or certificates must
1073 have been issued according to Part XII of this Floodplain Ordinance:

- 1074
1075 (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture,
1076 viticulture, and wild crop harvesting.
- 1077
1078 (2) Nonstructural industrial and commercial uses, such as loading areas, parking
1079 areas, and airport landing strips.
- 1080
1081 (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery
1082 ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature
1083 preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting
1084 and fishing areas, and hiking and horseback riding trails, subject to the fill
1085 limitations of s. 31.24(6).
- 1086
1087 (4) Uses or structures accessory to open space uses, or classified as historic structures
1088 that comply with ss. 31.24 and 31.25.
- 1089
1090 (5) Extraction of sand, gravel, or other materials that comply with s. 31.24(6).
- 1091
1092 (6) Functionally water dependent uses, such as docks, piers or wharves, dams,
1093 flowage areas, culverts, navigational aids and river crossings of transmission
1094 lines, and pipelines that comply with Wis. Stat. chs. 30 and 31.
- 1095
1096 (7) Public utilities, streets, and bridges that comply with s. 31.24(5).
- 1097
1098 (8) Portable latrines that are removed prior to flooding and systems associated with
1099 recreational areas and Department approved campgrounds that meet the
1100 applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 383.

- 1102 (9) Public or private wells used to obtain potable water for recreational areas that
1103 meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811
1104 and NR 812.
1105
- 1106 (10) Wastewater treatment ponds or facilities permitted under Wis. Admin. Code § NR
1107 110.15(3)(b).
1108
- 1109 (11) Sanitary sewer or water supply lines to service existing or proposed development
1110 located outside the floodway that complies with the regulations for the floodplain
1111 area occupied.
1112

1113 31.24 Standards for Developments in Floodway Areas.
1114

- 1115 (1) Any development in floodway areas shall comply with Part V of this Floodplain
1116 Ordinance and have a low flood damage potential.
1117
- 1118 (2) Applicants shall provide an analysis calculating the effects of the proposal on the
1119 regional flood height to determine the effects of the proposal according to ss.
1120 31.18 and 31.44(4).
1121
- 1122 (a) The analysis must be completed by a registered professional engineer in
1123 the state of Wisconsin.
1124
- 1125 (b) Any encroachment in the regulatory floodway is prohibited unless the data
1126 submitted for sub. (2) demonstrates that the encroachment will not cause
1127 an increase in flood elevations in flood events up to the base flood at any
1128 location, or removes the encroachment area from the regulatory floodway
1129 as provided in s. 31.16.
1130
- 1131 (3) Structures. Structures accessory to permanent open space uses, including utility
1132 and sanitary facilities, or functionally dependent on a waterfront location may be
1133 allowed by permit if the structures comply with the following criteria:
1134
- 1135 (a) The structure is not designed for human habitation, does not have a high
1136 flood damage potential, and is constructed to minimize flood damage;
1137
- 1138 (b) The structure shall either have the lowest floor elevated to or above the
1139 flood protection elevation or shall meet all the following standards:
1140
- 1141 1. Be dry flood proofed so that the structure is watertight with walls
1142 substantially impermeable to the passage of water and completely
1143 dry to the flood protection elevation without human intervention
1144 during flooding;
1145
- 1146 2. Have structural components capable of meeting all provisions of s.
1147 31.24(4) and;

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3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with s. 31.24(4).
 - (c) The structure must be anchored to resist flotation, collapse, and lateral movement;
 - (d) The structure must have mechanical and utility equipment elevated to or above the flood protection elevation; and
 - (e) The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - (f) For structures to allow the automatic entry of floodwaters below the regional flood elevation, the applicant shall submit a plan that meets pars. (a) through (e) and meets or exceeds the following standards:
 1. The lowest floor must be elevated to or above the flood protection elevation;
 2. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 3. The bottom of all openings shall be no higher than one foot above the lowest adjacent grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters otherwise such openings shall remain open.
 4. The use must be limited to parking, building access, or limited storage.
 - (4) Certification. Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the regional flood:
 - (a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

- 1192 (b) Construction of wells, water supply systems, and waste treatment systems
- 1193 are installed so as to prevent the entrance of flood waters in such systems
- 1194 and are in accordance with the provisions of ss. 31.25(4) and 31.25(5).
- 1195
- 1196 (c) Subsurface drainage systems shall be installed relieve external pressures
- 1197 on foundation walls and basement floors;
- 1198
- 1199 (d) Cutoff valves on sewer lines or the elimination of gravity flow basement
- 1200 drains; and
- 1201
- 1202 (e) Placement of utilities above the flood protection elevation.
- 1203
- 1204 (5) Public Utilities, Streets, and Bridges. Public utilities, streets, and bridges may be
- 1205 allowed by permit, if:
- 1206
- 1207 (a) Adequate floodproofing measures are provided to the flood protection
- 1208 elevation; and
- 1209
- 1210 (b) Construction meets the development standards of s. 31.18.
- 1211
- 1212 (6) Fills or Deposition of Materials. Fills or deposition of materials may be allowed
- 1213 by permit, if:
- 1214
- 1215 (a) The requirements of s. 31.18 are met;
- 1216
- 1217 (b) No material is deposited in the navigable waters unless a permit is issued
- 1218 by the Department pursuant to Wis. Stat. ch. 30 and a permit pursuant to
- 1219 sec. 404 of the Federal Water Pollution Control Act Amendments of 1972,
- 1220 33 U.S.C. § 1344, has been issued, if applicable, and all other
- 1221 requirements have been met;
- 1222
- 1223 (c) The fill or other materials will be protected against erosion by rip-rap,
- 1224 vegetative cover, sheet piling, or bulkheading; and
- 1225
- 1226 (d) The fill is not classified as a solid waste or hazardous material.
- 1227

31.25 Prohibited Uses.

All uses not listed as permitted uses in s. 31.23 are prohibited, including the following uses:

- 1230
- 1231
- 1232
- 1233 (1) Habitable structures, structures with high flood damage potential, or structures not
- 1234 associated with permanent open space uses;
- 1235
- 1236 (2) Storing materials that are buoyant, flammable, explosive, injurious to property,
- 1237 water quality, or human, animal, plant, fish, or other aquatic life;

- 1238
 1239 (3) Uses not in harmony with or detrimental to uses permitted in the adjoining
 1240 districts;
 1241
 1242 (4) Any private or public sewage systems, except portable latrines that are removed
 1243 prior to flooding and systems associated with recreational areas and Department
 1244 approved campgrounds that meet the applicable provisions of local ordinances
 1245 and Wis. Admin. Code ch. SPS 83;
 1246
 1247 (5) Any public or private wells which are used to obtain potable water, except those
 1248 for recreational areas that meet the requirements of local ordinances and Wis.
 1249 Admin. Code chs. NR 811 and NR 812;
 1250
 1251 (6) Any solid or hazardous waste disposal sites;
 1252
 1253 (7) Any wastewater treatment ponds or facilities, except those permitted under Wis.
 1254 Admin. Code § NR 110.15(3)(b); and
 1255
 1256 (8) Any sanitary sewer or water supply lines, except those to service existing or
 1257 proposed development located outside the floodway which complies with the
 1258 regulations for the floodplain area occupied.
 1259

1260 PART VII. FLOODFRINGE DISTRICT (FF).

1261
 1262 31.26 Applicability.

1263
 1264 This Part VII applies to all floodfringe areas shown on the floodplain zoning maps and
 1265 those identified pursuant to s. 31.33.
 1266

1267 31.27 Permitted Uses.

1268
 1269 Any structure, land use, or development is allowed in the floodfringe district if the
 1270 standards in s. 31.28 are met, the use is not prohibited by this or any other ordinance or
 1271 regulation, and all permits or certificates specified in Part XII have been issued.
 1272

1273 31.28 Standards for Development in Floodfringe Areas.

1274
 1275 (1) The requirements in s. 31.18 apply to all development in floodfringe areas in
 1276 addition to the requirements in this Part VII for the requested use. Any existing
 1277 structure in the floodfringe must meet the requirements of Part X of this
 1278 Floodplain Ordinance.
 1279

1280 (2) Residential Uses. Any structure, including a manufactured home, which is to be
 1281 newly constructed or moved into the floodfringe shall meet or exceed the
 1282 following standards:
 1283

- 1284 (a) All new construction, including placement of manufactured homes, and
1285 substantial improvement of residential structures, shall have the lowest
1286 floor elevated to or above the flood protection elevation on fill. The fill
1287 around the structure shall be one foot or more above the regional flood
1288 elevation extending at least 15 feet beyond the limits of the structure. No
1289 area may be removed from the floodfringe district unless it can be shown
1290 to meet s. 31.16;
1291
- 1292 (b) Notwithstanding par. (a), a basement or crawlspace floor may be placed at
1293 the regional flood elevation if the basement or crawlspace is designed to
1294 make all portions of the structure below the flood protection elevation
1295 watertight with walls substantially impermeable to the passage of water
1296 and with structural components having the capability of resisting
1297 hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of
1298 any kind is allowed below the regional flood elevation;
1299
- 1300 (c) Contiguous dryland access shall be provided from a structure to land
1301 outside of the floodplain, except as provided in par. (d); and
1302
- 1303 (d) In developments where existing street or sewer line elevations make
1304 compliance with par. (c) impractical, Manitowoc County may permit new
1305 development and substantial improvements where roads are below the
1306 regional flood elevation, if:
1307
- 1308 1. Manitowoc County has written assurance from police, fire, and
1309 emergency services that rescue and relief will be provided to the
1310 structure(s) by wheeled vehicles during a regional flood event; or
1311
- 1312 2. Manitowoc County has a DNR approved emergency evacuation
1313 plan that follows acceptable hazard mitigation planning guidelines.
1314
- 1315 (3) Accessory Structures or Uses. In addition to the requirements in Part V of this
1316 Floodplain Ordinance, new construction and substantial improvements of
1317 accessory structures shall be constructed on fill with the lowest floor at or above
1318 the regional flood elevation.
1319
- 1320 (4) Commercial Uses. In addition to the requirements in Part V of this Floodplain
1321 Ordinance, any commercial structure that is erected, altered, or moved into the
1322 floodfringe area shall meet the requirements of sub. (2). Subject to the
1323 requirements of sub. (6), storage yards, surface parking lots, and other such uses
1324 may be placed at lower elevations if an adequate warning system exists to protect
1325 life and property.
1326
- 1327 (5) Manufacturing and Industrial Uses. In addition to the requirements in Part V of
1328 this Floodplain Ordinance, any manufacturing or industrial structure that is
1329 erected, altered, or moved into the floodfringe area shall have the lowest floor

- 1330 elevated to or above the flood protection elevation or meet the floodproofing
1331 standards in s. 31.45. Subject to the requirements of sub. (6), storage yards,
1332 surface parking lots, and other such uses may be placed at lower elevations if an
1333 adequate warning system exists to protect life and property.
1334
- 1335 (6) Storage of Materials. Materials that are buoyant, flammable, explosive, or
1336 injurious to property, water quality or human, animal, plant, fish, or aquatic life
1337 shall be stored at or above the flood protection elevation or floodproofed in
1338 compliance with s. 31.45. Adequate measures shall be taken to ensure that such
1339 materials will not enter the water body during flooding.
1340
- 1341 (7) Public Utilities, Streets, and Bridges.
1342
- 1343 (a) All utilities, streets, and bridges shall be designed to be compatible with
1344 comprehensive floodplain development plans.
1345
- 1346 (b) When failure of public utilities, streets, and bridges would endanger public
1347 health or safety, or where such facilities are deemed essential, construction
1348 or repair of such facilities shall only be permitted if they are designed to
1349 comply with s. 31.45.
1350
- 1351 (c) Minor roads or non essential utilities may be constructed at lower
1352 elevations if they are designed to withstand flood forces to the regional
1353 flood elevation.
1354
- 1355 (8) Sewage Systems. All sewage disposal systems shall be designed to minimize or
1356 eliminate infiltration of flood waters into the system pursuant to s. 31.45 to the
1357 flood protection elevation and meet the provisions of all local ordinances and
1358 Wis. Admin. Code ch. SPS 83.
1359
- 1360 (9) Wells. All wells shall be designed to minimize or eliminate infiltration of
1361 floodwaters into the system pursuant to s. 31.45 to the flood protection elevation
1362 and shall meet the provisions of Wis. Admin. Code chs. NR 811 and NR 812.
1363
- 1364 (10) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in
1365 floodfringe areas.
1366
- 1367 (11) Deposition of Materials. Any deposited material must meet all the provisions of
1368 this Floodplain Ordinance.
1369
- 1370 (12) Manufactured Homes.
1371
- 1372 (a) Owners or operators of all manufactured home parks and subdivisions
1373 shall provide adequate surface drainage to minimize flood damage, and
1374 prepare, secure approval, and file an evacuation plan, indicating vehicular
1375 access and escape routes, with local emergency management authorities.

- 1376
1377 (b) In existing manufactured home parks, all new homes, replacement homes
1378 on existing pads, and substantially improved homes shall:
1379
1380 1. Have the lowest floor elevated to the flood protection elevation;
1381 and
1382
1383 2. Be anchored so they do not float, collapse, or move laterally during
1384 a flood.
1385
1386 (c) Outside of existing manufactured home parks, including new
1387 manufactured home parks and all single units outside of existing parks, all
1388 new, replacement, and substantially improved manufactured homes shall
1389 meet the residential development standards for the floodfringe in sub. (2).
1390
1391 (13) Mobile Recreational Vehicles. All mobile recreational vehicles must be on site
1392 for less than 180 consecutive days and either:
1393
1394 (a) Be fully licensed and ready for highway use. A mobile recreational
1395 vehicle is ready for highway use if it is on its wheels or jacking system, is
1396 attached to the site only by quick disconnect utilities and security devices,
1397 and has no permanently attached additions; or
1398
1399 (b) Shall meet the elevation and anchoring requirements in ss. 31.28(12)(b)
1400 and (c).
1401

1402 PART VIII. GENERAL FLOODPLAIN DISTRICT (GFP).
1403

1404 31.29 Applicability.
1405

1406 The provisions for the general floodplain district shall apply to development in all
1407 floodplains mapped as A, AO, AH, and AE zones within which a floodway is not
1408 delineated on the Flood Insurance Rate Map identified in s. 31.14(1).
1409

1410 31.30 Floodway Boundaries.
1411

1412 For proposed development in zone A, or in zone AE within which a floodway is not
1413 delineated on the Flood Insurance Rate Map identified in s. 31.14(2), the boundaries of
1414 the regulatory floodway shall be determined pursuant to s. 31.33. If the development is
1415 proposed to encroach upon the regulatory floodway, the development is subject to the
1416 standards of Part VI of this Floodplain Ordinance. If the development is located entirely
1417 within the floodfringe, the development is subject to the standards of Part VII of this
1418 Floodplain Ordinance.
1419

1420 31.31 Permitted Uses.
1421

- 1422 (1) Pursuant to s. 31.33, it shall be determined whether the proposed use is located
1423 within the floodway or floodfringe.
1424
- 1425 (2) Uses that are permitted in floodway and floodfringe districts are allowed within
1426 the general floodplain district, according to the standards of s. 31.32, provided
1427 that all permits or certificates required under Part XII of this Floodplain
1428 Ordinance have been issued.
1429

1430 31.32 Standards for Development in the General Floodplain District.
1431

- 1432 (1) Part VI applies to all floodway areas within a general floodplain district.
1433
- 1434 (2) Part VII applies to all floodfringe areas within a general floodplain district.
1435
- 1436 (3) New construction and substantial improvement of structures in zone AO shall
1437 have the lowest floor, including basement, elevated:
1438
- 1439 (a) To or above the depth, in feet, as shown on the FIRM above the highest
1440 adjacent natural grade; or
1441
- 1442 (b) If the depth is not specified on the FIRM, to two (2) feet above the highest
1443 adjacent natural grade.
1444
- 1445 (4) New construction and substantial improvement of structures in zone AH shall
1446 have the lowest floor, including basement, elevated to or above the flood
1447 protection elevation.
1448
- 1449 (5) In AO/AH zones, adequate drainage paths to guide floodwaters around structures
1450 shall be provided.
1451
- 1452 (6) All development in zones AO and AH shall meet the requirements of Part VII of
1453 this Floodplain Ordinance applicable to floodfringe areas.
1454

1455 31.33 Determining Floodway and Floodfringe Limits.
1456

- 1457 (1) Upon receiving an application for development within zone A, or zone AE where
1458 a floodway has not been delineated on the Flood Insurance Rate Maps, the
1459 Planning and Zoning Department shall:
1460
- 1461 (a) Require the applicant to submit two copies of an aerial photograph or a
1462 plan that shows the proposed development with respect to the general
1463 floodplain district limits, stream channel, and existing floodplain
1464 developments, along with a legal description of the property, fill limits and
1465 elevations, building floor elevations, and flood proofing measures; and the
1466 flood zone as shown on the FIRM.
1467

1468 (b) Require the applicant to furnish any of the following information deemed
1469 necessary by the Department to evaluate the effects of the proposal upon
1470 flood height and flood flows, regional flood elevation, and to determine
1471 floodway boundaries:

- 1472
- 1473 1. A Hydrologic and Hydraulic Study as specified in s. 31.44(4); and
 - 1474
 - 1475 2. Plan (surface view) showing elevations or contours of the ground;
1476 pertinent structure, fill, or storage elevations; size, location, and
1477 layout of all proposed and existing structures on the site; location
1478 and elevations of streets, water supply, and sanitary facilities; soil
1479 types and other pertinent information; and
 - 1480
 - 1481 3. Specifications for building construction and materials,
1482 floodproofing, filling, dredging, channel improvement, storage,
1483 water supply, and sanitary facilities.
 - 1484

1485 (2) Upon receiving an application for development within the general floodplain
1486 district, the code administrator shall transmit one copy of the information
1487 described in sub. (1) to the Department regional office along with a written
1488 request for technical assistance to establish regional flood elevations and, where
1489 applicable, floodway data. Where the provisions of s. 31.44(4) apply, the
1490 applicant shall provide all required information and computations to delineate
1491 floodway boundaries and the effects of the project on flood elevations.

1492

1493 **PART IX. COASTAL FLOODPLAIN DISTRICT.**

1494

1495 **31.34 Applicability.**

1496

1497 The provisions of this Part IX apply to all Coastal Floodplain Districts (CFD) shown on
1498 the floodplain zoning maps, including zones V, V1-30, and VE. Where a floodway
1499 shown on the floodplain zoning maps, or a floodway determined as explained in s.
1500 31.13(5), or a regulatory floodway identified pursuant to s. 31.33, extends into a Coastal
1501 Floodplain District, development shall comply with the standards of Part VI and Part IX
1502 of this Floodplain Ordinance.

1503

1504 **31.35 Standards for Development in the Coastal Floodplain District.**

1505

1506 Development in the Coastal Floodplain Districts district shall meet the requirements of
1507 Part V of this Floodplain Ordinance, as well as the following:

- 1508
- 1509 (1) New construction shall be located landward of the Ordinary High Water Mark.
 - 1510
 - 1511 (2) Bulkheads, seawalls, revetments, and other erosion control measures shall not be
1512 connected to the foundation or superstructure of a building and shall be designed

- 1513 and constructed to not to direct floodwaters or increase flood forces or erosion
1514 impacts on the foundation or superstructure of any building.
- 1515 (3) Man-made alteration of sand dunes are prohibited unless an engineering report
1516 documents that the alterations will not increase potential flood damage by
1517 reducing the wave and flow dissipation characteristics of the sand dunes.
1518
- 1519 (4) The use of fill for structural support of buildings is prohibited. Non-structural fill
1520 shall be permitted only if an engineering report demonstrates that the fill will not
1521 cause runup, ramping, or deflection of floodwaters that cause damage to
1522 buildings.
1523
- 1524 (5) New Construction and substantial improvement of buildings shall be elevated,
1525 consistent with Wis. Admin. Code § SPS 321.34 on pilings or columns so that the
1526 bottom of the lowest horizontal structural member of the lowest floor (excluding
1527 the pilings or columns) is elevated to or above the flood protection elevation.
1528
- 1529 (a) The pile or column foundation and structure attached thereto shall be
1530 anchored to resist floatation, collapse, and lateral movement due to the
1531 effects of wind and water loads acting simultaneously on all building
1532 components. Water loading values shall be those associated with the base
1533 flood. Wind loading values shall be those defined according to American
1534 Society of Civil Engineers standard ASCE 7-16 (Minimum Design Loads
1535 and Associated Criteria for Buildings and Other Structures), or other
1536 equivalent standard.
1537
- 1538 (b) A registered professional engineer or architect shall develop or review the
1539 structural design, specifications, and plans for the construction, and shall
1540 certify that the design and methods of construction to be used are in
1541 accordance with accepted standards of practice for meeting the provisions
1542 of this sub. (5).
1543
- 1544 (6) New construction and substantial improvement of buildings shall have the space
1545 below the lowest floor either free of obstruction or constructed with non-
1546 supporting breakaway walls, open wood lattice-work, or insect screening intended
1547 to collapse without causing collapse, displacement, or other structural damage to
1548 the elevated portion of the building or supporting foundation system.
1549
- 1550 (a) For the purpose of this sub. (6), a breakaway wall shall have a design safe
1551 loading resistance of not less than 10 and not more than 20 pounds per
1552 square foot.
1553
- 1554 (b) Use of breakaway walls which exceed a design safe loading resistance of
1555 20 pounds per square foot (either by design or where so required by local
1556 or state codes) may be permitted only if a registered professional engineer
1557 or architect certifies that the designs proposed meet all of the following
1558 conditions:

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1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 2. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers standard ASCE 7-16 (Minimum Design Loads and Associated Criteria for Buildings and Other Structures), or other equivalent standard.
- (c) All space enclosed by breakaway walls, open wood lattice-work, or insect screening below the lowest floor shall be used solely for parking, building access, or storage.
- (7) Required within flood-prone areas.
 - (a) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters and onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - (8) All mobile recreation vehicles must be on site for less than 180 consecutive days and either:
 - (a) Be fully licensed and ready for highway use. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions; or
 - (b) Shall meet the standards of subs. (1) through (7) inclusive.
 - (9) Manufactured homes placed or substantially improved within the Coastal Floodplain District shall meet the standards of subs. (1) through (7) inclusive.

1601 PART X. NONCONFORMING USES.

1602

1603 31.36 General.

1604

- 1605 (1) The standards in this section shall apply to all uses and buildings that do not
1606 conform to the provisions contained within this Floodplain Ordinance or with
1607 Wis. Stat. § 87.30 and Wis. Admin. Code § NR 116.15, and 44 C.F.R. §§ 59-72.
1608 These standards shall apply to all modifications or additions to any
1609 nonconforming use or structure and to the use of any structure or premises which
1610 was lawful before the passage of this Floodplain Ordinance or any amendment
1611 thereto. A party asserting existence of a lawfully established nonconforming use
1612 or structure has the burden of proving that the use or structure was compliant with
1613 the floodplain zoning ordinance in effect at the time the use or structure was
1614 created.
1615
- 1616 (2) The existing lawful use of a structure or its accessory use which is not in
1617 conformity with the provisions of this Floodplain Ordinance may continue
1618 provided no modification or addition to a nonconforming use or structure shall be
1619 permitted unless it complies with this Floodplain Ordinance. The words
1620 “modification” and “addition” include, but are not limited to, any alteration,
1621 addition, modification, structural repair, rebuilding, or replacement of any such
1622 existing structure, use, or accessory structure or use. Maintenance is not
1623 considered a modification. Maintenance includes painting, decorating, paneling
1624 and the maintenance, repair, or replacement of existing private sewage or water
1625 supply systems or connections to public utilities. Any cost associated with the
1626 repair of a damaged structure is not considered maintenance. The construction of
1627 a deck that does not exceed 200 square feet and that is adjacent to the exterior
1628 wall of a principal structure is not an extension, modification, or addition. The
1629 roof of the structure may extend over a portion of the deck in order to provide safe
1630 ingress and egress to the principal structure.
1631
- 1632 (3) If a nonconforming use or the use of a nonconforming structure is discontinued
1633 for 12 consecutive months, it is no longer permitted and any future use of the
1634 property, and any structure or building thereon, shall conform to the applicable
1635 requirements of this Floodplain Ordinance.
1636
- 1637 (4) Manitowoc County shall keep a record that lists all nonconforming uses and
1638 nonconforming structures, their present equalized assessed value, the cost of all
1639 modifications or additions which have been permitted, and the percentage of the
1640 structure’s total current value those modifications represent.
1641
- 1642 (5) No modification or addition to any nonconforming structure or any structure with
1643 a nonconforming use, which over the life of the structure would equal or exceed
1644 50% of its present equalized assessed value, shall be allowed unless the entire
1645 structure is permanently changed to a conforming structure with a conforming use
1646 in compliance with the applicable requirements of this Floodplain Ordinance.
1647 Contiguous dry land access must be provided for residential and commercial uses
1648 in compliance with ss. 31.28(2) and 31.28(4). The costs of elevating the lowest
1649 floor of a nonconforming building or a building with a nonconforming use to the

1650 flood protection elevation are excluded from the 50% provisions of this
1651 paragraph.

1652
1653 (6) No maintenance on a per event basis to any nonconforming structure or any
1654 structure with a nonconforming use, the cost of which would equal or exceed 50%
1655 of its present equalized assessed value, shall be allowed unless the entire structure
1656 is permanently changed to a conforming structure with a conforming use in
1657 compliance with the applicable requirements of this Floodplain Ordinance.
1658 Contiguous dry land access must be provided for residential and commercial uses
1659 in compliance with ss. 31.28(2) and 31.28(4). Maintenance to any
1660 nonconforming structure, which does not exceed 50% of its present equalized
1661 assessed value on a per event basis, does not count against the cumulative
1662 calculations over the life of the structure for substantial improvement calculations.

1663
1664 (7) If on a per event basis the total value of the work being done under subs. (6) and
1665 (7) equals or exceeds 50% of the present equalized assessed value, the work shall
1666 not be permitted unless the entire structure is permanently changed to a
1667 conforming structure with a conforming use in compliance with the applicable
1668 requirements of this Floodplain Ordinance. Contiguous dry land access must be
1669 provided for residential and commercial uses in compliance with ss. 31.28(2) and
1670 31.28(4).

1671
1672 (8) Except as provided in sub. (9), if any nonconforming structure or any structure
1673 with a nonconforming use is destroyed or is substantially damaged, it cannot be
1674 replaced, reconstructed, or rebuilt unless the use and the structure meet the current
1675 ordinance requirements. A structure is considered substantially damaged if the
1676 total cost to restore the structure to its pre damaged condition equals or exceeds
1677 50% of the structure's present equalized assessed value.

1678
1679 (9) For nonconforming buildings that are substantially damaged or destroyed by a
1680 nonflood disaster, the repair or reconstruction of any such nonconforming
1681 building may be permitted in order to restore it to the size and use in effect prior
1682 to the damage event provided the following minimum requirements are met and
1683 all required permits have been issued prior to the start of construction.

1684
1685 (a) Residential Structures. Residential structures shall:

1686
1687 1. Have the lowest floor, including basement, elevated to or above the
1688 flood protection elevation using fill, pilings, columns, posts, or
1689 perimeter walls. Perimeter walls must meet the requirements of s.
1690 31.45(2);

1691
1692 2. Be anchored to prevent flotation, collapse, or lateral movement of
1693 the structure resulting from hydrodynamic and hydrostatic loads,
1694 including the effects of buoyancy;

1695

- 1696 3. Be constructed with methods and materials resistant to flood
1697 damage;
1698
1699 4. Be constructed with electrical, heating, ventilation, plumbing, and
1700 air conditioning equipment and other service facilities that are
1701 designed and/or elevated so as to prevent water from entering or
1702 accumulating within the components during conditions of
1703 flooding;
1704
1705 5. In A zones, obtain, review and utilize any flood data available
1706 from a federal, state, or other source;
1707
1708 6. In AO zones with no elevations specified, have the lowest floor,
1709 including the basement, meet the standards in s. 31.32; and
1710
1711 7. In AO zones, have adequate drainage paths around structures on
1712 slopes to guide floodwaters around and away from the structure.
1713

1714 (b) Nonresidential Structures. Nonresidential structures shall:

- 1715
1716 1. Meet the requirements of s. 31.36(9)(a)1. through 7.;
- 1717
1718 2. Either have the lowest floor, including the basement, elevated to or
1719 above the regional flood elevation, or together with attendant
1720 utility and sanitary facilities, meet the standards in s. 31.45; and
1721
1722 3. In AO zones with no elevations specified, have the lowest floor,
1723 including basement, meet the standards in s. 31.32.
1724

- 1725 (10) A nonconforming historic structure may be altered if the alteration will not
1726 preclude the structure's continued designation as a historic structure, the alteration
1727 will comply with s. 31.24, flood resistant materials are used, and construction
1728 practices and floodproofing methods that comply with s. 31.45 are used. Repair
1729 or rehabilitation of historic structures shall be exempt from the development
1730 standards of s. 31.36(9)(a) if it is determined that the proposed repair or
1731 rehabilitation will not preclude the structure's continued designation as a historic
1732 structure and is the minimum necessary to preserve the historic character and
1733 design of the structure.
1734

1735 31.37 Floodway Areas.

- 1736
1737 (1) No modification or addition shall be allowed to any nonconforming structure or
1738 any structure with a nonconforming use in the floodway district, unless such
1739 modification or addition unless:
1740

- 1741 (a) Such modification or addition has been granted a permit or variance which
 1742 meets all ordinance requirements;
 1743
 1744 (b) Such modification or addition meets the requirements of s. 31.36;
 1745
 1746 (c) Such modification or addition will not increase the obstruction to flood
 1747 flows or regional flood height;
 1748
 1749 (d) Any addition to the existing structure is floodproofed, pursuant to s. 31.45,
 1750 by means other than the use of fill, to the flood protection elevation; and
 1751 (e) If any part of the foundation below the flood protection elevation is
 1752 enclosed, the following standards shall apply:
 1753
 1754 1. The enclosed area shall be designed by a registered architect or
 1755 engineer to allow for the efficient entry and exit of flood waters
 1756 without human intervention. A minimum of two openings must be
 1757 provided with a minimum net area of at least one square inch for
 1758 every one square foot of the enclosed area. The lowest part of the
 1759 opening can be no more than 12 inches above the adjacent grade;
 1760
 1761 2. The parts of the foundation located below the flood protection
 1762 elevation must be constructed of flood resistant materials;
 1763
 1764 3. Mechanical and utility equipment must be elevated or floodproofed
 1765 to or above the flood protection elevation; and
 1766
 1767 4. The use must be limited to parking or limited storage.
 1768
 1769 (2) No new on site sewage disposal system, or addition to an existing on site sewage
 1770 disposal system, shall be allowed in a floodway district, except where an addition
 1771 has been ordered by a government agency to correct a hazard to public health.
 1772 Any replacement, repair, or maintenance of an existing on site sewage disposal
 1773 system in a floodway area shall meet the applicable requirements of all
 1774 Manitowoc County ordinances, s. 31.45(3) and (4), and Wis. Admin. Code ch.
 1775 SPS 83.
 1776
 1777 (3) No new well or modification to an existing well used to obtain potable water shall
 1778 be allowed in a floodway district. Any replacement, repair, or maintenance of an
 1779 existing well in a floodway area shall meet the applicable requirements of all
 1780 municipal ordinances, s. 31.45(3) and (4), and Wis. Admin. Code chs. NR 811
 1781 and NR 812.
 1782

31.38 Floodfringe Areas.

- 1784
 1785 (1) No modification or addition shall be allowed to any nonconforming structure or
 1786 any structure with a nonconforming use unless such modification or addition has

1787 been granted a permit or variance by Manitowoc County, and the modification or
1788 addition shall be placed on fill or floodproofed to the flood protection elevation in
1789 compliance with the standards for that particular use in s. 31.28, except where
1790 sub. (2) is applicable.

1791
1792 (2) Where compliance with the provisions of sub. (1) would result in unnecessary
1793 hardship and only where the structure will not be used for human habitation or be
1794 associated with a high flood damage potential, the board of adjustment using the
1795 procedures established in s. 31.51, may grant a variance from those provisions of
1796 sub. (1) for modifications or additions, using the criteria listed below.
1797 Modifications or additions that are protected to elevations lower than the flood
1798 protection elevation may be permitted if:

1799
1800 (a) No floor is allowed below the regional flood elevation for residential or
1801 commercial structures;

1802
1803 (b) Human lives are not endangered;

1804
1805 (c) Public facilities, such as water or sewer, will not be installed;

1806
1807 (d) Flood depths will not exceed two feet;

1808
1809 (e) Flood velocities will not exceed two feet per second; and

1810
1811 (f) The structure will not be used for storage of materials as described in s.
1812 31.28(6).

1813
1814 (3) All new private sewage disposal systems, or addition to, replacement, repair, or
1815 maintenance of a private sewage disposal system shall meet all the applicable
1816 provisions of all Manitowoc County ordinances and Wis. Adm. Code ch. SPS 83.

1817
1818 (4) All new wells, or addition to, replacement, repair, or maintenance of a well shall
1819 meet the applicable provisions of this Floodplain Ordinance and Wis. Admin.
1820 Code chs. NR 811 and NR 812.

1821
1822 31.39 Coastal Floodplain Areas.

1823
1824 (1) New construction and substantial improvements shall meet the standards of Part
1825 IX of this Floodplain Ordinance.

1826
1827 (2) No structure repairs, modifications or additions to an existing building, the cost of
1828 which exceeds, over the life of the existing building, 50% of its present equalized
1829 assessed value, may be allowed in a coastal floodplain area unless the entire
1830 building is permanently changed to conform with the standards prescribed in Part
1831 IX of this Floodplain Ordinance.

1832

1833 PART XI. ADMINISTRATION.

1834

1835 31.40 Administration.

1836

1837 This Floodplain Ordinance shall be administered by the Director of the Planning and
1838 Zoning Department as provided in Wis. Stat. § 59.69(2)(bm).

1839

1840 31.41 Planning and Zoning Department.

1841

1842 The Director of the Planning and Zoning Department, as the administrator of this
1843 Floodplain Ordinance, has the following powers and shall:

1844

1845 (1) Advise applicants of the ordinance provisions, assist in preparing permit
1846 applications and appeals, and assure that the regional flood elevation for the
1847 proposed development is shown on all permit applications.

1848

1849 (2) Issue permits and inspect properties for compliance with provisions of this
1850 Floodplain Ordinance, and issue certificates of compliance where appropriate.

1851

1852 (3) Inspect and assess all damaged floodplain structures to determine if substantial
1853 damage to a structure has occurred.

1854

1855 (4) Keep records of all official actions, such as:

1856

1857 (a) Permits issued, inspections made, and work approved;

1858

1859 (b) Documentation of certified lowest floor and regional flood elevations;

1860

1861 (c) Floodproffing certificates;

1862

1863 (d) Water surface profiles, floodplain zoning maps and ordinances, and
1864 nonconforming uses and structures, including amendments, appeals,
1865 changes, and variances;

1866

1867 (e) Substantial damage assessment reports for floodplain structures;

1868

1869 (f) A list of all nonconforming structures and uses;

1870

1871 (g) In the Coastal Floodplain District, documentation of the certified elevation
1872 of the bottom of the lowest horizontal structural member of new
1873 construction and substantial improvements; and

1874

1875 (h) In the Coastal Floodplain District, certification by a licensed professional
1876 engineer or architect where required for new construction and substantial
1877 improvement under Part IX of this Floodplain Ordinance.

1878

- 1879 (5) Submit copies of the following items to the Department's regional office:
1880
1881 (a) A copy of any decisions on variances, appeals for map or text
1882 interpretations, and map or text amendments, within 10 days of the
1883 decision;
1884
1885 (b) A copy of any case by case analysis and any other required information;
1886 and
1887
1888 (c) A copy of each substantial damage assessment performed and all related
1889 correspondence concerning the assessment.
1890 (6) Investigate, prepare reports, and report violations of this ordinance to the planning
1891 and park commission and to the corporation counsel for prosecution. Copies of
1892 the reports shall also be sent to the Department regional office.
1893
1894 (7) Submit copies of amendments to the FEMA regional office.
1895

1896 31.42 Planning and Park Commission.

- 1897
1898 (1) The planning and park commission shall:
1899
1900 (a) Review and advise the county board on all proposed amendments to this
1901 Floodplain Ordinance, maps, and text; and
1902
1903 (b) Publish adequate notice pursuant to Wis. Stat. ch. 985, specifying the date,
1904 time, place and subject of a public hearing amending this Floodplain
1905 Ordinance.
1906
1907 (2) The planning and park commission shall not:
1908
1909 (a) Grant variances to the terms of this Floodplain Ordinance in place of
1910 action by the board of adjustment; or
1911
1912 (b) Amend the text or zoning maps in place of official action by the county
1913 board.
1914

1915 31.43 Board of Adjustment.

- 1916
1917 (1) The board of adjustment created pursuant to Wis. Stat. § 59.694 is hereby
1918 authorized to exercise the powers conferred by the Wisconsin Statutes for the
1919 purpose of this Floodplain Ordinance.
1920
1921 (2) Powers and Duties. The board of adjustment shall have the following
1922 powers and duties:
1923

- 1924 (a) Appeals. Hear and decide appeals where it is alleged there is an
- 1925 error in any order, requirement, decision or determination made by
- 1926 an administrative official in the enforcement or administration of
- 1927 this ordinance;
- 1928
- 1929 (b) Boundary Disputes. Hear and decide disputes concerning the
- 1930 district boundaries shown on the official floodplain zoning map;
- 1931 and
- 1932
- 1933 (c) Variances. Hear and decide, upon appeal, variances from the
- 1934 standards of this Floodplain Ordinance.
- 1935

1936 PART XII. PROCEDURE.

1937 31.44 Land Use Permit.

- 1939
- 1940 (1) A person shall apply to the Planning and Zoning Department for a land use
- 1941 permit. A land use permit shall be obtained before any new development, repair,
- 1942 modification, or addition to any existing structure, or change in the use of a
- 1943 building or structure, including sewer and water facilities, may be initiated.
- 1944
- 1945 (2) The land use permit application shall include the following general information:
- 1946
- 1947 (a) Name and address of the applicant, property owner, and contractor; and
- 1948
- 1949 (b) Legal description of the property, proposed use, and whether it is new
- 1950 construction or a modification.
- 1951
- 1952 (3) The land use permit application shall include a site development plan, drawn to
- 1953 scale, with the following information:
- 1954
- 1955 (a) Location, dimensions, area, and elevation of the lot;
- 1956
- 1957 (b) Location of the ordinary highwater mark of any abutting navigable
- 1958 waterways;
- 1959
- 1960 (c) Location of any structures, with distances measured from the lot lines and
- 1961 street center lines;
- 1962
- 1963 (d) Location of any existing or proposed on site sewage systems or private
- 1964 water supply systems;
- 1965
- 1966 (e) Location and elevation of existing or future access roads;
- 1967
- 1968 (f) Location of floodplain and floodway limits as determined from the official
- 1969 floodplain zoning maps;

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- (g) The elevation of the lowest floor of proposed buildings and any fill using either the National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD) from the adopted study;
 - (h) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether the requirements of Part VI or Part VII of this Floodplain Ordinance are met; and
 - (i) Data to determine if the proposed development will cause an obstruction to flow or cause an increase in regional flood height or discharge according to s. 31.18. This may include any of the information noted in s. 31.24.
- (4) Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the state of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
- (a) A Zone and AE Zones Within Which a Floodway Is Not Delineated:
 - 1. Hydrology. The appropriate method shall be based on the standards in Wis. Admin. Code § NR 116.07(3) “Hydrologic Analysis: Determination of Regional Flood Discharge.”
 - 2. Hydraulic Modeling. The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4)” Hydraulic Analysis: Determination of Regional Flood Elevation and the following:
 - a. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (e.g. dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - b. Channel sections must be surveyed.
 - c. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - d. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate

- 2015 cross sections required at transitions in channel bottom
 2016 slope including a survey of the channel at each location.
 2017
- 2018 e. The most current version of HEC_RAS shall be used.
 2019
- 2020 f. A survey of bridge and culvert openings and the top of road
 2021 is required at each structure.
 2022
- 2023 g. Additional cross sections are required at the downstream
 2024 and upstream limits of the proposed development and any
 2025 necessary intermediate locations based on the length of the
 2026 reach if greater than 500 feet.
 2027
- 2028 h. Standard accepted engineering practices shall be used when
 2029 assigning parameters for the base model such as flow,
 2030 Manning's N values, expansion and contraction
 2031 coefficients or effective flow limits. The base model shall
 2032 be calibrated to past flooding data such as high water marks
 2033 to determine the reasonableness of the model results. If no
 2034 historical data is available, adequate justification shall be
 2035 provided for any parameters outside standard accepted
 2036 engineering practices.
 2037
- 2038 i. The model must extend past the upstream limit of the
 2039 difference in the existing and proposed flood profiles in
 2040 order to provide a tie-in to existing studies. The height
 2041 difference between the proposed flood profile and the
 2042 existing study profiles shall be no more than 0.00 feet.
 2043
- 2044 3. Mapping. A work map of the reach studied shall be provided,
 2045 showing all cross section locations, floodway/floodplain limits
 2046 based on best available topographic data, geographic limits of the
 2047 proposed development and whether the proposed development is
 2048 located in the floodway.
 2049
- 2050 a. If the proposed development is located outside of the
 2051 floodway, then it is determined to have no impact on the
 2052 regional flood elevation.
 2053
- 2054 b. If any part of the proposed development is in the floodway,
 2055 such development must be added to the base model to show
 2056 the difference between existing and proposed conditions.
 2057 The study must ensure that all coefficients remain the same
 2058 as in the existing model, unless adequate justification based
 2059 on standard accepted engineering practices is provided.
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- (b) AE Zone Floodplains:
1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code § NR 116.07(3) “Hydrologic Analysis: Determination of Regional Flood Discharge.”
 2. Hydraulic model. The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4) “Hydraulic Analysis: Determination of Regional Flood Elevation” and the following:
 - a. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report within 0.1 foot.
 - b. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC_RAS for Department review.
 - c. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - d. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised

2107 reach shall be identical to those in the effective model and
2108 result in water surface elevations and top widths computed
2109 by the revised models matching those in the effective
2110 models upstream and downstream of the revise each as
2111 required. The Effective Model shall not be truncated.
2112

2113 3. Mapping. Maps and associated engineering data shall be
2114 submitted to the Department for review, which meet the following
2115 conditions:
2116

2117 a. Consistency between the revised hydraulic models, the
2118 revised floodplain and floodway delineations, the revised
2119 flood profiles, topographic work map, annotated FIRMs
2120 and/or Flood Boundary Floodway Maps (FBFMs),
2121 construction plans, and bridge plans.
2122

2123 b. Certified topographic map of suitable scale, contour
2124 interval, and a plain metric map showing the applicable
2125 items. If a digital version of the map is available, the
2126 digital version may be submitted so that the FIRM may be
2127 more easily revised.
2128

2129 c. Annotated FIRM panel showing the revised 1% and 0.2%
2130 annual chance floodplains and floodway boundaries.
2131

2132 d. If an annotated FIRM and/or FBFM and digital mapping
2133 data (GIS or CADD) are used then all supporting
2134 documentation or metadata must be included with the data
2135 submission along with the Universal Transverse Mercator
2136 (UTM) projection and State Plane coordinate System in
2137 accordance with FEMA mapping Specifications.
2138

2139 e. The revised floodplain boundaries shall tie into the
2140 effective floodplain boundaries.
2141

2142 f. All cross sections from the effective model shall be labeled
2143 in accordance with the effective map and the cross section
2144 lookup table shall be included to relate to the model input
2145 numbering scheme.
2146

2147 g. Both the current and proposed floodways shall be shown on
2148 the map.
2149

2150 h. The stream centerline shall be shown, or the baseline used
2151 to measure stream distances in the model shall be provided
2152 and shall be feasible on the map.

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- (5) Expiration. A permit issued under the authority of this Floodplain Ordinance shall expire 180 days from the date the permit is issued. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulations, including any revision to the FIRM or FIS that took effect after the permit date.

31.45 Floodproofing Requirements.

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by the registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in Part V, Part VI, Part VII, Part VIII or Part IX of this Floodplain Ordinance.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that is either:
 - (a) Certified by a registered professional engineer or architect; or
 - (b) Meets or exceeds the following standards:
 - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. The bottom of all openings shall be no higher than one foot above grade; and
 - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
 - (a) Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional factors;
 - (b) Protect structures to the flood protection elevation;
 - (c) Anchor structures to foundations to resist flotation and lateral movement.
 - (d) Minimize or eliminate infiltration of flood waters;

- 2199
2200 (e) Minimize or eliminate discharges into flood waters; and
2201
2202 (f) Locate placement of essential utilities at or above the flood protection
2203 elevation; and
2204
2205 (4) If any part of the foundation below the flood protection elevation is enclosed, the
2206 following standards shall apply:
2207
2208 (a) The enclosed area shall be designed by a registered architect or engineer to
2209 allow for the efficient entry and exit of flood waters without human
2210 intervention. A minimum of two openings must be provided with a
2211 minimum net area of at least one square inch for every one square foot of
2212 the enclosed area. The lowest part of the opening can be no more than one
2213 foot above the adjacent grade.
2214
2215 (b) The parts of the foundation located below the flood protection elevation
2216 must be constructed of flood-resistant materials.
2217
2218 (c) Mechanical and utility equipment must be elevated or floodproofed to or
2219 above the flood protection elevation.
2220
2221 (d) The use must be limited to parking, building access or limited storage.
2222

2223 31.46 Certificate of Compliance.
2224

- 2225 (1) A person shall apply for a certificate of compliance concurrently with the
2226 application for a permit.
2227
2228 (2) No land shall be occupied or used, and no building that is hereafter constructed,
2229 altered, added to, modified, repaired, rebuilt, or replaced after the effective date of
2230 this Floodplain Ordinance shall be occupied until a certificate of compliance is
2231 issued by the Planning and Zoning Department, except where no permit is
2232 required, subject to the following provisions:
2233
2234 (a) The applicant shall submit a certification signed by a registered
2235 professional engineer, architect, or land surveyor that the fill, lowest floor,
2236 and floodproofing elevations are in compliance with the permit issued.
2237 Floodproofing measures also require certification by a registered
2238 professional engineer or architect that floodproofing measures meet the
2239 requirements of s. 31.45.
2240
2241 (b) If all ordinance provisions are met, the Planning and Zoning Department
2242 shall issue the certificate of compliance within 10 days after written
2243 notification that the permitted work is completed.
2244

2245 (c) The certificate of compliance shall show that the building or premises, or
2246 part thereof, and the proposed use, conform to the provisions of this
2247 Floodplain Ordinance.

2248
2249 (3) Where applicable pursuant to s. 31.32, the applicant must submit a certification by
2250 a registered professional engineer or surveyor of the elevation of the bottom of the
2251 lowest horizontal structural member supporting the lowest floor (excluding
2252 pilings or columns), and an indication of whether the structure contains a
2253 basement.

2254
2255 (4) Where applicable pursuant to s. 31.32, the applicant must submit certifications by
2256 a registered professional engineer or architect that the structural design and
2257 methods of construction meet accepted standards of practice as required by s.
2258 31.32.

2259
2260 31.47 Other Permits.

2261
2262 Prior to obtaining a land use permit, the applicant must secure all necessary permits from
2263 federal, state, and local agencies, including but not limited to those required by the U.S.
2264 Army Corps of Engineers under sec. 404 of the Federal Water Pollution Control Act
2265 Amendments of 1972, 33 U.S.C. § 1344.

2266
2267 31.48 Appeals.

2268
2269 (1) Appeals. The board of adjustment shall hear and decide appeals where it is
2270 alleged there is an error in any decision, determination, order, or requirement
2271 made by the Planning and Zoning Department.

2272
2273 (2) Notice of Appeal. Any person aggrieved, or any officer or department of
2274 Manitowoc County affected by a decision of the Planning and Zoning Department
2275 may appeal the decision to the board of adjustment by filing a written notice with
2276 the Planning and Zoning Department and the board of adjustment within 30 days
2277 of the decision. The notice must specify the reason for the appeal. The Planning
2278 and Zoning Department shall transmit all records regarding the matter to the
2279 board of adjustment within 30 days of receipt of the notice.

2280
2281 (3) Hearing Notice. Upon receipt of notice of appeal, the board of adjustment shall:

2282
2283 (a) Fix a reasonable time for the hearing;

2284
2285 (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying
2286 the date, time, place, and subject of the hearing; and

2287
2288 (c) Assure that the hearing notice is mailed to the parties in interest and the
2289 Department's regional office at least 10 days in advance of the hearing.

2290

- 2291 (4) Hearing Procedure. Any party may appear at the hearing in person or by an
2292 agent.
2293
- 2294 (5) Decision. The board of adjustment shall issue a final decision regarding the
2295 appeal, and the decision shall:
2296
- 2297 (a) Be made within a reasonable time;
 - 2298
 - 2299 (b) Be sent to the Department's regional office within 10 days of the decision;
2300
 - 2301 (c) Be a written determination signed by the chairman or secretary of the
2302 board of adjustment;
2303
 - 2304 (d) State the specific facts and reasons that are the basis for the board of
2305 adjustment's decision;
2306
 - 2307 (e) Either affirm, reverse, vary, or modify the order, requirement, decision, or
2308 determination appealed, in whole or in part, or dismiss the appeal for lack
2309 of jurisdiction; and
2310
 - 2311 (f) Include the reasons for its decision in the record of the board's
2312 proceedings.
2313

2314 31.49 Appeal of Permit Denials.
2315

- 2316 (1) The board of adjustment shall review all data related to the appeal or a permit
2317 denial. This may include:
2318
- 2319 (a) Permit application data listed in s. 31.44.
2320
 - 2321 (b) Floodway/floodfringe determination data in s. 31.33.
2322
 - 2323 (c) Data listed in s. 31.24(2) where the applicant has not submitted this
2324 information to the Planning and Zoning Department.
2325
 - 2326 (d) Other data submitted with the application or submitted to the board of
2327 adjustment with the appeal.
2328
- 2329 (2) For appeals of all denied permits the board of adjustment shall:
2330
- 2331 (a) Follow the procedures of s. 31.48;
2332
 - 2333 (b) Consider Planning and Zoning Department recommendations; and
2334
 - 2335 (c) Either uphold the denial or grant the appeal.
2336

2337 (3) For appeals concerning increases in regional flood elevation the board of
2338 adjustment shall:

2339
2340 (a) Uphold the denial where the board of adjustment agrees with the data
2341 showing an increase in flood elevation. Increases may only be allowed
2342 after amending the flood profile and map and all appropriate legal
2343 arrangements are made with all adversely affected property owners as per
2344 the requirements of s. 31.53; and

2345
2346 (b) Grant the appeal where the board of adjustment agrees that the data
2347 properly demonstrates that the project does not cause an increase in the
2348 regional flood elevation.

2349
2350 31.50 Boundary Disputes.

2351
2352 (1) The board of adjustment shall hear and decide disputes concerning floodplain
2353 district boundaries.

2354
2355 (2) Notice of Dispute. Any person may file a written notice of a boundary dispute
2356 with the Planning and Zoning Department and the board of adjustment. The
2357 notice must specify the reason for the dispute. The Planning and Zoning
2358 Department shall transmit all records regarding the matter to the board of
2359 adjustment within 30 days of receipt of the notice.

2360
2361 (3) Hearing Notice. Upon receipt of notice of a boundary dispute, the board of
2362 adjustment shall:

2363
2364 (a) Fix a reasonable time for the hearing;

2365
2366 (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying
2367 the date, time, place, and subject of the hearing; and

2368
2369 (c) Assure that hearing notice is mailed to the parties in interest and the
2370 Department's regional office at least 10 days in advance of the hearing.

2371
2372 (4) Hearing Procedure.

2373
2374 (a) Any party may appear at the hearing in person or by an agent. The person
2375 contesting the boundary location will be given a reasonable opportunity to
2376 present arguments and technical evidence to the board of adjustment.

2377
2378 (b) If a floodplain district boundary is established by approximate or detailed
2379 floodplain studies, the flood elevations or profiles shall prevail in locating
2380 the boundary.

2381

2382 (c) If the boundary is incorrectly mapped, the board of adjustment shall
2383 inform the planning and park commission or the person contesting the
2384 boundary location of the need to petition the county board for a map
2385 amendment according to s. 31.53.
2386

2387 (5) Decision. The board of adjustment shall issue a final decision regarding the
2388 appeal, and the decision shall:
2389

2390 (a) Be made within a reasonable time;
2391

2392 (b) Be sent to the Department's regional office within 10 days of the decision;
2393

2394 (c) Be a written determination signed by the chairman or secretary of the
2395 board of adjustment; and
2396

2397 (d) State the specific facts and reasons that are the basis for the board of
2398 adjustment's decision.
2399

2400 31.51 Variances.
2401

2402 (1) The board of adjustment shall, upon appeal, hear and decide appeals or requests
2403 for variances from the standards of this Floodplain Ordinance.
2404

2405 (2) Variance Request. Any person may file a written request for a variance with the
2406 Planning and Zoning Department and the board of adjustment. The notice must
2407 specify the reason for the request. The Planning and Zoning Department shall
2408 transmit all records regarding the matter to the board of adjustment within 30 days
2409 of receipt of the notice.
2410

2411 (3) Hearing Notice. Upon receipt of a variance request, the board of adjustment
2412 shall:
2413

2414 (a) Fix a reasonable time for the hearing;
2415

2416 (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying
2417 the date, time, place, and subject of the hearing; and
2418

2419 (c) Assure that hearing notice is mailed to the parties in interest and the
2420 Department's regional office at least 10 days in advance of the hearing.
2421

2422 (4) Hearing Procedure.
2423

2424 (a) Any party may appear at the hearing in person or by an agent.
2425

2426 (b) The person making the request will be given a reasonable opportunity to
2427 present arguments and technical evidence to the board of adjustment.

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- (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 of adjustment; and
 - (d) State the specific facts and reasons that are the basis for the board of adjustment'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 of adjustment's proceedings.
 - (6) The board of adjustment may grant a variance from the standards of this Floodplain Ordinance if an applicant clearly and convincingly demonstrates that:
 - (a) Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 - (b) The hardship is due to adoption of this 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 Floodplain Ordinance in s. 31.02.
 - (7) In addition to the criteria in sub. (6), a variance may be granted only if the following FEMA criteria are met:
 - (a) The variance shall not cause any increase in the regional flood elevation;
 - (b) The applicant has shown good and sufficient cause for issuance of the variance;
 - (c) Failure to grant the variance would result in exceptional hardship;
 - (d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and

- 2474 (e) The variance granted is the minimum necessary to afford relief,
2475 considering the flood hazard.
2476
- 2477 (8) A variance shall not:
2478
- 2479 (a) Grant, extend, or increase any use prohibited in the zoning district;
2480
 - 2481 (b) Be granted for a hardship based on an economic gain or loss;
2482
 - 2483 (c) Be granted for a hardship that is self created;
2484
 - 2485 (d) Damage the rights or property values of other persons in the area;
2486
 - 2487 (e) Allow any action without an amendment to this Floodplain Ordinance or
2488 the official map if an amendment is required by s. 31.53; or
2489
 - 2490 (f) Allow any alteration of a historic structure, including its use, which would
2491 preclude its continued designation as an historic structure;
2492
- 2493 (10) When a floodplain variance is granted, the board of adjustment shall provide
2494 written notification to the applicant that the requested variance may increase flood
2495 insurance premiums and risks to life and property, and flood insurance premiums
2496 could increase up to \$25.00 per \$100.00 of coverage. A copy of the notice will be
2497 maintained with the variance record.
2498

2499 31.52 Public Information.

- 2500
- 2501 (1) The Planning and Zoning Department may cause or require an applicant to place
2502 marks on structures to show the depth of inundation during the regional flood.
2503
 - 2504 (2) All maps, engineering data, and regulations shall be available and widely
2505 distributed.
2506
 - 2507 (3) Every real estate transfer should show the floodplain zoning district in which the
2508 real property is located.
2509

2510 31.53 Amendments.

2511
2512 Obstructions or increases may only be permitted if amendments are made to this
2513 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles,
2514 in accordance with s. 31.54.
2515

- 2516 (1) In AE zones with a mapped floodway, no obstruction or increases shall be
2517 permitted unless the applicant receives a Conditional Letter of Map Revision
2518 (CLOMR) from FEMA and amendments are made to this Floodplain Ordinance,
2519 the official zoning maps, floodway lines, and water surface profiles, in accordance

2520 with s. 31.54. Any such alterations must be reviewed and approved by FEMA
2521 and DNR.

2522
2523 (2) In A zones, increases equal to or greater than 1.0 foot may only be permitted if the
2524 applicant receives a Conditional Letter of Map Revision from FEMA and
2525 amendments are made to this ordinance, the official floodplain maps, floodway
2526 lines and water surface profiles, in accordance with s. 31.54.

2527
2528 31.54 General.

2529
2530 (1) The county board may change or supplement the floodplain zoning district
2531 boundaries and this Floodplain Ordinance in the manner provided in s. 31.55.

2532
2533 (2) The actions that require an amendment to this Floodplain Ordinance and/or
2534 submittal of a Letter of Map Change include, but are not limited to, the following:

2535
2536 (a) Any fill or floodway encroachment that obstructs flow causing any
2537 increase in regional flood height;

2538
2539 (b) Any change to the floodplain boundaries and/or any watercourse alteration
2540 on a FIRM;

2541
2542 (c) Any change to any other officially adopted floodplain map listed in s.
2543 31.14(3);

2544
2545 (d) Correction of discrepancies between the water surface profiles and
2546 floodplain zoning maps;

2547
2548 (e) Any fill in the floodplain that raises the elevation of the filled area to a
2549 height at or above the flood protection elevation and is contiguous to land
2550 lying outside the floodplain;

2551
2552 (f) Any changes to the Floodplain Ordinance text required by Wis. Admin.
2553 Code § NR 116.05, or otherwise required by law, or by Manitowoc
2554 County; and

2555
2556 (g) All channel relocations and changes to the maps to alter floodway lines or
2557 to remove an area from the floodway or the floodfringe that is based on a
2558 base flood elevation from a FIRM requires prior approval by FEMA.

2559
2560 31.55 Procedures.

2561
2562 (1) Ordinance amendments may be made upon petition of any interested party
2563 according to the provisions of Wis. Stat. § 59.69. Petitions must include all data
2564 required by ss. 31.33 and 31.44. A land use permit shall not be issued until a
2565 Letter of Map Revision is issued by FEMA for the proposed changes.

- 2566
- 2567 (2) A person petitioning for a map amendment that obstructs flow, causing any
- 2568 increase in the regional flood height shall obtain flooding easements from, or
- 2569 make other appropriate legal arrangements with, all adversely affected property
- 2570 owners and notify local units of government before the amendment may be
- 2571 approved by the county board.
- 2572
- 2573 (3) The proposed amendment will be referred to the planning and park commission
- 2574 for a public hearing and recommendation to the county board. The amendment
- 2575 and notice of public hearing must be submitted to the Department's regional
- 2576 office for review prior to the hearing. The amendment procedure shall comply
- 2577 with the provisions of Wis. Stat. § 59.69.
- 2578
- 2579 (4) No amendment will become effective unless it has been reviewed and approved
- 2580 by the Department.
- 2581
- 2582 (5) Consult the FEMA web site at www.fema.gov for the map change fee schedule.
- 2583

2584 PART XIII. VIOLATIONS AND ENFORCEMENT.

2585

2586 31.56 Violations.

- 2587
- 2588 (1) It is unlawful for any person to violate any provision of this Floodplain Ordinance
- 2589 or any condition contained in a permit issued pursuant to this Floodplain
- 2590 Ordinance.
- 2591
- 2592 (2) It is unlawful for any person to knowingly provide false information, make a false
- 2593 statement, or fail to provide or misrepresent any material fact to a county agent,
- 2594 board, commission, committee, department, employee, officer, or official acting
- 2595 in an official capacity under this Floodplain Ordinance.
- 2596
- 2597 (3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or
- 2598 otherwise resist an order issued pursuant to this Floodplain Ordinance.
- 2599
- 2600 (4) A separate offense is deemed committed on each day that a violation occurs or
- 2601 continues.

2602

2603 31.57 Enforcement.

- 2604
- 2605 (1) The Planning and Zoning Department may enter any property for which a permit
- 2606 has been issued under this Floodplain Ordinance to conduct an inspection to
- 2607 determine whether there is a violation of this Floodplain Ordinance or whether the
- 2608 conditions stated in the permit have been met.
- 2609
- 2610 (2) The Planning and Zoning Department may issue an order to abate any violation of
- 2611 this Floodplain Ordinance.

- 2612
2613 (3) The Planning and Zoning Department may issue a citation for any violation of
2614 this Floodplain Ordinance.
2615
2616 (4) The Planning and Zoning Department may refer a violation of this Floodplain
2617 Ordinance to corporation counsel for legal action.
2618
2619 (5) Every violation of this Floodplain Ordinance is a public nuisance, the creation of
2620 which may be enjoined and the maintenance of which may be abated by action at
2621 suit of the county, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30.
2622
2623 (6) Nothing in this s. 31.57 may be construed to prevent the County from using any
2624 other lawful means to enforce this Floodplain Ordinance.
2625

2626 31.58 Penalties.

- 2627
2628 (1) A person shall, upon conviction for a violation of this Floodplain Ordinance,
2629 forfeit not less than \$25 nor more than \$50 for each offense, together with any
2630 applicable assessments, costs, surcharges, and the costs of prosecution for each
2631 violation, and may be ordered to take such action as is necessary to abate the
2632 offense within a specified time.
2633
2634 (2) A person who has the ability to pay a forfeiture entered pursuant to this
2635 Floodplain Ordinance, but who fails or refuses to do so may be confined in the
2636 county jail until the forfeiture and costs are paid, but the period of confinement
2637 may not exceed 30 days for each offense. In determining whether a person has
2638 the ability to pay, all items of income and all assets may be considered regardless
2639 of whether the income and assets are subject to garnishment, lien, or attachment
2640 by creditors.
2641
2642 (3) In the event an offense is not abated as ordered, Manitowoc County may take
2643 such action as is necessary to abate the offense and the cost of such abatement
2644 will become a lien upon the person's property and may be collected in the same
2645 manner as other taxes.
2646
2647 (4) The failure of any employee, official, or officer of the County to perform any
2648 official duty imposed by this code will not subject the employee, official, or
2649 officer to the penalty imposed for violation of this code unless a penalty is
2650 specifically provided.
2651

2652 31.59 Effective Date.

2653 This Floodplain Ordinance is effective *[Revisor to enter date of publication]*.

2654
2655 and
2656
2657

2658 BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and
2659 publication and shall be effective in all of the unincorporated areas within Manitowoc County
2660 and shall not require approval or be subject to disapproval by any town or town board as
2661 provided by Wis. Stat. §§ 59.692 and 87.30.

Dated this 23rd day of February 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Hansen gave a brief report.
Supervisor Hansen moved, seconded by Supervisor Brey to adopt Resolution 2022/2023-54
Denying Claim (Troy Bierman). Upon vote, the motion carried with 23 ayes and 1 no.
Supervisor Shimulunas voted no.

No. 2022/2023 - 54

RESOLUTION DENYING CLAIM
(Troy Bierman)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Troy Bierman filed a claim with Manitowoc County on November 21, 2022
2 seeking \$2,406.55 for a cracked windshield and chipped paint purportedly caused by too much
3 material being applied when Manitowoc County resurfaced County Highway LS; and
4

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

8 WHEREAS, the insurance carrier has reviewed the information provided, investigated
9 the facts, and determined that Manitowoc County should deny the claim; and
10

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

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

Dated this 21st day of February 2023.

Respectfully submitted by the Finance Committee.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Highway Committee: Supervisor Behnke gave a brief report.

Personnel Committee: Supervisor Maresh gave a brief report.

Public Safety Committee: Supervisor Falkowski gave a brief report.

Public Works Committee: Supervisor Gerroll gave a brief report.

ADJOURNMENT

Supervisor Gerroll moved to adjourn, seconded by Supervisor Muench, and the motion was adopted by acclamation. The meeting adjourned at 6:02 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=eZ6nVslO68s>

MEETING OF THE COUNTY BOARD OF SUPERVISORS
MANITOWOC COUNTY, WISCONSIN

Tuesday, March 21, 2023

6:00 P.M.

Pursuant to Wis. Stats. 59.04, the County Board of Supervisors of Manitowoc County, Wisconsin convened in open session at the Heritage Building, in the City of Manitowoc, being the 21st day of March 2023, for the purpose of transacting business as a Board of Supervisors.

Chairperson Martell called the meeting to order at 6:00 p.m.

Supervisor Naidl gave the invocation, followed by the Pledge of Allegiance to the Flag by the entire assemblage.

Roll call: 24 members were present at the time of voting for resolutions: Baumann, Behnke, Brey, Engelbrecht, Falkowski, Gerroll, Hacker, Hansen, Heller, Jadowski, Klein, Linsmeier, Martell, Metzger, Muench, Naidl, Neils, Phipps, Shimulunas, Sitkiewitz, Vogt, Wagner, Weiss, and Zimmer. Supervisor Maresh was excused.

On a motion by Supervisor Heller, seconded by Supervisor Baumann, the February 21, 2023 meeting minutes were approved on a unanimous vote.

REPORTS OF COUNTY SUPERVISORS, OFFICES, AND DEPARTMENT DIRECTORS

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commemorating the Life and Service of Supervisor Leland "Lee" A. Braunel to Mrs. Braunel and family members.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commemorating the Life and Service of Supervisor Thomas B. Hein.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commemorating the Life and Service of Supervisor Kenneth L. Swade to Mrs. Swade and their daughter.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Proclaiming the Month of April Child Abuse and Neglect Prevention Month to Human Services Director Lori Fure and staff members.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation in Honor of National Public Safety Telecommunicators Week to Emergency Management Director Kayla Beckerdite.

County Executive Bob Ziegelbauer and Chairperson Martell presented a Proclamation Commending the Manitowoc County Drug Task Force to Lt. David Remiker and other Drug Task Force members.

PUBLIC INPUT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS

Chairperson Martell declared public comment open at 6:27 p.m.

Brittany Boyer, Substance Use Prevention Program Manager of NEWAHEC/HMC Substance Use Prevention Coalition gave a brief summary of the organization's activities and the dangers of drugs in the community.

Maura Yost, Town of Centerville, expressed her discontent with the County's borrowing habits and advocated for a half-cent sales tax.

No one else present wished to speak, subsequently Chairperson Martell closed public input at 6:38 p.m.

APPOINTMENTS BY COUNTY EXECUTIVE

Chairperson Martell presented County Executive Ziegelbauer's appointment of Korina Aghmar as Health Officer. Supervisor Metzger moved, seconded by Supervisor Muench to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of Shirley Fessler, Dr. Brian Konowalchuk, Supv. Catherine Wagner and Shannon Kanter to the Board of Health. Supervisor Metzger moved, seconded by Supervisor Muench to approve the appointments. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Supv. Bonnie Shimulunas to the Human Services Board. Supervisor Brey moved, seconded by Supervisor Neils to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Kayla Beckerdite to the Land Information Council. Supervisor Falkowski moved, seconded by Supervisor Neils to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Joe Jeanty to the Local Emergency Planning Committee. Supervisor Baumann moved, seconded by Supervisor Linsmeier to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointment of Alternate) Audrey Reese to the Local Emergency Planning Committee. Supervisor Behnke moved, seconded by Supervisor Hansen to approve the appointment. Upon voice vote, the motion carried unanimously.

Chairperson Martell presented County Executive Ziegelbauer's appointments of Tim Nicholls and Dave Schmaling to the Transportation Coordinating Committee. Supervisor Weiss moved, seconded by Supervisor Hansen to approve the appointments. Upon voice vote, the motion carried unanimously.

COMMITTEE REPORTS ON MEETINGS, PETITIONS, RESOLUTIONS, ORDINANCES

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

Supervisor Falkowski moved, seconded by Supervisor Vogt to adopt Resolution 2022/2023-55 Authorizing 2023-2024 Snowmobile Trail Aids Program. Upon vote, the motion carried unanimously.

No. 2022/2023 - 55

RESOLUTION AUTHORIZING 2023-2024 SNOWMOBILE TRAIL AIDS PROGRAM

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

4 WHEREAS, Manitowoc County has completed 50 years of participation in the
5 Wisconsin Snowmobile Trail Aids Program by acquiring, developing, insuring, and maintaining
6 public snowmobile trails in the county in accordance with Wisconsin Department of Natural
7 Resources standards; and
8

9 WHEREAS, Manitowoc County is eligible to continue its participation in the
10 Snowmobile Trail Aids Program and has budgeted \$72,120.00 to cover the costs for 240.4 miles
11 of trail; and
12

13 WHEREAS, the Planning and Zoning Department has provided the County Board with a
14 trail system map showing the 240.4 miles of trail that are included in the Manitowoc County
15 Public Snowmobile Trail System;
16

17 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
18 county of Manitowoc approves the trail system map provided by the Planning and Zoning
19 Department; and
20

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

27 BE IT FURTHER RESOLVED that the Planning and Zoning Director is authorized to
28 sign documents and take the actions necessary to undertake, direct, and complete the 2023-2024
29 Snowmobile Trail Aids Program; and
30

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

35 BE IT FURTHER RESOLVED that Manitowoc County will, subject to the limits of
36 funds appropriated for such purposes, provide for adequate maintenance of the trails and
37 facilities that have been funded for acquisition and maintenance through the Wisconsin

38 Snowmobile Trail Aids Program in accordance with DNR requirements and funding criteria;
39 comply with state and federal rules for the program; maintain any completed project in an
40 attractive, inviting, and safe manner; keep facilities open to the general public during reasonable
41 hours consistent with the type of facility; and obtain approval in writing from the DNR before
42 any changes are made in the use of a project site.

Dated this 21st day of March 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: No tax levy impact. \$72,120.00 is included in the 2023 approved budget.
The State of Wisconsin reimburses the County the total amount spent on
the program.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Engelbrecht to enact Ordinance
2022/2023-56 Amending Zoning Map (Dick and Sandra Halverson). Upon vote, the motion
carried unanimously.

No. 2022/2023 - 56

ORDINANCE AMENDING ZONING MAP
(Dick and Sandra Halverson)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on February 27, 2023; and
3

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

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

11 A tract of land located in the NE 1/4 of the NW 1/4 and in the SE 1/4 of the NW 1/4 of
12 Section 35, Town 19 North, Range 22 East in the Township of Cato, Manitowoc County,
13 Wisconsin, described as follows:
14

15 Commencing at the NW Corner of said Section 35; Thence S 00°20'11" W,
16 1323.65 feet coincident with the west line of said NW 1/4 to the 1/16 section line;
17 Thence N 89°48'18" E, 1319.25 feet to the northwest corner of said SE 1/4 of the
18 NW 1/4, being the point of beginning; Thence S 00°20'29" W, 160.00 feet
19 coincident with the west line of said SE 1/4 of the NW 1/4; Thence

20 N 89°48'18" E, 725.00 feet; Thence N 00°20'29" E, 535.05 feet to the south line
21 of the Wisconsin Central LTD Railroad; Thence S 63°33'29" W, 554.09 feet
22 coincident with said south line; Thence S 18°40'44" E, 137.06 feet to the north
23 line of said SE 1/4 of the NW 1/4; Thence S 89°48'18" W, 275.00 feet to the point
24 of beginning, said parcel containing approximately 237,999 Square Feet (5.46
25 Acres) of land and is hereby rezoned from Exclusive Agriculture (EA) District to
26 Large Estate (LE) Residential District.

Dated this 21st day of March 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Vogt to enact Ordinance 2022/2023-57 Amending Zoning Map (Daniel and Jacqueline Downey). Upon vote, the motion carried unanimously.

No. 2022/2023 - 57

ORDINANCE AMENDING ZONING MAP
(Daniel and Jacqueline Downey)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on February 27, 2023; and
3

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

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

11 A parcel of land in part of the Northwest Quarter (NW1/4) of the Northeast Quarter
12 (NE1/4) of Section One (1), Township Eighteen (18) North, Range Twenty-One (21) East, Town
13 of Eaton, Manitowoc County, Wisconsin, described as follows:
14

15 Commencing at the northeast corner of said Section 1; thence N89°-44'-53"W
16 along the north line of the NE1/4 of said Section 1, a distance of 1319.76 feet to
17 the east line of the NW1/4 of said NE1/4; thence S00°-29'-01"W along said east

18 line, a distance of 830.47 feet; thence N89°-44'-04"W 43.05 feet to the west right
19 of way line of Quarry Road and the point of real beginning; thence S00°-13'-
20 56"W along said west right of way line, a distance of 500.00 feet to the to the
21 north line of Certified Survey Map recorded in Volume 20 of Certified Survey
22 Maps on Page 221 and Document No. 877943 of Manitowoc County records;
23 thence N89°-44'-04"W (recorded as S89°-50'-00"E) along said north line, a
24 distance of 222.00 feet; thence N00°-13'-56"W 500.00 feet; thence S89°-44'-
25 04"E 222.00 feet to the point of real beginning, said parcel containing
26 approximately 110,984 square feet (2.55 acres) of land and is hereby rezoned
27 from Exclusive Agriculture (EA) District to Small Estate (SE) Residential
28 District.

Dated this 21st day of March 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Hacker to enact Ordinance 2022/2023-58 Amending Zoning Map (Mary Tisler et al.). Upon vote, the motion carried unanimously.

No. 2022/2023 - 58

ORDINANCE AMENDING ZONING MAP
(Mary Tisler et al.)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on February 27, 2023; and
3

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

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

11 A parcel of land located in part of the Northwest 1/4 of the Southeast 1/4, Section 12,
12 T.20 N. - R. 21 E., Town of Maple Grove, Manitowoc County, Wisconsin, described as follows:
13

14 Commencing at the East 1/4 Corner of Section 12; thence along the northerly line
15 of the SE 1/4 South 88°44'19" West 1,366.80 feet to a found Manitowoc County
16 Monument being the point of beginning; thence South 0°43'56" East 503.33 feet;
17 thence South 88°34'13" West 906.82 feet; thence North 0°08'35" East 508.26 feet;
18 thence North 88°52'31" East 899.03 feet to the point of beginning, said parcel
19 containing approximately 10.48 acres of land and is hereby rezoned from
20 Exclusive Agriculture (EA) District to General Agriculture (GA) District.

Dated this 21st day of March 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Heller to enact Ordinance 2022/2023-59 Amending Zoning Map (George and Angela Mueller). Upon vote, the motion carried unanimously.

No. 2022/2023 - 59

ORDINANCE AMENDING ZONING MAP
(George and Angela Mueller)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held
2 a public hearing on a petition for a zoning ordinance amendment on February 27, 2023; and
3

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

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

11 A tract of land located in the NW¼ of the NW¼ of Section 2, T. 20 N., R. 24 E., Town of
12 Two Rivers, Manitowoc County, Wisconsin, described as follows:
13

14 Commencing at the Northwest Corner of said Section 2; thence S 89°35'37" E
15 along the section line a distance of 775.62 feet to the point of real beginning;
16 thence continue S 89°35'37" E along said section line a distance of 548.22 feet;
17 thence S 00°10'33" E a distance of 438.17 feet; thence N 89°35'38" W a distance

18 of 602.43 feet; thence N 07°54'02” E a distance of 381.41 feet to the southerly
19 right of way of CTH “V”; thence N 00°24'23” E a distance of 60.00 feet to the
20 point of real beginning, said tract containing approximately 5.76 acres or 250,584
21 square feet of land more or less and is hereby rezoned from Exclusive Agriculture
22 (EA) District to Large Estate (LE) Residential District.

Dated this 21st day of March 2023.

Respectfully submitted by the Planning and Park Commission.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

Board of Health: Supervisor Metzger gave a brief report.

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

Executive Committee: Chairperson Martell gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Gerroll to adopt Resolution 2022/2023-60 Authorizing Manitowoc County to Enter into Settlement Agreements with Teva Pharmaceutical Industries Ltd., Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS Pharmacy, Inc., Agreeing to the Terms of the Addendum to the MOU Allocating Settlement Proceeds, and Authorizing Entry into the MOU with the Attorney General. Upon vote, the motion carried unanimously.

No. 2022/2023 - 60

**RESOLUTION AUTHORIZING MANITOWOC COUNTY TO ENTER
INTO SETTLEMENT AGREEMENTS WITH TEVA
PHARMACEUTICAL INDUSTRIES LTD., ALLERGAN FINANCE, LLC,
WALGREEN CO., WALMART, INC., CVS HEALTH CORPORATION
AND CVS PHARMACY, INC., AGREEING TO THE TERMS OF THE
ADDENDUM TO THE MOU ALLOCATING SETTLEMENT PROCEEDS,
AND AUTHORIZING ENTRY INTO THE MOU WITH THE ATTORNEY
GENERAL**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the county board of supervisors of the county of Manitowoc previously
2 authorized Manitowoc County to enter into an engagement agreement with von Briesen &
3 Roper, s.c., Crueger Dickinson LLC and Simmons Hanly Conroy LLC (the “Law Firms”) to
4 pursue litigation against certain manufacturers, distributors, and retailers of opioid
5 pharmaceuticals (the “Opioid Defendants”) in an effort to hold the Opioid Defendants financially

6 responsible for Manitowoc County’s expenditure of vast money and resources to combat the
7 opioid epidemic; and

8
9 WHEREAS, on behalf of Manitowoc County, the Law Firms filed a lawsuit against the
10 Opioid Defendants; and

11
12 WHEREAS, the Law Firms filed similar lawsuits on behalf of 66 other Wisconsin
13 counties and all Wisconsin cases were coordinated with thousands of other lawsuits filed against
14 the same or substantially similar parties as the Opioid Defendants in the Northern District of
15 Ohio, captioned In re: Opioid Litigation, MDL 2804 (the “Litigation”); and

16
17 WHEREAS, four (4) additional Wisconsin counties (Milwaukee, Dane, Waukesha, and
18 Walworth) hired separate counsel and joined the Litigation; and

19
20 WHEREAS, since the inception of the Litigation, the Law Firms have coordinated with
21 counsel from around the country (including counsel for Milwaukee, Dane, Waukesha, and
22 Walworth Counties) to prepare Manitowoc County’s case for trial and engage in extensive
23 settlement discussions with the Opioid Defendants; and

24
25 WHEREAS, the settlement discussions with Teva Pharmaceutical Industries Ltd.,
26 Allergan Finance, LLC, Walgreen Co., Walmart, Inc., CVS Health Corporation and CVS
27 Pharmacy, Inc., (the “Settling Defendants”) resulted in a tentative agreement as to settlement
28 terms pending agreement from Manitowoc County and other plaintiffs involved in the Litigation;
29 and

30
31 WHEREAS, copies of the various settlement agreements relating to the Settling
32 Defendants (collectively “Settlement Agreements”) are available at
33 <https://nationalopioidsettlement.com> and the Subdivision and Special District Settlement
34 Participation Form is attached to this Resolution as *Exhibit A*; and

35
36 WHEREAS, an “Executive Summary of National Opioid Settlements” is attached to the
37 Resolution as *Exhibit B*; and

38
39 WHEREAS, the Settlement Agreements provide, among other things, for the payment of
40 certain sums to Participating Subdivisions (as defined in the Settlement Agreements) upon the
41 occurrence of certain events detailed in the Settlement Agreements; and

42
43 WHEREAS, Manitowoc County is a Participating Subdivision in the Settlement
44 Agreements and has the opportunity to participate in the benefits associated with the Settlement
45 Agreement provided the County: (a) approves the Settlement Agreements; (b) approves the
46 Memorandum of Understanding allocating proceeds from the Settlement Agreements among the
47 various Wisconsin Participating Subdivisions as amended by the Addendum to Wisconsin Local
48 Government Memorandum of Understanding, a copy of which is attached to this Resolution as
49 *Exhibit C* (collectively the “Allocation MOU”); (c) approves the Memorandum of
50 Understanding with the Wisconsin Attorney General regarding allocation of settlement proceeds,
51 a copy of which is attached to this Resolution as *Exhibit D* (the “AG MOU”); and (d) the

52 Legislature’s Joint Committee on Finance approves the terms of the Settlement Agreements and
53 the AG MOU; and
54

55 WHEREAS, the Law Firms previously engaged in extensive discussions with counsel for
56 all other Wisconsin Participating Subdivisions resulting in the Allocation MOU, which is an
57 agreement between all of the entities identified in the Allocation MOU as to how the proceeds
58 payable to those entities under the Settlement Agreements will be allocated; and
59

60 WHEREAS, the proposed Addendum to Wisconsin Local Government Memorandum of
61 Understanding (“Addendum”) provides for allocation of settlement proceeds among the
62 Wisconsin Participating Subdivisions according to the same percentages as that provided in the
63 previously-approved Allocation MOU allocating the settlement proceeds of the settlements
64 involving McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation,
65 Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc.,
66 and Janssen Pharmaceutica, Inc.; and
67

68 WHEREAS, 2021 Wisconsin Act 57 created Section 165.12 of the Wisconsin Statutes
69 relating to the settlement of all or part of the Litigation; and
70

71 WHEREAS, pursuant to Wis. Stat. § 165.12(2), the Legislature’s Joint Committee on
72 Finance is required to approve the Settlement Agreements and the AG MOU; and
73

74 WHEREAS, pursuant to Wis. Stat. § 165.12(2), the proceeds from any settlement of all
75 or part of the Litigation are distributed 70% to local governments in Wisconsin that are parties to
76 the Litigation and 30% to the State; and
77

78 WHEREAS, Wis. Stat. § 165.12(4)(b)2. provides the proceeds from the Settlement
79 Agreement must be deposited in a segregated account (the “Opioid Abatement Account”) and
80 may be expended only for approved uses for opioid abatement as provided in the Settlement
81 Agreements; and
82

83 WHEREAS, Wis. Stat. § 165.12(7) bars claims from any Wisconsin local government
84 against the Opioid Defendants filed after June 1, 2021; and
85

86 WHEREAS, the definition of Participating Subdivisions in the Settlement Agreements
87 recognizes a statutory bar on claims such as that set forth in Wis. Stat. § 165.12(7) and, as a
88 result, the only Participating Subdivisions in Wisconsin are those counties and municipalities
89 that were parties to the Litigation (or otherwise actively litigating a claim against one, some, or
90 all of the Opioid Defendants) as of June 1, 2021; and
91

92 WHEREAS, the Legislature’s Joint Committee on Finance is not statutorily authorized or
93 required to approve the allocation of proceeds of the Settlement Agreements among Wisconsin
94 Participating Subdivisions; and
95

96 WHEREAS, Manitowoc County, by this Resolution, shall deposit the proceeds of the
97 Settlement Agreements consistent with the terms of this Resolution and Wis.
98 Stat. § 165.12(4)(b); and
99

100 WHEREAS, pursuant to Manitowoc County’s engagement agreement with the Law
101 Firms, the County shall pay up to an amount equal to 25% of the proceeds from successful
102 resolution of all or part of the Litigation, whether through settlement or otherwise, plus the Law
103 Firms’ costs and disbursements, to the Law Firms as compensation for the Law Firms’ efforts in
104 the Litigation and any settlement; and
105

106 WHEREAS, the Law Firms anticipate making application to the national fee fund
107 established in the Settlement Agreements seeking payment, in whole or part, of the fees, costs,
108 and disbursements owed the Law Firms pursuant to the engagement agreement with Manitowoc
109 County; and
110

111 WHEREAS, it is anticipated the amount of any award from the fee fund established in
112 the Settlement Agreements will be insufficient to satisfy Manitowoc County’s obligations under
113 the engagement agreement with the Law Firms; and
114

115 WHEREAS, Manitowoc County, by this Resolution, and pursuant to the authority
116 granted the County in the applicable Order emanating from the Litigation in relation to the
117 Settlement Agreements and payment of attorney fees, shall authorize and direct the escrow agent
118 responsible for the receipt and distribution of the proceeds from the Settlement Agreements to
119 establish an account for the purpose of segregating funds to pay the fees, costs, and
120 disbursements of the Law Firms owed by Manitowoc County (the “Attorney Fees Account”) in
121 order to fund a local “backstop” for payment of the fees, costs, and disbursements of the Law
122 Firms; and
123

124 WHEREAS, in no event shall payments to the Law Firms out of the Attorney Fees
125 Account and the fee fund established in the Settlement Agreements exceed an amount equal to
126 25% of the amounts allocated to Manitowoc County in the Addendum; and
127

128 WHEREAS, the intent of this Resolution is to authorize Manitowoc County to enter into
129 the Settlement Agreements, the Addendum, and the AG MOU, establish the County’s Opioid
130 Abatement Account, and establish the Attorney Fees Account; and
131

132 WHEREAS, Manitowoc County, by this Resolution, shall authorize the County’s
133 corporation counsel to finalize and execute any escrow agreement and other document or
134 agreement necessary to effectuate the Settlement Agreements and the other agreements
135 referenced herein;
136

137 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
138 county of Manitowoc hereby approves:
139

140 1. The execution of the Settlement Agreements and any and all documents ancillary
141 thereto and authorizes the corporation counsel or designee to execute same.

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2. The final negotiation and execution of the Addendum in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the corporation counsel or designee to execute same upon finalization provided the percentage share identified as allocated to Manitowoc County is substantially similar to that identified in the Addendum provided to the Board with this Resolution.

3. The final negotiation and execution of the AG MOU in form substantially similar to that presented with this Resolution and any and all documents ancillary thereto and authorizes the corporation counsel or designee to execute same.

4. The execution by the corporation counsel or designee of any additional documents or agreements for the receipt and disbursement of the proceeds of the Settlement Agreements as referenced in the Addendum.

and

BE IT FURTHER RESOLVED all proceeds from the Settlement Agreements not otherwise directed to the Attorney Fees Account shall be deposited in Manitowoc County's Opioid Abatement Account. The Opioid Abatement Account shall be administered consistent with the terms of this Resolution, Wis. Stat. § 165.12(4), and the Settlement Agreements; and

BE IT FURTHER RESOLVED Manitowoc County hereby authorizes the establishment of an account separate and distinct from any account containing funds allocated or allocable to the County which shall be referred to by Manitowoc County as the "Attorney Fees Account." An escrow agent shall deposit a sum equal to up to, but in no event exceeding, an amount equal to 20% of Manitowoc County's proceeds from the Settlement Agreements into the Attorney Fees Account. If the payments to Manitowoc County are not enough to fully fund the Attorney Fees Account as provided herein because such payments are made over time, the Attorney Fees Account shall be funded by placing up to, but in no event exceeding, an amount equal to 20% of the proceeds from the Settlement Agreements attributable to Local Governments (as that term is defined in the Allocation MOU) into the Attorney Fees Account for each payment. Funds in the Attorney Fees Account shall be utilized to pay the fees, costs, and disbursements owed to the Law Firms pursuant to the engagement agreement between Manitowoc County and the Law Firms provided, however, the Law Firms shall receive no more than that to which they are entitled under their fee contract when considering the amounts paid the Law Firms from the fee fund established in the Settlement Agreements and allocable to Manitowoc County. The Law Firms may make application for payment from the Attorney Fees Account at any time and Manitowoc County shall cooperate with the Law Firms in executing any documents necessary for the escrow agent to make payments out of the Attorney Fees Account; and

BE IT FURTHER RESOLVED that all actions heretofore taken by the board of supervisors of the county of Manitowoc and other appropriate public officers and agents of Manitowoc County with respect to the matters contemplated under this Resolution are hereby ratified, confirmed and approved.

Dated this 21st day of March 2023.

Respectfully submitted by the Executive Committee.

FISCAL IMPACT: Undeterminable. Under the terms of the agreements resolved herein, Manitowoc County is to receive approximately \$2,525,462 less an unknown amount in attorneys' fees.

APPROVED: Bob Ziegelbauer, County Executive.

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

Finance Committee: Supervisor Hansen gave a brief report.

Highway Committee: Supervisor Behnke gave a brief report.

Supervisor Behnke moved, seconded by Supervisor Gerroll, to adopt Resolution 2022/2023-61 Accepting \$11,000 Donation for Manitowoc County Airport Ground Power Unit and Electrical Work. Upon vote, the motion carried unanimously.

No. 2022/2023 - 61

RESOLUTION ACCEPTING \$11,000 DONATION FOR MANITOWOC COUNTY AIRPORT GROUND POWER UNIT AND ELECTRICAL WORK

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Airport has the need for a ground power unit to
2 better serve customers; and

3
4 WHEREAS, a ground power unit is used to supply power to aircraft while they are on the
5 ground; and

6
7 WHEREAS, the cost of purchasing and installing a ground power unit at the airport is
8 \$11,000.00; and

9
10 WHEREAS, Tom Bare has offered to donate the \$11,000.00 necessary to supply the
11 airport with the ground power unit; and

12
13 WHEREAS, after careful consideration and review, the Manitowoc County Highway
14 Committee recommends that the county of Manitowoc accept the donation from Tom Bare to
15 purchase and install a ground power unit for the airport;

16
17 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
18 county of Manitowoc accepts the donation in the amount of \$11,000.00 from Tom Bare to
19 purchase and install a ground power unit for the Manitowoc County Airport; and

20

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BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in the 2023 budget are amended by the amount of the donation and that the Finance Director is directed to record such information in the official books of the county for the year ending December 31, 2023 as may be required; and

BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors wishes to acknowledge and thank Tom Bare for his generous donation.

Dated this 21st day of March 2023.

Respectfully submitted by the Highway Committee.

FISCAL IMPACT: No tax levy impact. Increases revenues and expenditures by equal amounts.

APPROVED: Bob Ziegelbauer, County Executive.

Personnel Committee: Supervisor Metzger gave a brief report.

Public Safety Committee: Supervisor Falkowski gave a brief report.

Supervisor Falkowski moved, seconded by Supervisor Vogt, to adopt Resolution 2022/2023-62 Accepting 2023 COPS Anti-Heroin Grant and COPS Anti-Methamphetamine Grant. Upon vote, the motion carried unanimously.

No. 2022/2023 - 62

**RESOLUTION ACCEPTING 2023 COPS ANTI-HEROIN GRANT AND
COPS ANTI-METHAMPHETAMINE GRANT**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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WHEREAS, the Wisconsin Department of Justice has allocated funds for local multi-jurisdictional drug task forces for reimbursement of overtime hours associated with the development and investigation of narcotics cases that target the illicit trafficking of heroin (Anti-Heroin Grant) or the manufacture and distribution of methamphetamine (Anti-Methamphetamine Grant); and

WHEREAS, the Manitowoc County Sheriff's Office has been awarded a 2023 COPS Anti-Heroin Grant in the amount of \$15,000 and a COPS Anti-Methamphetamine Grant in the amount of \$7,500; and

11 WHEREAS, after careful consideration and review, the Public Safety Committee
12 recommends Manitowoc County accept the COPS Anti-Heroin Grant and the COPS
13 Anti-Methamphetamine Grant as awarded from the Wisconsin Department of Justice;

14
15 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
16 county of Manitowoc hereby accepts the COPS Anti-Heroin Grant in the amount of \$15,000 and
17 the COPS Anti-Methamphetamine Grant in the amount of \$7,500 from the Wisconsin
18 Department of Justice; and

19
20 BE IT FURTHER RESOLVED the Manitowoc County Sheriff is authorized to execute
21 such papers and to take other action as necessary to accept the grant, direct, and complete the
22 project; and

23
24 BE IT FURTHER RESOLVED, that the 2023 budget is amended by the amount of the
25 grant funds allocated and that the Finance Director is directed to record such information in the
26 official books of the County for the year ending December 31, 2023 as may be required.

Dated this 21st day of March 2023.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: No tax levy impact. Increases revenue (27500.43211 Anti-Heroin COPS Grant) by \$15,000 and (27500.43212 Anti-Meth COPS Grant) by \$7,500. Expenditures will be allocated to (27500.51250 Metro Overtime) and (27500.52999 Other Contract Services).

APPROVED: Bob Ziegelbauer, County Executive.

Supervisor Falkowski moved, seconded by Supervisor Zimmer, to adopt Resolution 2022/2023-63 Alerting the Public of the Dangers of Fentanyl. Upon vote, the motion carried unanimously.

No. 2022/2023 - 63

RESOLUTION ALERTING THE PUBLIC OF THE DANGERS OF FENTANYL

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, fentanyl is a highly potent synthetic opioid pain medication with a rapid
2 onset and short duration of action; and
3

4 WHEREAS, the abuse of fentanyl has been linked to elevated overdose deaths in
5 Manitowoc County and the United States, including 19 overdose deaths in Manitowoc County in
6 2022 alone; and
7

8 WHEREAS, the illegal substance distribution and the misuse of fentanyl and other
9 synthetic controlled substances pose an immediate threat to the public health and safety;
10

11 NOW, THEREFORE, BE IT RESOLVED, that county board of supervisors of the
12 county of Manitowoc condemns the abuse of fentanyl and expresses its opposition to any
13 legislative action that could further exacerbate the problem of substance abuse and addiction; and
14

15 BE IT FURTHER RESOLVED, that the county board of supervisors of the county of
16 Manitowoc calls on local, state, and federal authorities to take all necessary measures to combat
17 the illegal distribution and abuse of fentanyl, including strengthening and funding law
18 enforcement efforts, increasing public awareness and education, and expanding access to
19 treatment and recovery services; and
20

21 BE IT FURTHER RESOLVED, the county board of supervisors of the county of
22 Manitowoc commend the efforts of law enforcement and the Manitowoc County drug task force,
23 for the extremely difficult and dangerous mission to prevent these vile substances from entering
24 our communities; and
25

26 BE IT FURTHER RESOLVED, the county board of supervisors of the county of
27 Manitowoc supports efforts to increase research and development of non-opioid pain
28 management options, and to improve harm reduction efforts including increasing the availability
29 of naloxone (Narcan), a medication used to reverse opioid overdose, and fentanyl test strips; and
30

31 BE IT FURTHER RESOLVED, county board of supervisors of the county of Manitowoc
32 requests the Governor to declare a health crisis emergency and provide resources for local
33 government for interdiction and support to mitigate this societal drug abuse plague; and
34

35 BE IT FURTHER RESOLVED, that that the County Clerk is directed to send a copy of
36 this resolution to the Wisconsin Counties Association, the Wisconsin Towns Association, the
37 Wisconsin League of Municipalities, each Wisconsin County Board, Governor Evers and the
38 legislators for Manitowoc County.

Dated this 21st day of March 2023.

Respectfully submitted by the Public Safety Committee.

FISCAL IMPACT: None.

I respect the prerogative of the members of the Manitowoc County Board of Supervisors to voice

their opinions on legislative issues. Therefore, it is my practice to neither approve nor veto a legislative policy resolution that has been enacted by the County Board in order to allow the County Board, acting as the legislative branch of county government, to freely express its sentiment on legislative and public policy issues or to request action by a governmental entity, or both.

APPROVED: Bob Ziegelbauer, County Executive.

Public Works Committee: Supervisor Sitkiewitz gave a brief report.

Transportation Coordinating Committee: Supervisor Hacker gave a brief report.

Miscellaneous:

Supervisor Phipps moved, seconded by Supervisor Behnke, to adopt Resolution 2022/2023-64 Approving Town of Newton Zoning Ordinance Amendment (Francis Lulloff). Upon vote, the motion carried unanimously.

No. 2022/2023 - 64

**RESOLUTION APPROVING TOWN OF NEWTON ZONING
ORDINANCE AMENDMENT
(Francis Lulloff)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

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

11 WHEREAS, the Town of Newton amended its zoning ordinance on March 8, 2023 by
12 rezoning a 25.2 acre parcel of property owned by Francis Lulloff from A-2 (General Agriculture
13 District) to B-1 (Business District) in accordance with Wis. Stat. § 60.62; and
14

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

19 NOW, THEREFORE, BE IT RESOLVED that the county board of supervisors of the
20 county of Manitowoc approves the Town of Newton’s zoning ordinance amendment that rezones
21 that certain 25.2 acre parcel of property owned by Francis Lulloff from A-2 (General Agriculture

22 District) to B-1 (Business District) and was adopted by the Newton town board on March 8,
23 2023.

Dated this 21st day of March 2023.

Respectfully submitted by Ryan Phipps, Supervisor, District 11.

FISCAL IMPACT: None.

APPROVED: Bob Ziegelbauer, County Executive.

ANNOUNCEMENTS

Chairperson Martell announced that there will be a county board meeting at 5:30 p.m. on April 18, 2023 at the Heritage Center, County Board Meeting Room, for security training by the Information Systems Department.

ADJOURNMENT

Supervisor Brey moved to adjourn, seconded by Supervisor Baumann, and the motion was adopted by acclamation. The meeting adjourned at 7:19 p.m.

Respectfully submitted,
Jessica Backus, Manitowoc County Clerk

** The County Board Meeting is available for viewing at:

<https://www.youtube.com/watch?v=eZ6nVslO68s>

COUNTY BOARD PROCEEDINGS INDEX

APPOINTMENTS

April 26, 2022 Session:

- Board of Adjustment: Bonnie Timm.
- Board of Health: Annette Kaminsky.
- Expo-Ice Center Board: Nancy Newberg.
- Human Services Board: Laurie Burke.
- Joint Dispatch Board: Joshua Stradal.
- Transportation Coordinating Committee: Cindy Neelis.

May 17, 2022 Session:

- Traffic Safety Commission: Todd Blaser and Justin Hansen.

June 21, 2022 Session:

- Soil and Water Conservation Department Director: David Wetenkamp.
- Board of Adjustment: Kenneth Schuler.
- Joint Dispatch Board: David Funkhouser and Brian Kohlmeier.
- Northeast Wisconsin Regional Economic Partnership: Jamie Zastrow, and alternates Elizabeth Runge and Adam Tegen.
- Planning and Park Commission: David Korinek.

July 19, 2022 Session:

- Joint Dispatch Board: Theresa Becker.

August 16, 2022 Session:

- Land Information Council: Supervisor James Falkowski and Jill Pope.

September 20, 2022 Session:

- Manitowoc-Calumet Library System Board of Trustees: Don Weiss.

October 31, 2022 Session:

- Emergency Services Director: Kayla Beckerdite.

November 10, 2022 Session:

- ADRC of the Lakeshore Board: Tim Nicholls.
- Expo-Ice Center Board: Tonya Dvorak, Marilyn Lentz, Barbara Palzewicz and Dick Pollen.
- Joint Dispatch Board: Jason Freiboth and Benjamin Meinnert.
- Veterans Service Commission: Kurt Carlson.

December 20, 2022 Session:

- Human Services Department Director: Lori Fure.
- Expo-Ice Center Board: Matthew Pawlowski.
- Joint Dispatch Board: Joseph Jeanty.
- Manitowoc-Calumet Library System Board of Trustees: Deborah Brotcke and Charles Krueger.

APPOINTMENTS continued...

January 17, 2023 Session:

- Manitowoc-Calumet Library System Board of Trustees: Natasha Khan.

February 21, 2023 Session:

- Ethics Board: Atty. Katherine Reynolds.
- Local Emergency Planning Committee: Gary Shavlik.
- Traffic Safety Commission: Benjamin Meinnert and Joseph Jeanty.
- Ad Hoc Courthouse Dome Advisory Committee: Supervisors Baumann, Behnke, Brey, Gerroll, Hansen, Klein, Martell, Naidl, Phipps and Sitkiewitz; Judge Robert Dewane, and citizen members John Delsman and Kaitlin Piazza.

March 21, 2023 Session:

- Health Officer: Korina Aghmar.
- Board of Health: Shirley Fessler, Dr. Brian Konowalchuk, Supervisor Catherine Wagner and Shannon Kanter.
- Human Services Board: Supervisor Bonnie Shimulunas.
- Land Information Council: Kayla Beckerdite.
- Local Emergency Planning Committee: Joseph Jeanty and Audrey Reese.
- Transportation Coordinating Committee: Tim Nicholls and Dave Schmaling.

COMMUNICATIONS

April 26, 2022 Session:

1. La Crosse - Resolution No. 45-12/21 Advisory Referendum on Clean Water.
2. Price County - Resolution 12-22 Request State to Revise the Current Real Estate Transfer Fees Revenue Sharing Formula.
3. Price County - Resolution 14-22 Elimination of the Badger Care Eligibility Cliff.

May 17, 2022 Session:

1. Jefferson County - Resolution 2022-11 Requesting the State of Wisconsin to Revise the Current Real Estate Transfer Fee Revenue Sharing Formula.
2. Monroe County - Resolution No. 03-22-01 on Clean Water.
3. Town of Vinland, Winnebago County - Resolution No. 006-2022 to Support NACo's Position on Defining the Waters of the United States (WOTUS) and Regulations with Agricultural Considerations.

August 16, 2022 Session:

1. Brown County - Resolution for Advisory Referendum Regarding Private Funding of Election Administration.
2. St. Croix County - Resolution No. 25 (2022) to Request State Revise the Current Real Estate Transfer Fees Revenue Sharing Formula.
3. Taylor County - Resolution No. 22 Regarding Private Funding of Election Administration.

September 20, 2022 Session:

1. Kenosha County - Resolution No. 22 to Conduct Countywide Advisory Referendum on making the State of Wisconsin a 2nd Amendment Sanctuary State.
2. Lincoln County - Resolution 2022-07-24 for Advisory Referendum Regarding Private Funding of Election Administration.
3. Price County - Resolution 28-22 for Advisory Referendum Regarding Private Funding of Election Administration.
4. Taylor County - Resolution No. 22 Regarding Private Funding of Election Administration.

PETITIONS

May 17, 2022 Session:

1. Larry Krueger - Town of Maple Grove

June 21, 2022 Session:

1. Philip and Mary Franz Revocable Living Trust - Town of Cato
2. Chad Koepfel - Town of Kossuth
3. Brian and Kelly Wimmer - Town of Kossuth
4. A. Daniel Klemme Revocable Living Trust - Town of Schleswig

December 20, 2022 Session:

Bridge Petitions -

1. Town of Cooperstown - Cooperstown Road Bridge B-36-0235
2. Town of Cooperstown - Misc. Bridge Deck Joint Maintenance (3) B-36-0130, B-36-0032, P-36-0100
3. Town of Cooperstown - Lemens Bridge
4. Town of Franklin - Miller Bridge
5. Town of Franklin - Misc. Bridge HMA Approach Wedging Maintenance (3) B-36-0118, B-36-0139, P-36-0119
6. Town of Gibson - Jambo Creek Road Bridge P-36-0090
7. Town of Gibson - Old Y Road Bridge B-36-0225
8. Town of Gibson - Rockledge Road Bridge P-36-0087
9. Town of Gibson - Tapawingo Road Bridge B-36-0152
10. Town of Gibson - Nachtwey Road Bridge B-36-0153
11. Town of Liberty - Aulik Bridge
12. Town of Liberty - Gries Bridge
13. Town of Liberty - Stiefvater Bridge
14. Town of Liberty - Pine River Bridge
15. Town of Liberty - Johnson Bridge
16. Town of Manitowoc Rapids - N. Union Road Bridge B-36-0240
17. Town of Newton - S. Union Road Bridge P-36-0910
18. Town of Schleswig - Rockville Road Bridge B-36-0023
19. Two Rivers - E. Hillcrest Road Bridge B-36-0250

January 17, 2023 Session:

1. Manitowoc County - Map and Ordinance Text Amendment, County Code Chapter 31
2. Muench Irrevocable Family Trust - Town of Liberty
3. Brad & Jennifer Kurtzweil - Town of Manitowoc Rapids
4. Soaring Eagle Dairy - Town of Manitowoc Rapids

February 21, 2023 Session:

1. Dick and Sandra Halverson - Town of Cato
2. Daniel and Jacqueline Downey - Town of Eaton
3. Mary Tisler et al - Town of Maple Grove
4. George and Angela Mueller - Town of Two Rivers

March 21, 2023 Session:

1. Jayme and Stephanie Hetland - Town of Schleswig
2. Lance and Holly Dederling - Town of Schleswig
3. Manitowoc County - Ordinance Text Amendment, County Code Chapter 13

* Denotes an Ordinance.

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