

**INITIAL RESOLUTION AUTHORIZING GENERAL OBLIGATION BONDS
OR PROMISSORY NOTES NOT TO EXCEED \$15,335,000 FOR 2009
CAPITAL PROJECTS AND PROVIDING FOR THE ISSUANCE OF BOND
OR NOTE ANTICIPATION NOTES**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County, Wisconsin is in need of an amount not to exceed
2 \$15,335,000 for the public purpose of financing 2009 capital projects, including a communications
3 project and a building to house the Joint Dispatch Center, Information Systems Department, Office
4 of Emergency Management, and Emergency Operations Center; and
5

6 WHEREAS, it is desirable to authorize the issuance of general obligation bonds or promissory
7 notes for such purpose pursuant to Wis. Stat. ch. 67;
8

9 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
10 that the County borrow an amount not to exceed \$15,335,000 by issuing its general obligation bonds
11 or promissory notes for the public purpose of financing 2009 capital projects (“Projects”), including
12 a communications project and a building to house the Joint Dispatch Center, Information Systems
13 Department, Office of Emergency Management, and Emergency Operations Center, and that there
14 be and hereby is levied on all the taxable property in the County a direct, annual tax in such years
15 and in such amounts as are sufficient to pay when due the principal and interest on such notes; and
16

17 BE IT FURTHER RESOLVED that the County may issue bond anticipation or note
18 anticipation notes in anticipation of the issuance of the general obligation bonds or promissory notes
19 to provide interim financing for the Projects; and
20

21 BE IT FURTHER RESOLVED that the County Board directs the Comptroller/Auditor and
22 R.W. Baird & Co., Inc. to make arrangements for financing the projects through the Build America
23 Bonds program.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Finance Committee

Mary Muench, Chair

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

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE:

Pursuant to Wis. Stat. § 67.045(1)(f), a vote of at least three-fourths of the members-elect is required. Reviewed and approved as to form by Corporation Counsel. _____

APPROVED:

Bob Ziegelbauer, County Executive

Date

**RESOLUTION AMENDING 2009 BUDGET
(Aging and Disability Resource Center)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Greater Wisconsin Agency on Aging Resources, Inc. has allocated funds to
2 the Aging and Disability Resource Center to provide services in the State Pharmaceutical Assistance
3 Program (SPAP) using transitional grants approved by the Centers for Medicare and Medicaid
4 Services; and

5
6 WHEREAS, the Aging and Disability Resource Center governing board has reviewed the
7 impact of these changes and recommends approval of the following modifications to the 2009
8 Budget:

	Revenue or Expense	Account Number	Description	Amount
10	Revenue	46480.43566.28	SPAP Part D	\$ 9,892
11	Expenses	46480.51000	Benefit Specialist	\$ 9,892;

12
13
14
15
16 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
17 that the 2009 Budget is amended by the amounts stated above and that the Comptroller/Auditor is
18 directed to record such information as may be required in the official books of the County for the
19 year ending December 31, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Aging and Disability Resource Center Board

Catherine E. Wagner, Chair

FISCAL IMPACT: No tax levy impact. Increase revenues and expenditure by \$9,892.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: This resolution amends the budget and requires a two-thirds vote of the
entire county board. Reviewed and approved as to form by Corporation
Counsel. _____

APPROVED: _____ Date _____
Bob Ziegelbauer, County Executive

**ORDINANCE AMENDING MANITOWOC COUNTY CODE SECTION 4.13 (1)
(Marriage License and Domestic Partnership Fees)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code sec. 4.13(1) establishes fees associated with marriage
2 license applications; and

3
4 WHEREAS, a recent change in state law created domestic partnerships, requires that the
5 county clerk receive a fee for each declaration of domestic partnership and each certificate of
6 termination of domestic partnership issued by the clerk, and specifies that the fee must be the same
7 as the fee received for issuing a marriage license; and

8
9 WHEREAS, since Manitowoc County set the fee for issuing a marriage license in January
10 1993, the county clerk's operation costs have increased because of new requirements for background
11 checks, the tightening of standards for vital records, and an increase in the number of couples who
12 apply without having made the proper preparations; and

13
14 WHEREAS, it is in the interest of the county to ensure that parties entering into a marriage
15 comply with applicable laws and are not married to other individuals, to deter hasty marriages, and
16 to avoid unnecessarily burdening the family court system;

17
18 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does ordain
19 as follows:

20
21 Manitowoc County Code sec. 4.13(1)(a) is amended to read as follows:

22
23 (a) The fee to issue a marriage license is \$80.

24
25 Manitowoc County Code sec. 4.13(1)(b) is amended to read as follows:

26
27 (b) The fee to waive the 5-day waiting period to issue a marriage license is \$25.

28
29 Manitowoc County Code sec. 4.13(1)(c) is created to read as follows:

30
31 (c) The fee to issue a declaration of domestic partnership or a certificate of termination of
32 domestic partnership is \$80.

33
34 Manitowoc County Code sec. 4.13(1)(d) is created to read as follows:

35
36 (d) The fee to waive the 5-day waiting period to issue a declaration of domestic partnership
37 is \$10.

38
39 This ordinance is effective upon publication.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Finance Committee

Mary Muench, Chair

FISCAL IMPACT: Estimated increased revenue of \$8,000.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(Garry Gates)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

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

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

11 A parcel of land located in the NE¼, SE¼, Section 21, T19N-R23E, Town of
12 Manitowoc Rapids, commencing at the E¼ Corner of said Section 21; thence southerly
13 along the centerline of North Alverno Road approximately 456 feet; thence westerly
14 approximately 33 feet to the west r/w of North Alverno Road which is the point of real
15 beginning; thence continue westerly approximately 575 feet; thence southerly
16 approximately 200 feet; thence easterly approximately 575 feet; thence northerly along
17 the west r/w of North Alverno Road approximately 200 feet to the point of real
18 beginning; said parcel containing approximately 2.64 acres of land, shall be and is
19 hereby rezoned from GA General Agriculture to A1 Agriculture.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(John and Sandra Reynolds)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

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

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

11 A parcel of land located in the NW¼, NW¼, Section 10, T21N-R24E, Town of Two
12 Creeks, commencing at the NW Corner of said Section 10; thence easterly along the
13 centerline of E Zander Road approximately 446.96 feet; thence southerly approximately
14 33.00 feet to the south r/w of E Zander Road which is the point of real beginning;
15 thence continue southerly approximately 618.14 feet; thence easterly approximately
16 446.74 feet; thence northerly approximately 620.40 feet; thence westerly along the south
17 r/w of E Zander Road approximately 446.96 feet to the point of real beginning; said
18 parcel containing approximately 6.78 acres of land, shall be and is hereby rezoned from
19 A3 Agriculture to A2 Agriculture.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(Guy and Kathy Schuette)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

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

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

11 A parcel of land located in the NE¼, NW¼, Section 18, T19N-R24E, Town of
12 Manitowoc, commencing at the N¼ Corner of said Section 18; thence westerly
13 approximately 34.05 feet to the west r/w of North 18th Street which is the point of real
14 beginning; thence continue westerly approximately 367.80 feet; thence southerly
15 approximately 225.75 feet; thence southeasterly approximately 465.15 feet; thence
16 northerly along the west r/w of North 18th Street approximately 522.47 feet to the point
17 of real beginning; said parcel containing approximately 3.05 acres of land, shall be and
18 is hereby rezoned from I1 Industrial to B1 Business.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE AMENDING ZONING MAP
(Howard and Suzanne Zimmermann)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held a
2 public hearing on a petition for a zoning ordinance amendment on August 24, 2009; and
3

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

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

11 A parcel of land located in the NE¼, SE¼, Section 24, T19N-R22E, Town of Cato,
12 commencing at the E¼ Corner of said Section 24 which is the point of real beginning;
13 thence southerly approximately 559.87 feet; thence westerly approximately 367.83 feet;
14 thence northerly along the east r/w of CTH JJ approximately 589.00 feet; thence
15 easterly approximately 57.22 feet to the point of real beginning; said parcel containing
16 approximately 3.0 acres of land, shall be and is hereby rezoned from A2 Agriculture to
17 A1 Agriculture.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**ORDINANCE CREATING MANITOWOC COUNTY CODE § 6.217
(Launching and Loading Watercraft)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the practice of power launching and power loading watercraft damages boat
2 landings; and

3
4 WHEREAS, the damage to boat landings caused by power launching and power loading boats
5 has resulted in accidents, caused damage to boats, required expensive repairs to public and private
6 property, and produced claims against Manitowoc County; and

7
8 WHEREAS, the Manitowoc County Fish and Game Protection Association has asked that
9 Manitowoc County adopt an ordinance to address this problem; and

10
11 WHEREAS, the Planning and Park Commission has reviewed the request and recommends
12 that the county adopt such an ordinance;

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

16
17 Manitowoc County Code section 6.217 is created to read as follows:

18
19 **6.217. Launching and Loading Watercraft.**

20
21 **(1) Power Launching and Loading Prohibited.** It is unlawful to launch or load a watercraft
22 at a public landing by using the watercraft’s main, auxiliary, or trolling motor to move the watercraft
23 onto or off of its trailer or any other device used to transport the watercraft. A person may use ropes,
24 straps, winches, or similar devices to launch or load the watercraft.

25
26 **(2) Speed Limit.** A person operating a watercraft must operate the watercraft at the “slow-
27 no-wake” speed while at, approaching, or leaving a public landing. “Slow-no-wake” means that
28 speed at which a boat moves as slowly as possible while still maintaining steerage control.

29
30 **(3) Penalties.** (a) A person will, upon a conviction for a violation of sub. (1), forfeit \$100,
31 together with the costs of prosecution, for a first offense.

32
33 (b) A person will, upon conviction for a violation of sub. (1), forfeit \$250, together with the
34 costs of prosecution, for a second offense.

35
36 (c) A person will, upon conviction for a violation of sub. (1), forfeit \$500, together with the
37 costs of prosecution, for a third and any subsequent offense.

38
39 (d) A person will, upon a conviction for a violation of sub. (2), forfeit \$50, together with the
40 costs of prosecution.

41

42 (e) A person will, upon conviction for a second violation of sub. (2) within a 24 month period,
43 forfeit \$100, together with the costs of prosecution.

This ordinance is effective September 28, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Planning and Park Commission

Clyde Mueller, Chair

FISCAL IMPACT: Indeterminable.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

RESOLUTION ACCEPTING GRANT FOR IN-CAR VIDEO SYSTEMS

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the American Recovery and Reinvestment Act of 2009 provides federal stimulus
2 money to qualifying local governments for law enforcement technology enhancement programs; and
3

4 WHEREAS, the City of Manitowoc submitted a grant application in June 2009 that contained
5 a provision stipulating that \$29,259 be paid to Manitowoc County to fund in-car video systems for
6 Sheriff's Department squad cars and that has now been approved; and
7

8 WHEREAS, in-car video systems will provide real-time recording of events and incidents for
9 use in training and legal proceedings, and jurisdictions that use in-car video systems have
10 experienced increased officer accountability, improved evidence collection, higher conviction rates,
11 and a reduction of liability in civil actions;
12

13 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
14 authorizes the Manitowoc County Sheriff's Department to accept \$29,259 in grant funding to
15 purchase in-car video systems; and
16

17 BE IT FURTHER RESOLVED that appropriate revenue and expenditure line items in the
18 2009 budget are amended by the amount of the grant received and that the Comptroller/Auditor is
19 directed to record such information in the official books of the County for the year ending
20 December 31, 2009 as may be required.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Public Safety Committee

Rick Henrickson, Chair

FISCAL IMPACT: No tax levy impact. Increases revenues (21200.43601) and expenditures (21200.58100) by equal amounts of \$29,259.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

LEGAL NOTE: This resolution amends the budget and requires a two-thirds vote of the entire county board. Reviewed and approved as to form by Corporation Counsel. _____

APPROVED: _____ Date
Bob Ziegelbauer, County Executive

**RESOLUTION PROCLAIMING SEPTEMBER
AS JUROR APPRECIATION MONTH**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the right to a trial by jury is one of the core values of the American judicial
2 system, service by citizens as jurors is indispensable to the judicial system, and the privilege and
3 duty of serving as a juror is as fundamental to democracy as the right to vote; and
4

5 WHEREAS, the Wisconsin State Court System, partnering with the State Bar of Wisconsin,
6 has established September as Juror Appreciation Month to set aside a time to publicly recognize the
7 contribution of those who are summoned and serve as jurors; to improve communication with jurors
8 and employers, to disseminate a positive message about jury service, and to reinforce public
9 confidence in the justice system; and
10

11 WHEREAS, the Manitowoc County Board of Supervisors supports the goal of educating the
12 public about jury duty and the importance of jury service, applauds the efforts of jurors who fulfill
13 their civic duty, and believes that all jurors should be treated with respect and in a way so that their
14 service is not unduly burdensome;
15

16 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
17 joins with the Manitowoc County Circuit Court in honoring the service and commitment of citizens
18 who are summoned and serve as jurors in Manitowoc County; and
19

20 BE IT FURTHER RESOLVED that the Manitowoc County Board of Supervisors joins with
21 the Manitowoc County Circuit Court in extending sincere thanks and appreciation to all employers
22 who pay employees their normal wages while they serve as jurors, thus preventing financial
23 hardship and fostering community strength.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Public Safety Committee

Rick Henrickson, Chair

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

APPROVED:

Bob Ziegelbauer, County Executive

Date

**ORDINANCE CREATING MANITOWOC COUNTY CODE SEC. 6.285
(Social Host Ordinance)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, alcohol is an addictive drug that, when used irresponsibly, can have drastic
2 effects on the person who uses it and those who are affected by the actions of the irresponsible user;
3 and
4

5 WHEREAS, events and gatherings held on private or public property where alcohol is
6 possessed or consumed by persons under the age of twenty-one are harmful to those persons and
7 constitute a potential threat to public health requiring prevention or abatement; and
8

9 WHEREAS, events or gatherings involving underage possession and consumption often occur
10 outside the presence of parents, but there are also times when a parent is present, condones the
11 activity, and may even provide the alcohol; and
12

13 WHEREAS, prohibiting underage consumption protects underage persons and the general
14 public from injuries related to alcohol consumption, such as alcohol overdoses or alcohol-related
15 traffic collisions; and
16

17 WHEREAS, a deterrent effect can be created by holding any person who hosts an event or
18 gathering where underage possession or consumption occurs responsible;
19

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

23 Manitowoc County Code sec. 6.285 is created to read as follows:
24

25 6.285 SOCIAL HOST ORDINANCE. (1) This ordinance may be referred to as the Social
26 Host Ordinance.
27

28 (2) The purpose of this ordinance is to discourage underage possession and consumption of
29 alcohol, even if done within the confines of a private residence, and to hold any person who hosts
30 an event or gathering where persons under 21 years of age possess or consume alcohol responsible
31 regardless of whether the person hosting the event or gathering supplied the alcohol.
32

33 (3) DEFINITIONS. For purposes of this section, the following terms have the following
34 meanings:
35

36 “Allow” or “host” means to aid, conduct, entertain, organize, supervise, control, or
37 permit an event or gathering.
38

39 “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey,
40 rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from
41 whatever source or by whatever process produced.

42
43 “Alcoholic beverage” means alcohol, spirits, liquor, wine, beer and every liquid or solid
44 containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more
45 of alcohol by volume and which is fit for beverage purposes either alone or when diluted,
46 mixed or combined with other substances.
47

48 “Control” means having the authority or power, or both, to direct, manage, oversee, or
49 restrict the affairs, assets, or business of a person or entity.
50

51 “Event” or “gathering” means any group of three or more persons who have assembled
52 or gathered together for a social occasion or other activity.
53

54 “Parent” means a person having legal custody of a juvenile as a natural, adoptive, or
55 step parent; a legal guardian; or a person to whom legal custody has been given by court order.
56

57 “Present” means at hand or in attendance.
58

59 “Public or private property” includes, but is not limited to, any apartment,
60 condominium, dwelling unit, farm, field, hall, hotel room, home, land, meeting room, motel
61 room, park, place of assembly, or yard, whether occupied on a temporary or permanent basis
62 and whether leased, owned, rented, or used with or without permission or compensation.
63

64 “Underage person” is any individual under 21 years of age.
65

66 (4) PROHIBITED ACTS.
67

68 (a) It is unlawful for any person to allow or host an event or gathering at or on any private or
69 public property where alcohol or alcoholic beverages are present when the person knows that an
70 underage person will possess or consume any alcohol or alcoholic beverage if the person fails to take
71 reasonable steps to prevent possession or consumption by any underage person, even if the person
72 who allows or hosts the event or gathering is not present at the event or gathering.
73

74 (b) It is unlawful for any person to intentionally advise, aid, conspire with, counsel, hire, or
75 otherwise procure another person to commit a prohibited act.
76

77 (5) EXCEPTIONS.
78

79 (a) This ordinance does not apply to a person who procures for or dispenses, gives, or sells
80 alcohol or any alcoholic beverage to an underage person if the underage person is in the direct
81 company of the underage person’s parent, guardian, or spouse and the parent, guardian, or spouse
82 has attained the legal drinking age, has consented to the underage person possessing or consuming
83 the alcohol or alcoholic beverage, and is in a position to observe and control the underage person.
84

85 (b) This ordinance does not apply to legally protected religious observances.
86

87 (c) This ordinance does not apply to an underage person who is lawfully in possession of
88 alcohol or alcoholic beverages during the course and scope of employment.
89

90 (6) PENALTIES. (a) A person will, upon conviction for a violation of any provision of this
91 ordinance, forfeit not less than \$1,000 nor more than \$5,000 for each offense, together with any
92 applicable assessment, cost, surcharge, and the cost of prosecution.

93
94 (b) A person who has the ability to pay a forfeiture entered pursuant to this ordinance, but who
95 fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but
96 the period of confinement may not exceed 30 days for each offense. In determining whether a
97 person has the ability to pay, all items of income and all assets may be considered regardless of
98 whether the income and assets are subject to garnishment, lien, or attachment by creditors.

This ordinance is effective October 3, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Public Safety Committee

Rick Henrickson, Chair

FISCAL IMPACT: Indeterminable.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

**RESOLUTION APPROVING POLICIES AND PROCEDURES
FOR COURTHOUSE GROUNDS USE**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Courthouse serves as the seat of county government; is
2 the repository for the county’s official records; houses departments that have confidential civil,
3 criminal, juvenile, legal, medical, mental health, and personnel records; and is on the National
4 Register of Historic Places; and

5
6 WHEREAS, Manitowoc County is presently involved in litigation regarding the use of the
7 exterior courthouse grounds, and the Public Works Committee believes that it is in the county’s
8 interest to adopt written policies and procedures regarding use of the courthouse grounds in order
9 to avoid or minimize the potential for future litigation; and

10
11 WHEREAS, the Executive Committee has reviewed proposed policies and procedures for use
12 of the courthouse grounds and recommended certain revisions; and

13
14 WHEREAS, the Public Works Committee has reviewed the revised policies and procedures
15 for use of the courthouse grounds, has provided a copy of the revised policies and procedures to the
16 county board, and recommends that they be adopted;

17
18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
19 adopts the proposed Manitowoc County Courthouse, Policies and Procedures (Courthouse Grounds
20 Use).

Dated this 22nd day of September 2009.

Respectfully submitted by the
Public Works Committee

Kevin L. Behnke, Chair

FISCAL IMPACT: No tax levy impact. Revenues should equal expenses.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

APPROVED: _____ Date _____
Bob Ziegelbauer, County Executive

**RESOLUTION APPROVING TOWN OF CENTERVILLE ZONING ORDINANCE
(Chapter 9 Zoning and Land Use Ordinance Amendment)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

2

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

5

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

8

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

11

12 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
13 approves the changes to the Town of Centerville Zoning Ordinance Chapter 9 that were adopted by
14 the Town Board of the Town of Centerville on August 11, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by

Kevin L. Behnke, Supervisor

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

APPROVED:

Bob Ziegelbauer, County Executive

Date

**RESOLUTION AMENDING RESOLUTION
AUTHORIZING CONSTRUCTION PROJECT
(Joint Dispatch Center and Information Systems)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Board adopted a Resolution Authorizing Construction
2 Project (Joint Dispatch Center and Information Systems) on August 18, 2009 following a series of
3 meetings between representatives of Manitowoc County and the cities of Kiel, Two Rivers, and
4 Manitowoc and other public and volunteer emergency service providers and fire departments in
5 Manitowoc County; and
6

7 WHEREAS, the meetings resulted in an agreement to add certain language to the Resolution
8 Authorizing Construction Project that was first submitted to the county board in July, but the
9 changes were inadvertently omitted from the resolution considered by the county board in August;
10

11 NOW, THEREFORE, BE IT RESOLVED that the Resolution Authorizing Construction
12 Project (Joint Dispatch Center and Information Systems) that was adopted by the Manitowoc County
13 Board of Supervisors on August 18, 2009 is amended by inserting the following text as lines 101
14 through 105 and renumbering the subsequent lines:
15

16 WHEREAS, any platform selected by Manitowoc County and used to provide
17 emergency communication services needs to include fully integrated gateways that
18 support the VHF frequencies currently being used by the Cities of Kiel, Manitowoc, and
19 Two Rivers Fire and Police Departments, the other public and volunteer emergency
20 service providers and fire departments in Manitowoc County, and the Wisconsin
21 Statewide Communication System; and

Dated this 22nd day of September 2009.

Respectfully submitted by

James N. Brey, County Board Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

APPROVED:

Bob Ziegelbauer, County Executive

Date

RESOLUTION SUPPORTING 2009 ASSEMBLY BILL 309

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, nuclear power plants produce spent fuel that must be carefully stored and
2 carefully reprocessed in order to protect the public health and safety; and

3
4 WHEREAS, spent fuel is initially stored in water pools and then is moved to dry cask storage;

5
6 WHEREAS, dry cask storage is a practical method for the temporary storage of spent fuel
7 until the fuel can be reprocessed or moved to a national repository for spent fuel; and

8
9 WHEREAS, the federal government has dismantled all of the spent fuel reprocessing facilities
10 and has not developed a national depository for spent fuel, which means that onsite dry cask storage
11 of spent fuel is likely to continue for the foreseeable future; and

12
13 WHEREAS, Assembly Bill 309 proposes that a public utility that stores spent fuel from a
14 nuclear power plant and uses dry cask storage shall make payments to compensate each municipality
15 and county in which spent fuel is stored;

16
17 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
18 supports 2009 Assembly Bill 309 and that the County Clerk is directed to send a copy of this
19 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
20 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
21 represents constituents from Manitowoc County.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Executive Committee

James N. Brey, Chair

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

RESOLUTION SUPPORTING 2009 SB 273 AND 2009 AB 401

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Wisconsin’s Renewable Portfolio Standard (RPS) does not allow Wisconsin
2 utilities to take full advantage of Wisconsin’s renewable energy potential; and

3
4 WHEREAS, companion bills Senate Bill 273 and Assembly Bill 401 provides for the creation
5 of renewable resource credits by electric providers and grants rule-making authority to allow
6 Wisconsin utilities to employ direct use renewable energy to meet their RPS obligations; and

7
8 WHEREAS, direct use renewable energy is the purest form of renewable energy available
9 and direct use renewable energy applications, such as solar water heating and solar light pipe
10 technology, displace electricity generated from fossil fuels, reduce greenhouse gas emissions that
11 harm the environment, and allow Wisconsin businesses and ratepayers to save significant amounts
12 of money; and

13
14 WHEREAS, direct use renewable energy will help create “green” manufacturing jobs in
15 Wisconsin and put hundreds of Wisconsin construction workers, roofers, and electricians to work
16 installing direct use renewable energy systems;

17
18 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of Supervisors
19 supports and encourages adoption of Senate Bill 273 and Assembly Bill 401 to provide an energy
20 plan for Wisconsin that reduces the need to generate energy from dirty fossil fuels, replaces those
21 dirty fossil fuels with clean, renewable energy sources, and creates hundreds of good-paying jobs
22 in the process; and

23
24 BE IT FURTHER RESOLVED that the County Clerk is directed to send a copy of this
25 resolution to the Governor of the State of Wisconsin, the President of the Wisconsin Senate, the
26 Speaker of the Wisconsin Assembly, and each legislator in the Wisconsin Senate and Assembly who
27 represents constituents from Manitowoc County.

Dated this 22nd day of September 2009.

Respectfully submitted by

James N. Brey, County Board Chair

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

**ORDINANCE AMENDING MANITOWOC COUNTY CODE CH. 22
(Citations)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Manitowoc County Code authorizes the use of citations for certain ordinance
2 violations; and

3
4 WHEREAS, the Corporation Counsel has reviewed the citation ordinance and recommended
5 changes to simplify the ordinance and improve the procedures for enforcing the ordinance; and

6
7 WHEREAS, the Executive Committee has reviewed the proposed changes and recommends
8 that the changes be made;

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

12
13 Manitowoc County Code Chapter 22 is revised to read as follows:

14
15 **22.01 Title.**

16
17 This ordinance may be referred to as the Citations Ordinance.

18
19 **22.02 Purpose.**

20
21 The purpose of this ordinance is to provide for greater economy and efficiency in the
22 enforcement of county ordinances and to guarantee the consistency and fairness of
23 enforcement procedures.

24
25 **22.03 Authority.**

26
27 The use of a citation for violations of any ordinance, including ordinances for which a
28 statutory counterpart exists, is adopted and authorized pursuant to Wis. Stat. § 66.0113.

29
30 **22.04 Content.**

31
32 A citation will contain the information required by Wis. Stat. § 66.0113(2).

33
34 **22.05 Issuance.**

35
36 (1) Any law enforcement officer may issue a citation for the violation of any ordinance.

37
38 (2) The following officials are authorized to issue citations to enforce ordinances that
39 are directly related to their official responsibilities:

40
41 (a) County Clerk.

- (b) Health Department Director.
- (c) Highway Commissioner.
- (d) Public Works Director.
- (e) Planning and Zoning Director.
- (f) Soil and Water Conservation Department Director.
- (g) Zoning Code Administrator.

(3) Officials authorized to issue citations pursuant to sub. (2) may delegate the authority to issue citations to employees, provided that the delegation is in writing and a copy of the written delegation is filed with the county clerk. Any delegation of authority to issue citations may be revoked in the same manner by which it was conferred.

(4) A citation may be served in the same manner as the service of a summons under Wis. Stat. § 801.11 or by mailing a copy to the violator's last known address.

22.06 Filing.

The person issuing a citation shall file a copy with the clerk of the court within five days of issuance and provide a copy to the corporation counsel or district attorney, or both.

22.07 Jurisdiction.

(1) Issuance of a citation by a person authorized to do so is deemed adequate process to give the appropriate court subject matter jurisdiction over the offense for the purpose of receiving cash deposits and for the purpose of acting on the violator's options and the procedure on default set forth in Wis. Stat. §§ 66.0113(3)(b) and (c).

(2) Issuance and filing of a citation does not constitute commencement of an action and does not violate Wis. Stat. § 946.68.

22.08 Cash Deposits.

(1) Except as provided in subs. (2) through (4), the cash deposit required for a violation is the minimum forfeiture specified for that violation, plus any assessments, costs, or fees authorized by state law. The cash deposit for an ordinance violation for which no forfeiture is specified is \$25, plus any assessments, costs, or fees authorized by state law. The assessments, costs, or fees authorized by state law include, but are not limited to the circuit court fee, court support services fee, crime laboratories and drug law enforcement assessment, domestic abuse assessment, jail assessment, justice information system fee, and penalty assessment.

(2) The cash deposit required for a repeat violation is twice the minimum forfeiture specified for a violation, plus any additional assessments, costs, or fees authorized by state law. The cash deposit for the repeat violation of an ordinance for which no forfeiture or no minimum forfeiture is specified is \$50, plus any assessments, costs, or fees authorized by state law. A repeat violation exists if the person issued a citation has been convicted of violating the same ordinance within the twelve-month period prior to the date of the current citation.

90 (3) The cash deposit required for a citation issued to a minor, including any
91 assessments, costs, or fees authorized by state law, may not exceed the maximum
92 penalty provided in Wis. Stat. ch. 48, and costs and penalties will not be assessed
93 against a minor unless required by state law.
94

95 (4) The cash deposit required for a nonmoving traffic violation or a violation of an
96 ordinance for which state law controls is the minimum forfeiture specified for that
97 violation, without adding any assessments, costs, or fees authorized by state law.
98

99 **22.09 Schedule of Cash Deposits.**

100
101 (1) The corporation counsel shall prepare and provide the county clerk with a schedule
102 of the cash deposit required for each violation. The corporation counsel is authorized
103 to revise the schedule of cash deposits to reflect any changes in the county code or in
104 the assessments, costs, fees, or penalties authorized by state law.
105

106 (2) The county clerk shall maintain a copy of each schedule of deposits. The county
107 clerk will attach a copy of the most recent schedule of deposits as an appendix to this
108 chapter.
109

110 **22.10 Payment of and Receipt for Deposits.**

111
112 Cash deposits made pursuant to this chapter may be paid using cash, check, money
113 order, or a third-party credit card processing service to the clerk of the circuit court.
114 The clerk shall issue a receipt for all cash deposits.
115

116 **22.11 Violator's Options and Procedure on Default.**

117
118 A violator's options and the procedures on default as set forth in Wis. Stat. § 66.0113(3)
119 are adopted and incorporated herein by reference.
120

121 **22.12 Penalties and Other Enforcement Provisions.**

122
123 (1) A violation that occurs on consecutive days is a continuing violation, and a separate
124 offense is deemed committed on each day on which a violation occurs or continues.
125

126 (2) A person who causes physical damages to or destroys any public property is liable
127 for the cost of repairing or replacing the damaged or destroyed property.
128

129 (3) The parent or parents with custody of a minor child may be held liable for damages
130 to property, the cost of repairing or replacing property or removing the marking,
131 drawing, writing, or etching from property, the value of unrecovered stolen property,
132 or for personal injury attributable to a willful, malicious, or wanton act of the child as
133 provided for in Wis. Stat. § 895.035.
134

135 (4) A person who is in default of payment of a forfeiture or any assessment, cost, or fee
136 ordered by the court for a violation of an ordinance may be imprisoned in the county jail
137 until the forfeiture, assessment, cost, and fee are paid, except that the period of

138 imprisonment may not exceed 30 days. Imprisonment does not discharge the forfeiture
139 or any assessment, cost, or fee, and the court may issue an execution against the
140 person's property for the forfeiture and any assessment, cost, or fee after the person has
141 been released from custody. The court may also issue an execution against the person's
142 property for the amount of the forfeiture and any assessments, costs, and fees without
143 first ordering imprisonment.

144

145 **22.13 Nonexclusivity.**

146

147 (1) Adoption of this chapter does not preclude the county board from adopting any other
148 ordinance or providing for the enforcement of any other law or ordinance relating to the
149 same or any other matter.

150

151 (2) Issuance of a citation under this chapter does not preclude proceeding under any
152 other ordinance or law relating to the same or any other matter.

153

154 (3) Proceeding under any other ordinance or law relating to the same or any other matter
155 does not preclude the issuance of a citation under this chapter.

156

157 **22.14 Severability.**

158

159 The provisions of this ordinance are severable, and the invalidity of any section,
160 subdivision, paragraph, or other part of this ordinance will not affect the validity or
161 effectiveness of the remainder of the ordinance that can be given effect without the
162 invalid part.

163

164 This ordinance is effective October 3, 2009.

Dated this 22nd day of September 2009.

Respectfully submitted by the
Executive Committee

James N. Brey, Chair

FISCAL IMPACT: Indeterminable.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
James N. Brey, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

