

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, events occur after the adoption of the Annual Budget that affect various program
2 activities and their appropriations for a given budget year; and
3

4 WHEREAS, some of the activities, programs, and projects that were planned for the 2009
5 budget year did not take place, were not completed, or are on-going and must be carried-over into
6 the next budget year; and
7

8 WHEREAS, the Comptroller/Auditor has compiled a pre-audit list designating those activities,
9 programs, projects, and funds that should be carried forward and reappropriated in the 2010 budget;
10 and
11

12 WHEREAS, the appropriate oversight committees and the Finance Committee have reviewed
13 the requests and recommend that the designation, carry-over, and reappropriation requests be
14 approved; and
15

16 WHEREAS, Wisconsin statutes and county board rules require that the county board take
17 official action to authorize the designation, carry-over, and reappropriation of funds; and
18

19 WHEREAS, sound financial practice requires that such carry-over designations be recorded
20 in the official books of the County; and
21

22 WHEREAS, any additional items or adjustments that may be required at the completion of the
23 County's external audit will be brought to the County Board in a separate resolution at the conclusion
24 of the field work of the external audit;
25

26 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
27 that the following unreserved, designated funds are authorized to be carried over from the official
28 books of the County for the year ended December 31, 2009 to the official books of the County for
29 the year ending December 31, 2010; that the funds are reappropriated and may be expended as
30 required; and that the 2010 Annual Budget is amended and the appropriate line items in the General
31 Fund may be increased by the amounts shown:
32

Description/Purpose	Account	Amount
Unres/Desig-Airport	100.34222	10,215.81
Unres/Desig-Planning Conservation	100.34230	1,591.00
Unres/Desig-Mapping	100.34232	34,383.35
Unres/Desig-Area Plan PP	100.34233	73,576.26
Unres/Desig-Silver Lake Dona	100.34235	22,760.49

40	Unres/Desig-Maribel Caves	100.34236	603.94
41	Unres/Desig-Public Health	100.34240	9,437.91
42	Unres/Desig-Veterans Srv	100.34245	35,405.75
43	Unres/Desig-Lnd Rec Modern	100.34270	152,264.31
44	Unres/Desig-Sheriffs Dept	100.34275	29,259.00
45	Unres/Desig-Vehicle Pool PW	100.34277	49,127.00
46	Unres/Desig-EM Communication	100.34279	56,250.00
47	Unres/Desig-Emgt Hazmat	100.34280	177,093.06
48	Unres/Desig-UW Extension	100.34284	11,600.48
49	Unres/Desig-Elections CC	100.34289	59,208.36
50	Unres/Desig-Communications E-911 #21650	100.34293	49,381.00
51	Unres/Desig-Radio-Tower Proj	100.34297	840,000.00;

52
53 and
54

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

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

63
64 and
65

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

69
70 BE IT FURTHER RESOLVED that the following grant and project funds are authorized to
71 be carried over from the official books of the County for the year ended December 31, 2009 to the
72 official books of the County for the year ending December 31, 2010; that they may be expended; and
73 that the 2010 Annual Budget is amended and the following line items are increased by the amounts
74 shown:

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

84
85 and
86

87 BE IT FURTHER RESOLVED that the Comptroller/Auditor is directed to record such
88 information in the official books of the County for the year ended December 31, 2009 and for the
89 year ending December 31, 2010 as may be required.

Dated this 18th day of May 2010.

Respectfully submitted by
Finance Committee

Mary Muench, Chair

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

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:

Bob Ziegelbauer, County Executive

Date

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

8
9 WHEREAS, the Initial Resolution also provided for the County to issue bond or note
10 anticipation notes in anticipation of the issuance of the Securities to provide interim financing for
11 the Projects; and

12
13 WHEREAS, the County issued Note Anticipation Notes on November 5, 2009 in the principal
14 amount of \$5,000,000 (the “2009 Notes”) to provide interim financing for a portion of the costs of
15 the Projects in anticipation of the issuance of the Securities; and

16
17 WHEREAS, the County is presently in need of the sum of \$10,085,000 to finance additional
18 costs of the Projects; and

19
20 WHEREAS, the Securities have not yet been issued or sold; and

21
22 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable,
23 and in the best interest of the County to authorize the issuance and sale of note anticipation notes
24 pursuant to Wis. Stat. § 67.12(1)(b) (the “Notes”) in anticipation of receiving the proceeds from the
25 issuance and sale of the Securities to provide interim financing to pay a portion of the cost of the
26 Projects on a temporary, short-term basis; and

27
28 WHEREAS, none of the proceeds of the Notes shall be used to fund operating expenses of the
29 general fund of the County or to fund operating expenses of any special revenue fund of the County
30 that is supported by property taxes; and

31
32 WHEREAS, it is the finding of the County Board of Supervisors that it is necessary, desirable,
33 and in the best interest of the County to sell the Notes to Robert W. Baird & Co. Incorporated (the
34 “Purchaser”) pursuant to the terms and conditions of its note purchase proposal attached hereto as
35 Exhibit A and incorporated herein by this reference (the “Proposal”).

36
37 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
38 that:

39
40 Section 1. The Securities. The County hereby declares its intention and covenants to issue

41 the Securities pursuant to the Initial Resolution and the provisions of Wis. Stat. ch. 67 in an amount
42 sufficient to retire any outstanding note anticipation notes issued for the purpose of paying costs of
43 the Projects.
44

45 Section 2. Authorization and Sale of the Notes. In anticipation of the sale of the Securities,
46 for the purpose of paying a portion of the cost of the Projects, there shall be borrowed pursuant to
47 Wis. Stat. § 67.12(1)(b) the principal sum of TEN MILLION EIGHTY-FIVE THOUSAND
48 DOLLARS (\$10,085,000) from the Purchaser in accordance with the terms and conditions of the
49 Proposal. The Proposal is hereby accepted and the Chairperson and County Clerk or other
50 appropriate officers of the County are authorized and directed to execute an acceptance of the
51 Proposal on behalf of the County. To evidence the obligation of the County, the Chairperson and
52 County Clerk are hereby authorized, empowered, and directed to make, execute, issue, and sell to
53 the Purchaser for, on behalf of, and in the name of the County, the Notes aggregating the principal
54 amount of TEN MILLION EIGHTY-FIVE THOUSAND DOLLARS (\$10,085,000) for the sum set
55 forth on the Proposal, plus accrued interest to the date of delivery.
56

57 Section 3. Terms of the Notes. The Notes shall be designated “Note Anticipation Notes”;
58 shall be issued in the aggregate principal amount of \$10,085,000; shall be dated June 1, 2010; shall
59 be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and
60 upward; and shall bear interest at the rate and mature on October 1, 2010 as set forth on the schedule
61 attached hereto as Exhibit B and incorporated herein by this reference (the “Schedule”). Interest is
62 payable at maturity. Interest shall be computed upon the basis of a 360-day year of twelve 30-day
63 months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board.
64

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

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

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

86 Section 7. Segregated Debt Service Fund Account.
87

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

101
102 (b) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account
103 and appropriated for any purpose other than the payment of principal of and interest on the Notes
104 until all such principal and interest has been paid in full and the Notes canceled; provided that such
105 monies may be invested in permitted municipal investments under the pertinent provisions of the
106 Wisconsin Statutes (“Permitted Investments”), which investments shall continue to be a part of the
107 Debt Service Fund Account. Said account shall be used for the sole purpose of paying the principal
108 of and interest on the Notes and shall be maintained for such purpose until the Notes are fully paid
109 or otherwise extinguished, and shall at all times be invested in a manner that conforms with the
110 provisions of the Internal Revenue Code of 1986, as amended (the “Code”), and any applicable
111 Treasury Regulations (the “Regulations”).

112
113 (c) Remaining Monies. When all of the Notes have been paid in full and canceled, and all
114 Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall
115 be transferred and deposited in the general fund of the County, unless the County Board of
116 Supervisors directs otherwise.

117
118 Section 8. Covenants of the County. The County hereby covenants with the owners of the
119 Notes as follows:

120
121 (a) It shall issue and sell the Securities as soon as practicable, as necessary to provide for
122 payment of the Notes;

123
124 (b) It shall segregate the proceeds derived from the sale of the Securities into the special trust
125 fund herein created and established and shall permit such special trust fund to be used for no purpose
126 other than the payment of principal of and interest on the Notes until paid. After the payment of
127 principal of and interest on the Notes in full, said special trust fund may be used for such other
128 purposes as the County Board of Supervisors may direct in accordance with law; and,

129
130 (c) It shall maintain a debt limit capacity such that its combined outstanding principal amount
131 of general obligation bonds or notes or certificates of indebtedness and the \$15,085,000 authorized
132 for the issuance of the Securities to provide for payment of the 2009 Notes and the Notes shall at no
133 time exceed its constitutional debt limit.

134

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

145
146 Section 10. No Arbitrage. All investments made pursuant to this Resolution shall be
147 Permitted Investments, but no such investment shall be made in such a manner as would cause the
148 Notes to be “arbitrage bonds” within the meaning of Section 148 of the Code or the Regulations and
149 an officer of the County, charged with the responsibility for issuing the Notes, shall certify as to
150 facts, estimates, circumstances, and reasonable expectations in existence on the date of delivery of
151 the Notes to the Purchaser which will permit the conclusion that the Notes are not “arbitrage bonds,”
152 within the meaning of the Code or Regulations.

153
154 Section 11. Compliance with Federal Tax Laws.

155
156 (a) The County represents and covenants that the Projects financed by the Notes and their
157 ownership, management, and use will not cause the Notes to be “private activity bonds” within the
158 meaning of Section 141 of the Code. The County further covenants that it shall comply with the
159 provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on
160 the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The
161 County further covenants that it will not take any action, omit to take any action, or permit the taking
162 or omission of any action within its control (including, without limitation, making or permitting any
163 use of the proceeds of the Notes) if taking, permitting, or omitting to take such action would cause
164 any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code
165 or would otherwise cause interest on the Notes to be included in the gross income of the recipients
166 thereof for federal income tax purposes. The County Clerk or other officer of the County charged
167 with the responsibility of issuing the Notes shall provide an appropriate certificate of the County
168 certifying that the County can and covenanting that it will comply with the provisions of the Code
169 and Regulations.

170
171 (b) The County also covenants to use its best efforts to meet the requirements and restrictions
172 of any different or additional federal legislation which may be made applicable to the Notes provided
173 that in meeting such requirements the County will do so only to the extent consistent with the
174 proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there
175 is a reasonable period of time in which to comply.

176
177 Section 12. Designation as Qualified Tax-Exempt Obligations. The Notes are hereby
178 designated as “qualified tax-exempt obligations” for purposes of Section 265 of the Code, relating
179 to the ability of financial institutions to deduct interest expense that is allocable to carrying and
180 acquiring tax-exempt obligations from income for federal income tax purposes.

182 Section 13. Execution of the Notes; Closing; Professional Services. The Notes shall be issued
183 in printed form; executed on behalf of the County by the manual or facsimile signatures of the
184 Chairperson and County Clerk; authenticated, if required, by the Fiscal Agent (defined below);
185 sealed with its official or corporate seal, if any, or a facsimile thereof; and delivered to the Purchaser
186 upon payment to the County of the purchase price thereof, plus accrued interest to the date of
187 delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may
188 be imprinted on the Notes in lieu of the manual signature of the officer but, unless the County has
189 contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on
190 each Note shall be a manual signature. In the event that either of the officers whose signatures
191 appear on the Notes shall cease to be such officers before the Closing, such signatures shall,
192 nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in
193 office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and
194 execute and deliver the Notes and all such documents, certificates, and acknowledgments as may be
195 necessary and convenient to effectuate the Closing. The County hereby authorizes the officers and
196 agents of the County to enter into, on its behalf, agreements and contracts in conjunction with the
197 Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure
198 and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into
199 in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

200

201 Section 14. Payment of the Notes; Fiscal Agent. The principal of and interest on the Notes
202 shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin which is
203 hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of Wis. Stat.
204 § 67.10(2) (the "Fiscal Agent"). The Fiscal Agency Agreement between the County and the Fiscal
205 Agent shall be substantially in the form attached hereto as Exhibit D and incorporated herein by this
206 reference.

207

208 Section 15. Persons Treated as Owners; Transfer of Notes.

209

210 (a) The County shall cause books for the registration and for the transfer of the Notes to be
211 kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed
212 and regarded as the absolute owner thereof for all purposes, and payment of either principal or
213 interest on any Note shall be made only to the registered owner thereof. All such payments shall be
214 valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or
215 sums so paid.

216

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

224

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

227

228 Section 16. Record Date. The fifteenth day of each calendar month next preceding each

229 interest payment date shall be the record date for the Notes (the “Record Date”). Payment of interest
230 on the Notes on any interest payment date shall be made to the registered owners of the Notes as they
231 appear on the registration book of the County at the close of business on the Record Date.
232

233 Section 17. Utilization of The Depository Trust Company Book-Entry-Only System. In order
234 to make the Notes eligible for the services provided by The Depository Trust Company, New York,
235 New York (“DTC”), the County agrees to the applicable provisions set forth in the Blanket Issuer
236 Letter of Representations previously executed on behalf of the County and on file in the County
237 Clerk’s office.
238

239 Section 18. Official Statement. The County Board of Supervisors hereby approves the
240 Preliminary Official Statement with respect to the Notes and deems the Preliminary Official
241 Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities
242 and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the “Rule”). All
243 actions taken by officers of the County in connection with the preparation of such Preliminary
244 Official Statement and any addenda to it or Final Official Statement are hereby ratified and approved.
245 In connection with the Closing, the appropriate County official shall certify the Preliminary Official
246 Statement and any addenda or Final Official Statement. The County Clerk shall cause copies of the
247 Preliminary Official Statement and any addenda or Final Official Statement to be distributed to the
248 Purchaser.
249

250 Section 19. Undertaking to Provide Continuing Disclosure.
251

252 (a) The County hereby covenants and agrees, for the benefit of the owners of the Notes, to
253 enter into a written undertaking (the “Undertaking”) required by the Rule to provide timely notices
254 of the occurrence of certain events in accordance with the Rule. The Undertaking shall be
255 enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that
256 the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to
257 obtain specific performance of the obligations thereunder and any failure by the County to comply
258 with the provisions of the Undertaking shall not be an event of default with respect to the Notes).
259

260 (b) The County Clerk, or other officer of the County charged with the responsibility for issuing
261 the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of
262 proceedings, setting forth the details and terms of the County’s Undertaking.
263

264 Section 20. Record Book. The County Clerk shall provide and keep the transcript of
265 proceedings as a separate record book (the “Record Book”) and shall record a full and correct
266 statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes
267 in the Record Book.
268

269 Section 21. Bond Insurance. If the Purchaser of the Notes determines to obtain municipal
270 bond insurance with respect to the Notes, the officers of the County are authorized to take all actions
271 necessary to obtain such municipal bond insurance. The Chairperson and County Clerk are
272 authorized to agree to such additional provisions as the bond insurer may reasonably request and
273 which are acceptable to the Chairperson and County Clerk, including provisions regarding
274 restrictions on investment of Note proceeds, the payment procedure under the municipal bond
275 insurance policy, the rights of the bond insurer in the event of default, payment of the Notes by the

276 bond insurer, and notices to be given to the bond insurer. In addition, any reference required by the
277 bond insurer to the municipal bond insurance policy shall be made in the form of Note provided
278 herein.

279

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

Dated this 18th day of May 2010.

Respectfully submitted by the
Finance Committee

Mary Muench, Chair

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

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

9 WHEREAS, a traffic investigation had been made by the Manitowoc's County Traffic & Safety
10 Commission with respect to a portion of County Trunk Highway P in the Town of Manitowoc
11 Rapids at the intersection of County Trunk Highway P and US Highway 10 and, as a result of that
12 investigation, the Highway Committee recommends reducing the speed limit on County Trunk
13 Highway P to 45 mph from US Highway 10 extending east 1,848 feet;
14

15 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors
16 that a speed zone with a speed limit of 45 miles per hour be created on County Trunk Highway P,
17 beginning at US Highway 10 and extending east for 1,848 feet; and
18

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

Dated this 18th day of May 2010

Respectfully submitted by the
Highway Committee

Don C. Markwardt, Chair

FISCAL IMPACT: \$675 for erecting signs.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

APPROVED: _____
Bob Ziegelbauer, County Executive

Date

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

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

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

Dated this 18th day of May 2010.

Respectfully submitted by the
Planning and Park Commission

Melvin Waack, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
Paul R. Tittl, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

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

10
11 A parcel of land located in the NW¼, NE¼, & NE¼, NW¼, Section 32, T20N-R21E,
12 Town of Maple Grove, commencing at the N¼, corner of said Section 32; thence
13 southerly approximately 635 feet which is the point of real beginning; thence westerly
14 approximately 50 feet; thence southerly approximately 209 feet; thence easterly
15 approximately 209 feet; thence northerly approximately 209 feet; thence westerly
16 approximately 209 feet to the point of real beginning, said parcel containing
17 approximately 1.0 acre of land, shall be and is hereby rezoned from A3, Agriculture to
18 A1, Agriculture District.

Dated this 18th day of May 2010.

Respectfully submitted by the
Planning and Park Commission

Melvin Waack, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
Paul R. Tittl, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

3
4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony and
5 an examination of the facts, recommends that the petition be approved for the reasons stated in the
6 attached report;

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

10
11 A parcel of land located in the NE¼, SW¼, Section 22, T20N-R21E, Town of Maple
12 Grove, commencing at the center of said Section 22; thence westerly along the
13 centerline of Taus Road approximately 880 feet; thence southerly approximately 33 feet
14 to the south r/w of Taus Road which is the point of real beginning; thence continue
15 southerly approximately 209 feet; thence westerly approximately 209 feet; thence
16 northerly approximately 209 feet to the south r/w of Taus Road; thence easterly along
17 the south r/w of Taus Road approximately 209 feet to the point of real beginning, said
18 parcel containing approximately 1.0 acre of land, shall be and is hereby rezoned from
19 A3, Agriculture to A1, Agriculture District.

Dated this 18th day of May 2010.

Respectfully submitted by the
Planning and Park Commission

Melvin Waack, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. _____

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

COUNTERSIGNED: _____
Paul R. Tittl, County Board Chair Date

APPROVED: _____
Bob Ziegelbauer, County Executive Date

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

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

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

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

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

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

19 WHEREAS, the Wisconsin Wind Siting Council is presently working on recommendations
20 to the Public Service Commission for rules governing the siting of wind turbines; and
21

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

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

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

- 35 • Recognize that emergency service providers are primary users of the
36 electromagnetic communications spectrum and that their electromagnetic
37 communications must be protected from harmful interference;
- 38 • Establish a uniform standard that prohibits the placement of a wind energy system
39

40 within the effective path between microwave towers that are owned, operated by,
41 or otherwise carry communications for emergency service providers;

42
43 • Establish a uniform standard that prohibits the placement of a wind energy system
44 within a fixed distance from the center point of any microwave tower that is
45 owned, operated by, or otherwise carries communications for any emergency
46 service provider;

47
48 • Provide that the developer, owner, or operator of a wind energy system has a
49 continuing duty to and must, at its own expense, eliminate any harmful
50 interference that it causes to an emergency service provider's electromagnetic
51 communications;

52
53 • Provide that the developer, owner, or operator of a wind energy system that causes
54 harmful interference to an emergency service provider's electromagnetic
55 communications is liable for any cost that the emergency service provider incurs
56 as a result of the harmful interference;

57
58 • Provide that the developer, owner, or operator of a wind energy system that causes
59 harmful interference to an emergency service provider's electromagnetic
60 communications is liable for any damages sustained by the public as a result of the
61 harmful interference; and

62
63 BE IT FURTHER RESOLVED that the County Clerk is directed to file a copy of this
64 resolution with the Wind Siting Council, with the Governor of the State of Wisconsin, and with each
65 legislator in the Wisconsin Senate and Assembly who represents constituents from Manitowoc
66 County.

Dated this 18th day of May 2010.

Respectfully submitted by

Dave Korinek, Supervisor

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

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

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

Date

