





**RESOLUTION AUTHORIZING THE TRANSFER OF \$31,180 FROM THE HIGHWAY ENTERPRISE FUND TO THE PLANNING AND ZONING ACTIVITY BUDGET FOR COUNTY SURVEYOR POSITION**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the County Executive and County Board approved the addition of a County  
2 Surveyor position in the Manitowoc County annual 2019 budget; and  
3

4 WHEREAS, the 2019 budget as adopted allocated 60% of the cost of the surveyor position  
5 in the Planning and Zoning activity budget and 40% in the Highway Department budget; and  
6

7 WHEREAS, the county has now filled the surveyor position such that 100% of the cost of  
8 that position will be charged to the Planning and Zoning activity expense; and  
9

10 WHEREAS, to properly account for this change, the County must amend its 2019 budget  
11 by transferring the funds budgeted for the County Surveyor position from the Highway Enterprise  
12 Fund to the Planning and Zoning activity budget;  
13

14 NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board of  
15 Supervisors hereby transfers \$31,180 from the Highway Department Enterprise Fund to Planning  
16 and Zoning activity within the General Fund; and  
17

18 BE IT FURTHER RESOLVED that the County Board directs the Comptroller to make the  
19 necessary budget and actual entries in Manitowoc County’s official books for the year ending  
20 December 31, 2019 as may be required.

Dated this 20th day of August 2019.

Respectfully submitted by the  
Finance Committee

\_\_\_\_\_  
Paul Hansen, Chair

FISCAL IMPACT: No tax levy impact. Increases Planning and Zoning activity expenses by amount shown and decreases Highway Department Enterprise Fund by a like amount for the county surveyor position approved in 2019 adopted budget.

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 AUTHORIZING THE ISSUANCE AND SALE OF  
\$6,065,000 GENERAL OBLIGATION REFUNDING BONDS**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, the Manitowoc County Board of Supervisors hereby finds and determines that  
2 it is necessary, desirable and in the best interest of Manitowoc County, Wisconsin (the “County”)  
3 to raise funds for the public purpose of refunding obligations of the County, including interest on  
4 them, specifically, the Note Anticipation Note, dated April 4, 2019 (the “Refunded Obligation”)  
5 (hereinafter the refinancing of the Refunded Obligation shall be referred to as the “Refunding”);  
6 and  
7

8           WHEREAS, the Manitowoc County Board of Supervisors deems it to be necessary,  
9 desirable and in the best interest of the County to refund the Refunded Obligation for the purpose  
10 of providing permanent financing for the projects financed by the Refunded Obligation; and  
11

12           WHEREAS, the County is authorized by the provisions of Wis. Stat. § 67.04 to borrow  
13 money and issue general obligation refunding bonds to refinance its outstanding obligations; and  
14

15           WHEREAS, it is the finding of the Manitowoc County Board of Supervisors that it is  
16 necessary, desirable and in the best interest of the County to sell its general obligation refunding  
17 bonds (the “Bonds”) to Robert W. Baird & Co. Incorporated (the “Purchaser”), pursuant to the  
18 terms and conditions of its bond purchase proposal attached hereto as *Exhibit A* and incorporated  
19 herein by this reference (the “Proposal”);  
20

21           NOW, THEREFORE, BE IT RESOLVED by the County Board of Supervisors of the  
22 County of Manitowoc that:  
23

24           Section 1. Authorization and Sale of the Bonds. For the purpose of paying the cost of the  
25 Refunding, there shall be borrowed pursuant to Wis. Stat. § 67.04 the principal sum of SIX  
26 MILLION SIXTY-FIVE THOUSAND DOLLARS (\$6,065,000) from the Purchaser in  
27 accordance with the terms and conditions of the Proposal. The Proposal is hereby accepted and  
28 the Chairperson and County Clerk or other appropriate officers of the County are authorized and  
29 directed to execute an acceptance of the Proposal on behalf of the County. To evidence the  
30 obligation of the County, the Chairperson and County Clerk are hereby authorized, empowered  
31 and directed to make, execute, issue and sell to the Purchaser for, on behalf of and in the name of  
32 the County, Bonds aggregating the principal amount of SIX MILLION SIXTY-FIVE  
33 THOUSAND DOLLARS (\$6,065,000) for the sum set forth on the Proposal, plus accrued interest  
34 to the date of delivery.  
35

36           Section 2. Terms of the Bonds. The Bonds shall be designated “General Obligation  
37 Refunding Bonds”; shall be issued in the aggregate principal amount of \$6,065,000; shall be dated  
38 September 23, 2019; shall be in the denomination of \$5,000 or any integral multiple thereof; shall

39 be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on  
40 November 1 of each year, in the years and principal amounts as set forth on the Pricing Summary  
41 attached hereto as **Exhibit B-1** and incorporated herein by reference. Interest shall be payable  
42 semi-annually on May 1 and November 1 of each year commencing on May 1, 2020. Interest  
43 shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded  
44 pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal  
45 and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto  
46 as **Exhibit B-2** and incorporated herein by reference (the “Schedule”).  
47

48 Section 3. Redemption Provisions. The Bonds maturing on November 1, 2030 and  
49 thereafter are subject to redemption prior to maturity, at the option of the County, on November 1,  
50 2029 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part,  
51 from maturities selected by the County, and within each maturity by lot, at the principal amount  
52 thereof, plus accrued interest to the date of redemption.  
53

54 Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be  
55 executed and delivered in substantially the form attached hereto as **Exhibit C** and incorporated  
56 herein by reference.  
57

58 Section 5. Tax Provisions.  
59

60 (A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal  
61 of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the  
62 County are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property  
63 of the County a direct annual irrepealable tax in the years 2019 through 2035 for the payments due  
64 in the years 2020 through 2036 in the amounts set forth on the Schedule.  
65

66 (B) Tax Collection. So long as any part of the principal of or interest on the Bonds  
67 remains unpaid, the County shall be and continue without power to repeal such levy or obstruct  
68 the collection of said tax until all such payments have been made or provided for. After the  
69 issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the County  
70 and collected in addition to all other taxes and in the same manner and at the same time as other  
71 taxes of the County for said years are collected, except that the amount of tax carried onto the tax  
72 roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund  
73 Account created below.  
74

75 (C) Additional Funds. If at any time there shall be on hand insufficient funds from  
76 the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the  
77 requisite amounts shall be paid from other funds of the County then available, which sums shall  
78 be replaced upon the collection of the taxes herein levied.  
79

80 Section 6. Segregated Debt Service Fund Account.  
81

82 (A) Creation and Deposits. There be and there hereby is established in the  
83 treasury of the County, if one has not already been created, a debt service fund, separate and  
84 distinct from every other fund, which shall be maintained in accordance with generally accepted

85 accounting principles. Debt service or sinking funds established for obligations previously issued  
86 by the County may be considered as separate and distinct accounts within the debt service fund.  
87

88 Within the debt service fund, there hereby is established a separate and distinct account  
89 designated as the “Debt Service Fund Account for General Obligation Refunding Bonds, dated  
90 September 23, 2019” (the “Debt Service Fund Account”) and such account shall be maintained  
91 until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall  
92 be deposited into the Debt Service Fund Account (i) all accrued interest received by the County at  
93 the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding  
94 which may be received by the County above the par value of the Bonds and accrued interest  
95 thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the  
96 specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums  
97 as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus  
98 monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be  
99 required by Wis. Stat. § Section 67.11.  
100

101 (B) Use and Investment. No money shall be withdrawn from the Debt Service  
102 Fund Account and appropriated for any purpose other than the payment of principal of and interest  
103 on the Bonds until all such principal and interest has been paid in full and the Bonds canceled;  
104 provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior  
105 to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct  
106 obligations of the United States of America maturing in time to make such payments when they  
107 are due or in other investments permitted by law; and (ii) any funds over and above the amount of  
108 such principal and interest payments on the Bonds may be used to reduce the next succeeding tax  
109 levy, or may, at the option of the County, be invested by purchasing the Bonds as permitted by and  
110 subject to Wis. Stat. § 67.11(2)(a), or in permitted municipal investments under the pertinent  
111 provisions of the Wisconsin Statutes (“Permitted Investments”), which investments shall continue  
112 to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account  
113 shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended  
114 (the “Code”) and any applicable Treasury Regulations (the “Regulations”).  
115

116 (C) Remaining Monies. When all of the Bonds have been paid in full and  
117 canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service  
118 Fund Account shall be transferred and deposited in the general fund of the County, unless the  
119 County Board of Supervisors directs otherwise.  
120

121 Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of  
122 the Bonds (the “Bond Proceeds”) (other than any premium not used for the Refunding and accrued  
123 interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund  
124 Account created above) shall be deposited into a special fund (the “Borrowed Money Fund”)  
125 separate and distinct from all other funds of the County and disbursed solely for the purpose or  
126 purposes for which borrowed. In no event shall monies in the Borrowed Money Fund be used to  
127 fund operating expenses of the general fund of the County or of any special revenue fund of the  
128 County that is supported by property taxes. Monies in the Borrowed Money Fund may be  
129 temporarily invested in Permitted Investments. Any monies, including any income from  
130 Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for

131 which the Bonds have been issued have been accomplished, and, at any time, any monies as are  
132 not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited  
133 in the Debt Service Fund Account.

134  
135 Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be  
136 Permitted Investments, but no such investment shall be made in such a manner as would cause the  
137 Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code or the Regulations  
138 and an officer of the County, charged with the responsibility for issuing the Bonds, shall certify as  
139 to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery  
140 of the Bonds to the Purchaser which will permit the conclusion that the Bonds are not “arbitrage  
141 bonds,” within the meaning of the Code or Regulations.

142  
143 Section 9. Compliance with Federal Tax Laws. (a) The County represents and  
144 covenants that the projects financed by the Bonds and by the Refunded Obligation and the  
145 ownership, management and use of the projects will not cause the Bonds or the Refunded  
146 Obligation to be “private activity bonds” within the meaning of Section 141 of the Code. The  
147 County further covenants that it shall comply with the provisions of the Code to the extent  
148 necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable,  
149 the rebate requirements of Section 148(f) of the Code. The County further covenants that it will  
150 not take any action, omit to take any action, or permit the taking or omission of any action within  
151 its control (including, without limitation, making or permitting any use of the proceeds of the  
152 Bonds) if taking, permitting, or omitting to take such action would cause any of the Bonds to be  
153 an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise  
154 cause interest on the Bonds to be included in the gross income of the recipients thereof for federal  
155 income tax purposes. The County Clerk or other officer of the County charged with the  
156 responsibility of issuing the Bonds shall provide an appropriate certificate of the County certifying  
157 that the County can and covenanting that it will comply with the provisions of the Code and  
158 Regulations.

159  
160 (b) The County also covenants to use its best efforts to meet the requirements and  
161 restrictions of any different or additional federal legislation which may be made applicable to the  
162 Bonds provided that in meeting such requirements the County will do so only to the extent  
163 consistent with the proceedings authorizing the Bonds and the laws of the State of Wisconsin and  
164 to the extent that there is a reasonable period of time in which to comply.

165  
166 Section 10. Qualified Tax-Exempt Obligations. The Bonds are deemed designated as  
167 “qualified tax-exempt obligations” to the extent permitted pursuant to the provisions of Section  
168 265(b)(3)(D)(ii) of the Code, relating to the ability of financial institutions to deduct from income  
169 for federal income tax purposes, interest expense that is allocable to carrying and acquiring  
170 tax-exempt obligations. The balance of the Bonds is designated as “qualified tax-exempt  
171 obligations” pursuant to the provisions of Section 265(b)(3) of the Code.

172  
173 Section 11. Execution of the Bonds; Closing; Professional Services. The Bonds shall be  
174 issued in printed form, executed on behalf of the County by the manual or facsimile signatures of  
175 the Chairperson and County Clerk, authenticated, if required, by the Fiscal Agent (defined below),  
176 sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the

177 Purchaser upon payment to the County of the purchase price thereof, plus accrued interest to the  
178 date of delivery (the “Closing”). The facsimile signature of either of the officers executing the  
179 Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the  
180 County has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures  
181 appearing on each Bond shall be a manual signature. In the event that either of the officers whose  
182 signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures  
183 shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had  
184 remained in office until the Closing. The aforesaid officers are hereby authorized and directed to  
185 do all acts and execute and deliver the Bonds and all such documents, certificates and  
186 acknowledgements as may be necessary and convenient to effectuate the Closing. The County  
187 hereby authorizes the officers and agents of the County to enter into, on its behalf, agreements and  
188 contracts in conjunction with the Bonds, including but not limited to agreements and contracts for  
189 legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services.  
190 Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby  
191 ratified and approved in all respects.

192  
193 Section 12. Payment of the Bonds; Fiscal Agent. The principal of and interest on the  
194 Bonds shall be paid by Associated Trust Company, National Association, Green Bay, Wisconsin,  
195 which is hereby appointed as the County's registrar and fiscal agent pursuant to the provisions of  
196 Wis. Stat. § 67.10(2) (the “Fiscal Agent”). The County hereby authorizes the Chairperson and  
197 County Clerk or other appropriate officers of the County to enter a Fiscal Agency Agreement  
198 between the County and the Fiscal Agent. Such contract may provide, among other things, for  
199 the performance by the Fiscal Agent of the functions listed in Wis. Stat. §§ 67.10(2)(a) to (j), where  
200 applicable, with respect to the Bonds.

201  
202 Section 13. Persons Treated as Owners; Transfer of Bonds. The County shall cause  
203 books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The  
204 person in whose name any Bond shall be registered shall be deemed and regarded as the absolute  
205 owner thereof for all purposes and payment of either principal or interest on any Bond shall be  
206 made only to the registered owner thereof. All such payments shall be valid and effectual to  
207 satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

208  
209 Any Bond may be transferred by the registered owner thereof by surrender of the Bond at  
210 the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment  
211 duly executed by the registered owner or his attorney duly authorized in writing. Upon such  
212 transfer, the Chairperson and County Clerk shall execute and deliver in the name of the transferee  
213 or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and  
214 the Fiscal Agent shall record the name of each transferee in the registration book. No registration  
215 shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

216  
217 The County shall cooperate in any such transfer, and the Chairperson and County Clerk  
218 are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

219  
220 Section 14. Record Date. The 15th day of the calendar month next preceding each  
221 interest payment date shall be the record date for the Bonds (the “Record Date”). Payment of  
222 interest on the Bonds on any interest payment date shall be made to the registered owners of the

223 Bonds as they appear on the registration book of the County at the close of business on the Record  
224 Date.

225  
226 Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In  
227 order to make the Bonds eligible for the services provided by The Depository Trust Company,  
228 New York, New York (“DTC”), the County agrees to the applicable provisions set forth in the  
229 Blanket Issuer Letter of Representations, which the County Clerk or other authorized  
230 representative of the County is authorized and directed to execute and deliver to DTC on behalf of  
231 the County to the extent an effective Blanket Issuer Letter of Representations is not presently on  
232 file in the County Clerk’s office.

233  
234 Section 16. Official Statement. The Manitowoc County Board of Supervisors hereby  
235 approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary  
236 Official Statement as “final” as of its date for purposes of SEC Rule 15c2-12 promulgated by the  
237 Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the  
238 “Rule”). All actions taken by officers of the County in connection with the preparation of such  
239 Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified  
240 and approved. In connection with the Closing, the appropriate County official shall certify the  
241 Preliminary Official Statement and any addenda or final Official Statement. The County Clerk  
242 shall cause copies of the Preliminary Official Statement and any addenda or final Official  
243 Statement to be distributed to the Purchaser.

244  
245 Section 17. Undertaking to Provide Continuing Disclosure. The County hereby  
246 covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking  
247 (the “Undertaking”) if required by the Rule to provide continuing disclosure of certain financial  
248 information and operating data and timely notices of the occurrence of certain events in accordance  
249 with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the  
250 Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to  
251 enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations  
252 thereunder and any failure by the County to comply with the provisions of the Undertaking shall  
253 not be an event of default with respect to the Bonds).

254  
255 To the extent required under the Rule, the Chairperson and County Clerk, or other officer  
256 of the County charged with the responsibility for issuing the Bonds, shall provide a Continuing  
257 Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and  
258 terms of the County’s Undertaking.

259  
260 Section 18. Redemption of the Refunded Obligations. The Refunded Obligation is  
261 hereby called for prior payment and redemption on September 23, 2019 at a price of par plus  
262 accrued interest to the date of redemption.

263  
264 The County hereby directs the County Clerk to take all actions necessary for the  
265 redemption of the Refunded Obligation on its redemption date. Any and all actions heretofore  
266 taken by the officers and agents of the County to effectuate such redemption are hereby ratified  
267 and approved.

268









**ORDINANCE AMENDING MANITOWOC COUNTY CODE § 20.14(2)  
(EMERGENCY COMMUNICATIONS CORRIDORS)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Manitowoc County Code § 20.14 protects line-of-sight radio communications  
2 paths between public safety radio towers used by emergency response personnel; and  
3

4 WHEREAS, Emergency Services Department staff have identified a technical error in  
5 § 20.14 of the Manitowoc County Code regarding the location of the Kiel tower site; and  
6

7 WHEREAS, currently the ordinance lists the location of the Kiel Tower as 43°44'47.4850"N  
8 latitude and 88°02'18.2792"W longitude, however the correct location of that tower site is  
9 43°54'47.4850"N and 88°02'18.2792"W longitude; and  
10

11 WHEREAS, Emergency Services Department staff recommend the adoption of a technical  
12 amendment to correct the location of the Kiel tower in the ordinance; and  
13

14 WHEREAS, the Public Safety Committee recommends that the proposed technical  
15 amendment be adopted;  
16

17 NOW, THEREFORE, the County Board of Supervisors of the County of Manitowoc does  
18 ordain as follows:  
19

20 Manitowoc County Code § 20.14(2) is amended as follows:

- 21  
22 (2) Manitowoc County provides emergency communications services that are essential  
23 to protect public safety using facilities at the following locations:  
24

<b>MANITOWOC COUNTY COMMUNICATIONS FACILITIES</b>			
<b>SITE</b>	<b>ELEVATION (FEET AT BASE)</b>	<b>NAD 83 LATITUDE DEG/MIN/SEC</b>	<b>NAD 83 LONGITUDE DEG/MIN/SEC</b>
Cato	933.63	44°06'59.7200"N	87°51'33.6926"W
Cleveland	709.50	43°54'43.6021"N	87°45'35.7555"W
Franklin	891.84	44°10'52.0009"N	87°50'25.9638"W
Kiel	920.46	43°54'47.4850"N	88°02'18.2792"W
Liberty	964.98	44°00'35.6622"N	87°53'28.5993"W
Maribel	865.00	44°16'36.3979"N	87°48'21.9014"W
Manitowoc	607.00	44°05'15.7699"N	87°39'34.6892"W

MANITOWOC COUNTY COMMUNICATIONS FACILITIES			
SITE	ELEVATION (FEET AT BASE)	NAD 83 LATITUDE DEG/MIN/SEC	NAD 83 LONGITUDE DEG/MIN/SEC
Two Creeks	654.66	44°16'12.6567"N	87°33'08.4903"W
Two Rivers	633.32	44°11'16.1745"N	87°35'32.8609"W
Rocky Knoll	1020.01	43°48'00.0000"N	87°58'41.3000"W

25  
26 and  
27  
28

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

Dated this 20th day of August 2019.

Respectfully submitted by the  
Public Safety Committee

\_\_\_\_\_  
Randy Vogel, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Comptroller. \_\_\_\_\_

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

COUNTERSIGNED: \_\_\_\_\_  
Jim Brey, County Board Chair Date

APPROVED: \_\_\_\_\_  
Bob Ziegelbauer, County Executive Date



**No. 2019/2020 - 26**  
**POSTPONED UNTIL NEXT COUNTY BOARD MEETING**  
**Tuesday, Sept. 17, 2019**

No. 2019/2020 - 26

**RESOLUTION APPROVING REQUEST FOR BIDS FOR SALE OF  
COUNTY REAL PROPERTY**

(Hecker & Viebahn Property)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc County owns three parcels of land that comprise approximately  
2 93.48 acres in the Town of Newton, identified by parcel number 014-002-002-000, 014-002-003-  
3 001, 014-002-005-000, which is commonly referred to as the “Hecker & Viebahn property” (the  
4 “Property”); and

5  
6           WHEREAS, the Property contains approximately 72 acres of tillable land and 21.48 acres  
7 of mixed woods, swamp, pond areas and road right-of-way; and

8  
9           WHEREAS, Manitowoc County purchased the Property in 1941 for the sum of \$10,500.00;  
10 and

11  
12           WHEREAS, the Property was purchased to expand the Manitowoc County Hospital Farm  
13 which ceased farming operations in the 1960’s, and

14  
15           WHEREAS, the Property has been leased as farmland since the Manitowoc County  
16 Hospital Farm stopped farming operations; and

17  
18           WHEREAS, there is no longer a public purpose served by Manitowoc County continuing  
19 its ownership of the Property; and

20  
21           WHEREAS, the Public Works Committee of the County Board has been actively  
22 marketing this property for several years; and

23  
24           WHEREAS, parties have shown an interest in purchasing the Property; and

25  
26           WHEREAS, the Public Works Committee of the County Board acquired a property  
27 appraisal for the Property in January 2019 that listed the market value at \$859,000.00; and

28  
29           WHEREAS, after careful consideration and review, the Public Works Committee  
30 recommends that Manitowoc County issue a Request for Bids for the sale of the Property in a form  
31 substantially similar to the attached Request for Bids;

32  
33           NOW, THEREFORE, BE IT RESOLVED that Board of Supervisors of the County of  
34 Manitowoc authorizes the Public Works Department to issue a Request for Bids for the Hecker &  
35 Viebahn property in a form substantially similar to the Request for Bids attached to this Resolution





**RESOLUTION AUTHORIZING SUBORDINATION, NON-DISTURBANCE, AND ATTORNMENT AGREEMENT**  
(Manitowoc Place and Cellco Partnership d/b/a Verizon Wireless)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1           WHEREAS, Manitowoc Place, LLC purchased the tax delinquent property formerly  
2 known as the Evergreen Inn and has completed a \$5.2 million historic rehabilitation of the property  
3 into affordable residential and commercial space; and  
4

5           WHEREAS, Manitowoc County assisted in this economic development project by making  
6 a loan that was secured by a \$99,000 mortgage, together with a Real Estate Mortgage  
7 Subordination Agreement; and  
8

9           WHEREAS, Manitowoc Place, LLC wishes to lease space on its building to Cellco  
10 Partnership d/b/a Verizon Wireless and has asked that Manitowoc County enter into a  
11 Subordination, Non-Disturbance, and Attornment (SNDA) Agreement; and  
12

13           WHEREAS, the SNDA Agreement provides that Verizon's lease is subordinate to the  
14 county's mortgage, but also provides that the County will not disturb the lease in the event of a  
15 foreclosure and would replace Manitowoc Place as the lessor and receive rent due from Verizon  
16 under the lease; and  
17

18           WHEREAS, the Public Works and Finance Committees recommend that the county enter  
19 into the SNDA Agreement, which has been reviewed by the Corporation Counsel;  
20

21           NOW, THEREFORE, BE IT RESOLVED that the Manitowoc County Board authorizes  
22 the Comptroller and such other County officials as may be appropriate to execute the  
23 Subordination, Non-Disturbance, and Attornment (SNDA) Agreement with Manitowoc Place,  
24 LLC and Cellco Partnership.

Dated this 20th day of August 2019.

Respectfully submitted by the  
Public Works Committee

\_\_\_\_\_  
Rick Gerroll, Chair

Finance Committee

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Paul Hansen, 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