

**CITY OF PRINCETON
COMMON COUNCIL MEETING
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, JULY 26, 2011
7:00 PM**

- 1. CALL TO ORDER AND ROLL CALL.**
- 2. PLEDGE OF ALLEGIANCE.**
- 3. APPEARANCES FROM THE PUBLIC**
- 4. MAYOR'S REPORT**
- 5. ADMINISTRATORS REPORT**
 - A. Line of Credit
 - B. Dollar General – On the August agenda
 - C. 2011-2013 State Budget Changes Affecting Municipalities
 - D. Wisconsin Carry Conceal Law
- 6. CONSENT CALENDAR**
 - A. Minutes for Approval:
 - i. June 28, 2011
 - B. Licenses for Approval
 - i. Operator Licenses
 - A. Angelique J Cooney-new
 - B. Joelle M Makurat-renewal
 - C. Scott A Zelenski-renewal
 - D. Van Sauerbreit-renewal
 - E. Daniel R Moldenhauer-renewal
 - F. Amy F Malson-renewal
 - G. Allison Kay Hohenstern-new
 - H. Robert M Ottesen-new
- 7. OLD BUSINESS**
 - A. Zoning Administrator Duties
 - i. For discussion
 - B. Brush and Leaf Ordinance
 - i. For approval
- 8. NEW BUSINESS**
 - A. Building Inspection/New Construction Permit
 - i. For discussion
 - B. Grievance Procedure
 - i. For review, discussion, and approval
 - C. Squeaky Clean Car Wash
 - i. For discussion
 - D. Hunting on City Property
 - i. For discussion
 - E. August 9 Meeting – reschedule for general recall election
 - i. For discussion and vote
 - F. Scheduling Closed Session
 - i. Establishing performance criteria for the City Administrator
- 9. COMMUNICATIONS**
- 10. ADJOURN**

* The meeting room is accessible to all. Requests from persons with disabilities who need assistance to participate in this meeting should be made to the Administrator's office at 920.295.6612 with as much advance notice as possible.

CITY OF PRINCETON
COMMON COUNCIL MEETING MINUTES
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, JUNE 28, 2011
7:00 PM

AMENDED

1. **CALL TO ORDER AND ROLL CALL.** Mayor Mosolf called the meeting to order at 7:00 PM. In attendance were Alderpersons Garro, Kallas, Magnus, and Pulvermacher, Administrator Weidl, and Mayor Mosolf. Absent at Roll Call was Alderperson Kallenbach-he arrived at 7:04 PM. Absent was Alderperson Hardt.
2. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was recited.
3. **APPEARANCES FROM THE PUBLIC** Nothing at this time.
4. **MAYOR’S REPORT** Mayor Mosolf handed out two (2) memos to the Council: An agenda change and Chain of Command and Procedures.
5. **ADMINISTRATORS REPORT**
 - A. **Fourth of July Flags in the Downtown** Administrator Weidl stated Public Works worked with The American Legion and the City has received small flags. A flag was placed in each flower basket that hangs from the street light poles in the downtown. Also brackets for the light poles are being priced and it will be brought up at Budget Time.
 - B. **Grievance Procedure – next meeting for discussion** Act 10 requires that the City has a grievance procedure that mirrors union grievance procedures. A sample was placed in Council packets, if any Council Member wants something changed or has questions contact City Administrator.
6. **CONSENT CALENDAR**
 - A. **Minutes for Approval:**
 - i. **June 14, 2011**
 - B. **Licenses for Approval**
 - i. **Operator Licenses**
 - A. **Linda M Schilling-renewal**
 - B. **Eric F. Schmidt-renewal**
 - C. **Angela R. Glynn-renewal**
 - ii. **Liquor Licenses**
 - A. **Eagles Nest (renewal)**
 - iii. **Open Air Alcoholic Beverage License**
 - A. **Eagles Nest-new**
 - B. **American Legion-new** Council Members had questions about approving the Open Air Alcoholic Beverage Licenses and then addressing the Ordinance after this item on the agenda. Administrator Weidl stated he spoke with Police Chief Bargaquist and they spoke with the businesses that have these licenses so they conform to the Ordinance. Garro motioned to approve Consent Calendar items 6Ai through 6Biii, seconded by Kallas. Carried 5-0.
7. **OLD BUSINESS**
 - A. **Cancellation of July 12, 2011-Council Meeting** Garro motioned to cancel the July 12, 2011-Council Meeting, seconded by Kallas. Carried 5-0.
8. **NEW BUSINESS**
 - A. **Ordinance 2010-05 – “Outdoor Sports and Beer Gardens”**

- i. **For discussion** Administrator Weidl stated he spoke with Police Chief Bargaquast and the Police Department would enforce the Ordinance as written and if there are any issues, the issues would be addressed after summer. Council consensus to look at this issue on a December Council Agenda.

B. **Compliance Maintenance Annual Report** This is a maintenance schedule of Waste Water Treatment Plant. Magnus motioned to approve the Compliance Maintenance Annual Report, seconded by Garro. Carried 5-0.

9. **COMMUNICATIONS** Mayor Mosolf was contacted by Donna Nowacki-450 N Fulton St-about the City being more aggressive on the mowing grass in the City, and the Estimated General Transportation Aid-2011-\$90,822 and 2012-\$81,740. Alderperson Pulvermacher inquired if Hunting on City Property and the Landfill will be on the next Council Agenda. It will be on the July 26, 2011 Council Agenda. Alderperson Magnus was walking on the sidewalk on Harris St-the sidewalk at 912 Harris St. was rough and dangerous. Alderperson Garro was contacted about Farmer St, where the sewer was dug up, the road is rough. Administrator Weidl stated it was filled in with gravel by the Streets Dept. Alderperson Kallenbach was contacted by citizens after the last meeting, about the Ambulance Report, and he would like their issues addressed at the July Council Meeting or at an August Council Meeting. Alderperson Kallas stated four (4) citizens contacted him about the flags in the flower baskets downtown-the flags were greatly appreciated. Administrator Weidl stated an updated Brush and Leaf Ordinance was in the Council packets for review and discussion on the next Council Agenda.

10. **ADJOURN** Mayor Mosolf adjourned the meeting at 7:30 PM.

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Municipality No.: 24-271		City of Princeton				
GEC Job No.: 124-271		2011 Building Permit Applications				
Date	Permit #	Class	Address	Owner/Contractor	Est. Cost	Fee
3/29/2011	11-01-24-271	126	100 MAIN	CALBAUM MANAGEMENT LLC	\$3,600.00	RE-ROOF Total Month Permit Fees March \$25.00
4/1/2011	11-02-24-271	126	135 MECHANIC STREET	STEVE HANSON	\$0.00	ROOF \$20.00
4/19/2011	11-03-24-271	126	320 NORTH CLINTON STREET	CARLA POWLESS	\$0.00	ROOF \$25.00
4/29/2011	11-04-24-271	434	1216 HARRIS STREET	RICH & MARY JO MLODZIK	\$6,000.00	ADDITION \$175.00
4/21/2011	11-05-24-271	126	1115 PEARL DRIVE	ADRIAN LASHOCK	\$6,400.00	ROOF \$20.00
4/21/2011	11-06-24-271	120	466 RIVER ROAD	MICHAEL MAKURAT	\$1,500.00	DECK \$25.00 Total Month Permit Fees April \$265.00
5/3/2011	11-07-24-271	126	462 NORTH CLINTON	ERIN MURPHY	\$6,000.00	ROOF \$20.00
5/9/2011	11-08-24-271	125	251 NORTH SECOND STREET	TRAVIS KRAKOW	\$3,000.00	SIDING \$20.00
5/19/2011	11-09-24-271	131	345 RIVER DRIVE	KEVIN LASHOCK	\$0.00	ELECTRIC \$25.00
5/12/2011	11-10-24-271	128	446 RIVER ROAD	MICHEL MAKURAT	\$5,000.00	SHED \$20.00
5/19/2011	11-11-24-271	123	214 NORTH CLINTON STREET	ANTON VAIANA JR	\$0.00	FENCE \$20.00
5/19/2011	11-12-24-271	126	330 WEST WATER STREET	JOHN RAMSAUER	\$0.00	ROOF \$25.00
5/24/2011	11-13-24-271	126	601 SOUTH FULTON STREET	ZUEHLS	\$9,500.00	ROOF \$20.00
5/24/2011	11-14-24-271	434	219 SHORT	JOHN JOCHTHUBER	\$1,600.00	STAIRS \$20.00 Total Month Permit Fees May \$170.00
6/3/2011	11-15-24-271	126	425 SOUTH HOWARD	JAMES RADANT	\$0.00	GARAGE \$20.00
6/10/2011	11-16-24-271	131	224 NORTH FULTON STREET	DEREK ROEHL	\$1,800.00	ELECTRIC \$25.00
6/10/2011	11-17-24-271	434	604 OLD GREEN LAKE RD	PRINCETON SCHOOL DISTRICT	\$0.00	COMMERCIAL ADDITION \$220.00
6/16/2011	11-18-24-271	125	435 N. CLINTON ST	LESLIE MOSOLF	\$3,000.00	ALTERATIONS \$30.00
6/21/2011	11-19-24-271	434	867 WEST MAIN	WILLIAM ZAMZOW	\$0.00	ALTERATIONS \$20.00
6/21/2011	11-20-24-271	120	531 SOUTH HOWARD ST	MARTHA RICHTER	\$0.00	PORCH \$30.00 Total Month Permit Fees June \$345.00
						Total Permit Fees YTD \$805.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE HOUSE TREATMENT OF COMBUSTIBLE REFUSE.

The Common Council of the City of Princeton, Green Lake County, Wisconsin being duly assembled does ordain as follows:

The City of Princeton Ordinance No. 8-4-6 entitled "House Treatment of Combustible Refuse" is hereby AMENDED to READ as follows:

8-4-6 House Treatment of Combustible Refuse.

(b) Such brush, tree trimmings, and wood, will be picked up by the City under the following conditions:

(b) (1) Only on the 1st and 3rd Wednesday of months April, May, October and November. Only on 1st Wednesday of months January, February March June, July, August, September and December pickup. On the 3rd Wednesday of any month, brush and grass clippings maybe hauled to the City Industrial Park with prior notification to City Forester, Street Commissioner or City Administrator.

c) Leaves and grass trimmings only may be placed curb side up to 10 days prior to the scheduled pickup day.

d) In times of severe weather or damages caused by severe weather, the Street Commissioner or Forrester may determine that the city conduct a pickup of any trees and/or brush that may have come down during the storms.

Dated this _____ day of _____, 2011.

, Mayor

ATTEST:

, City Clerk

AYES: _____

NAYES: _____

PASSED THIS _____ DAY OF _____, 2011.

Approved as to form:

Ludwig L. Wurtz, City Attorney

Marilyn Kienbaum

WHITEWATER — The Whitewater City Council will consider adopting an ordinance prohibiting concealed carry in a number of public buildings.

Council members unanimously voted Tuesday to gather more information before deciding whether to restrict firearms in at least seven buildings throughout Whitewater. The decision comes two weeks after Gov. Scott Walker signed a bill legalizing concealed carry, making Wisconsin the 49th state to do so. The law is set to take effect Nov. 1.

Parks and Recreation Director Matt Amundson brought the issue to the council's attention after hearing concerns from staff over weapons that could be carried into some facilities. Those buildings include the municipal building, library, White Building, armory, Starin Park Community Building, Cravath Lake Community Center and Train Depot building.

Some council members suggested additional public buildings could be considered.

"I can't imagine why anyone would be carrying a gun into those places to begin with," Councilwoman Marilyn Kienbaum said.

Most businesses and local governments will have the opportunity to decide whether they'll place their own restrictions on firearms. The law might permit concealed carry, but store owners can choose to post signs prohibiting weapons.

Universities also can make that decision. The UW System already has a provision in place banning dangerous weapons from all its campuses, but the new law supersedes it.

UW System spokesman David Giroux said he had conversations with university chancellors and police chiefs indicating most would implement some restrictions.

What's still unknown is how the law—or prohibitions—will be welcomed by the public.

Alderman Lynn Binnie admitted he doesn't support concealed carry, but he believed making restrictions in public buildings could stir up opposition.

"My concern is we're going to hear from some of the carry advocates that say that the whole purpose of this law doesn't relate to (just) some of these buildings," he said, "and that citizens should be able to protect citizens from other people."

The state law already will implement a number of restrictions, including places where gun owners would consume alcohol. Police departments and courthouses are off limits, as are public school grounds.

The council indicated it could discuss the issue at least two more times before adopting any kind of ordinance. Amundson recommended checking with other municipalities to help create a model ordinance that could be modified by the council.

Also during Tuesday's meeting, City Manager Kevin Brunner updated the council on the city's financial status following approval of the state budget.

Reduction of shared revenue, transportation aids and other allowances will cut \$218,911 from the city's general fund. Savings generated through employee insurance and retirement contributions offset most

general fund. Savings generated through employee insurance and retirement contributions offset most of that, leaving a \$53,231 shortfall.

Brunner said that's much less than initially projected, which was about \$97,000.

Published at: <http://www.GazetteXtra.com/news/2011/jul/20/whitewater-council-looking-limits-concealed-carry/>

2011-2013 State Budget Makes Major Changes Affecting Municipalities

By Curt Witynski
Assistant Director
July 5, 2011

On June 27, after a divisive six months in the state Capitol and the enactment of Act 10 with its dramatic collective bargaining law changes, Governor Walker signed the 2011-2013 state budget bill into law as Act 32. The new state budget hits municipalities hard by making cuts to key programs like shared revenue, general transportation aids, mass transit aids, recycling grants, and the payment for municipal services program. It also makes permanent the strictest levy limit yet imposed on local governments. At the same time, the budget requires new police and fire employees to pay the employee-required WRS contribution, prohibits bargaining with police and fire unions on the choice and design of health insurance plans, and provides relief from several state mandates.

This article describes provisions in the budget affecting municipalities. All items described in this article took effect on July 1, unless otherwise indicated.

Items Relating to Municipal Finance, Levy Limits and State Aid

Shared Revenue. The budget cuts funding for the city, village and town shared revenue program in 2012 by \$47.7 million, which equals about a 7 percent reduction. The cuts impact communities differently and are apportioned on the basis of a complicated formula. However, the maximum reduction cities over 110,000 in population and all villages and towns can experience in their 2012 payments is 25%. The maximum 2012 cut for all cities under 110,000 in population is 15%. A municipality's 2013 payment will equal its 2012 payment. The Legislative Fiscal Bureau has prepared a memo showing the estimated 2012 shared revenue payment for each municipality. The report is posted on the Fiscal Bureau's website, http://legis.wisconsin.gov/lfb/2011-13%20Budget/Joint%20Finance/2011_06_16_WI%20LEG_CMA.pdf.

Utility Aid Component of Shared Revenue. Under the budget, funding for the utility aid component of shared revenue is re-estimated upward by \$1.3 million in 2011-2012 and \$2.1 million in 2012-13 for the mill rate formula and by \$2.7 million in the first year of the biennium and \$3.5 million in the second year for the capacity based formula.

Levy Limits. Under Act 32, in 2011 and all future years, a municipality is allowed to increase its levy over the amount it levied in the prior year by the percentage increase in equalized value from net new construction or zero percent. All of the exceptions and modifications to levy limits that existed in previous law continue to apply, (e.g., debt service levy exempt from levy limits; municipalities can exceed limits if approved by referendum). Act 32 also makes the following changes to the levy limit law:

- ◆ **Carry Forward Allowed up to a Limit.** If a municipality's allowable levy in 2010 was greater than its actual levy in 2010, the governing body may vote to increase its

2011 levy limit by the difference between these two amounts, as determined by the Department of Revenue, up to a maximum of 0.5% of the actual levy in 2010. This carry forward option exists for future years as well, with the same limitation. The carry forward resolution must be passed by an extraordinary vote. For municipal governing bodies that have less than five members, passage must be by a two-thirds majority vote. If the governing body consists of at least five members, then the carry forward resolution must be passed by a three-fourths majority vote.

- ◆ **Negative Adjustment for Reduced Debt Service on Debt Issued Prior to July 1, 2005.** The budget adds a new negative adjustment to levy limits. If a municipality's levy for the payment of any GO debt service on debt issued before July 1, 2005 is reduced from the previous year, the municipality must reduce its levy limit by the same amount.
- ◆ **Option for Avoiding Negative Adjustment.** The negative adjustment requirement described above does not apply to any municipality that does not carry forward unused levy capacity.

Expenditure Restraint Program. Funding for this program remains at the same level as in the past, \$58 million annually. However, Act 32 repeals a modification in the definition of "inflation factor" under the expenditure restraint budget test made in the last state budget that established a CPI floor of 3%. Under the 2011-2013 budget, the CPI floor is reduced from three to zero. This would first affect municipal budgets adopted for 2012.

Transportation Aids. Funding for the general transportation aids program was reduced by 6% in 2012. However, the rate per highway mile component of GTA was frozen at the current rate. Consequently, the GTA cuts will be applied exclusively on the share of cost component of GTA. All cities and most villages receive their GTA payment under the share of cost formula. Almost all towns are paid GTA on a rate per highway mile basis. The budget also increased from 5% to 10% the maximum cut a community can experience in GTA payments from one year to the next. As a result, most cities and villages 2012 GTA payment will be 10% less than their 2011 payment. The Legislative Fiscal Bureau has posted a memo estimating each community's 2012 GTA payment on their Website: [http://legis.wisconsin.gov/lfb/2011-13%20Budget/2011_06_27WILeg%20\(Revised\).pdf](http://legis.wisconsin.gov/lfb/2011-13%20Budget/2011_06_27WILeg%20(Revised).pdf)

- ◆ **Mass Transit Aids.** Funding for the Mass Transit Operating Assistance program was decreased by 10% in 2012.

Funding for the Recycling Grant Program. Funding for the municipal and county recycling grant program was decreased from the \$32 million amount originally appropriated for 2011 to \$19 million in 2012 and 2013. (It should be noted that because DNR lapsed \$13 million from the 2011 recycling grant program, the department actually distributed only \$19 million in grants to local governments in 2011.)

Payments for Municipal Services Program. The state budget cuts the payment for municipal services program by 10 percent from \$20,649,200 to \$18,584,200. The state uses this money to reimburse municipalities for police, fire and other services provided to tax exempt state owned properties.

Computer Aids. Under the budget, funding for the computer aid program was re-estimated upwards by \$5.3 million in 2011-2012 and \$9.2 million in 2012-13. This program reimburses municipalities for lost revenues caused by the creation of personal property tax exemptions for computers, cash registers, and fax machines.

Repeal of Emergency Services Maintenance of Effort. The budget repeals the provision inserted in the last state budget requiring municipalities to maintain at least the level of spending on police and fire services that the municipality had in 2009.

Repeal of Library Maintenance of Effort. Act 32 also repeals one of the longstanding conditions for participating in the state public library system requiring that municipalities annually fund their libraries at an amount that is not less than the average amount the municipality funded the library for the previous three years.

Labor Law Changes

Arbitration Option in Police Discipline Cases Repealed. Act 32 repeals changes to the disciplinary process applicable to police and fire personnel made by 2007 Act 20, reestablishing statutory procedures involving the police and fire commission that were in effect prior to Act 20.

Specifically, the motion repeals sec. 111.70(4)(c)2.b, which provided as follows:

A collective bargaining agreement may, notwithstanding s. 62.13 (5), contain dispute resolution procedures, including arbitration, that address the suspension, reduction in rank, suspension and reduction in rank, or removal of such personnel. If the procedures include arbitration, the arbitration hearing shall be public and the decision of the arbitrator shall be issued within 180 days of the conclusion of the hearing.

The state budget also repeals prior law provisions prohibiting a municipal employer from bargaining collectively with respect to: (a) the prohibition of access to arbitration as an alternative to the disciplinary procedures under current law; (b) the reduction of current law standards relating to the determination of just cause to sustain charges against police or fire personnel; and (c) the payment of compensation in a way that is inconsistent with the current law provision that no person may be deprived of compensation while suspended, pending the disposition of charges.

As a result of these changes, the only option available to police officers and fire fighters seeking review of disciplinary decisions is appealing to the Police and Fire Commission. Also, the employee's only option for appealing the decision of a police and fire commission is seeking circuit court review.

Choice and Design of Health Insurance Plans made Prohibited subject of Bargaining.

Act 32 makes the design and choice of health insurance plans by the municipal employer for public safety employees a prohibited subject of bargaining.

Arbitrators to Give Economic Conditions Greater Weight. Act 32 provides that arbitrators must give greater weight to the economic conditions of the municipality in any interest arbitration involving public safety employees. The arbitrator must give an accounting of the consideration of this factor in the arbitrator's decision.

Act 10 Modifications

Non-Represented Police and Fire Department Managers Aligned with Represented Public Safety Employees for Purposes of WRS and Health Insurance Contributions.

Act 10 allows represented public safety employees to continue to bargain over all matters relating to wages, hours, and conditions of employment, including whether, and to what extent, the employer "picks-up" the employee share of the WRS contribution. Public Safety employees are also allowed to bargain over whether and to what extent employees must contribute towards health insurance benefits. Under Act 32, nonrepresented law enforcement and firefighting managerial employees employed by a municipality on July 1, 2011 are treated the same as represented public safety employees employed by that municipality for purposes of paying the employee required WRS contribution. If the municipal employer picks up the represented police and fire employees' WRS contribution, then the municipality must also pick up the non-represented police and fire managers' WRS contribution. Similarly, if the municipality participates in the state's local government health plan, the municipality must pay the same percentage of premium for non-represented police and fire managers as it does for its represented public safety employees.

New Public Safety Employees Must Pay Employees' Share of WRS Contribution. Under Act 32, a municipal employer is prohibited from bargaining to pay the employee required WRS contribution of a public safety employee who first becomes employed after July 1, 2011.

Pre-Tax Treatment of Employee Contributions to WRS. Act 10 did not address whether employee contributions to the WRS could be made on a pre-tax basis. The state budget provides that employee contributions for retirement into WRS must be made from the employee's pre-tax income for federal and state income tax purposes.

CPI Limit and need for Referendum on Base Wage Increases Clarified.

Act 32 clarifies that the Consumer Price Index (CPI) limit and need for a referendum to increase general municipal employee base wages beyond CPI only applies in the context of collective bargaining agreements. Under Act 32, the Department of Revenue will calculate the average annual CPI for both state and local bargaining. DOR will calculate the CPI upon a request from WERC. The CPI calculation will be based on the 12 months preceding the date of the request from WERC. Act 32 provides that if there is a decrease or no change in the CPI, the base pay of general municipal employees in the bargaining unit is frozen.

Transit Workers and Medical Service Providers also exempted from Collective Bargaining Law Changes in Act 10. Act 10 exempts public safety employees from the collective bargaining law changes made by the Act. Act 32 extends the public safety exemption to also apply to represented emergency medical service providers. Act 32 also adds transit employees to the list of employees that retain the ability to bargain on wages, hours, and conditions of employment, including employer pick-up of employee-required retirement and health insurance contributions. This latter exception was added to ensure that Wisconsin municipalities would not lose federal transit aid due to reductions in the collective bargaining rights of municipal transit employees.

Prevailing Wages, Competitive Bidding Limits, and other Non-Fiscal Policy Changes Affecting Municipalities

Prevailing Wage Law Changes. The state budget rolls back in major part the expansion of the prevailing wage law made by the 2009-2011 state budget. Under Act 32:

- The threshold for when the prevailing wage requirements apply to public works projects is increased from \$25,000 to:
 - \$48,000 for single trade projects.
 - \$100,000 for all multiple-trade projects conducted by cities and villages over 2,500 in population.
 - \$234,000 for multiple-trade projects conducted by any town, and any city or village with a population less than 2,500.
- A road, street, bridge, sanitary sewer, or water main project that is a part of a residential development in which not less than 90% of the lots contain or will contain 2 dwelling units or less and that, on completion, is acquired by, or dedicated to, the municipality is exempt from the prevailing wage law.
- The recently created provision applying the prevailing wage law to publicly funded private construction projects, sec. 66.0904, Stats., is repealed.
- Local governments are expressly prohibited from adopting local prevailing wage ordinances. Any such ordinances previously adopted and in effect at the time the budget bill takes effect are voided.
- Replaces exemption from the prevailing wage law for public works projects in which the labor is provided by unpaid volunteers with language specifying that the prevailing wage laws do not apply to projects for which the municipality contracting for the project is not required to compensate any contractor or sub or individual performing the work.

These changes took effect July 1, 2011.

Counties Performing Highway Construction Projects for Municipalities. Under Act 32, a county is prohibited from using its own workforce to perform highway improvement projects for any city or village with a population exceeding 5,000.

Also, counties are prohibited from using their own workforce to perform highway improvement projects in a different county or in a municipality under 5,000 in population located in a different county. Except a county can do the work if:

- A portion of project lies within the county doing the work and no portion of project extends beyond an adjoining county; or
- The project lies within a municipality that lies partially within the county doing the work.

Local Governments Prohibited from Performing Private Construction Work. The state budget creates sec. 66.0901(11), Stats., prohibiting local governments from using their own workforce to perform a construction project (i.e., road, sewer, water, stormwater, wastewater, grading, parking lot, or other infrastructure-related projects) for which a private person is financially responsible.

Competitive Bidding Methods Restricted. Act 32 provides that whenever a local government lets public works projects for bids, the bidding must be by sealed bids and the contract must be awarded to the lowest responsible bidder. The state budget expressly prohibits using a bidding method that gives preference based on the geographic location of the bidder (e.g., local contractor preference) or that uses criteria other than the lowest responsible bidder in awarding a contract. Sec. 66.0901(1m), Stats.

Regional Transit Authorities Repealed. The budget repeals enabling legislation enacted in the 2009-2011 state budget giving local governments in several regions the option of creating Regional Transit Authorities with the ability to raise revenue through a 0.5% sales tax.

Public Safety Departments Authorized. The budget allows for the first time any municipality to combine its police and fire departments into a single public safety department.

Expansion of Borrow Site Exemption from Local Zoning. The state budget expands a provision in current law, sec. 84.06(12), Stats., created by the 2009-2011 state budget, exempting any site for the excavation of borrow (i.e., soil, stone or gravel mixture) needed for a state highway project from local zoning ordinances. This provision was to sunset on July 1, 2011. Act 32 repeals the July 1, 2011 sunset and expands the borrow site exemption to include:

- Sites for use of material disposal (i.e., surplus materials from a transportation project that is under the direct control of the transportation project contractor or subcontractor.)
- Sites for any transportation project instead of any state highway project. Transportation project includes a construction or maintenance project that relates to an airport, railroad, highway, bridge, or other transportation facility that is directed and supervised by DOT.
- Any site off the site of a transportation project, provided that DOT determines that the site is not a commercial establishment that has a fixed place of business from which the establishment regularly supplies processed or manufactured materials or products, instead of, under current law, any site located near the site of a state highway construction project for which borrow is being used.

Act 32 modifies the conditions for the applicability of the local zoning exemption as follows:

- The transportation project contractor must assume sole responsibility for the operation of the site.
- The transportation project contractor is prohibited from crushing, screening, washing, blasting, or applying another manufacturing process to mineral aggregate from the borrow site, on or off the borrow site, to produce finished aggregate products.
- The contractor must comply with any applicable noise limit standards established by administrative rule by the Dept. of Commerce for mine or quarry operations, instead of, under prior law, agreeing to any noise abatements required by the local government in which the site is located.
- The contractor must comply with site restoration requirements established by DOT and DNR instead of, under prior law, agreeing to any landscaping measures required by the municipality.

Billboard Relocation in Conjunction with State Highway Projects. Act 32 provides that realignment of a real estate site of a billboard that does not conform to a municipal or county ordinance where the realignment is caused by a state highway project shall not affect that sign's nonconforming status under the local ordinance. The state budget further provides that in cases where a billboard is proposed to be moved as part of a state highway project, DOT must notify the affected municipality of the proposed realignment, and the municipality may petition DOT to condemn the sign and any real estate interest of the sign owner that must be acquired. If DOT condemns the sign, the petitioning municipality must reimburse DOT the cost of the condemnation.

Stormwater Quality Standard Repealed. Act 32 creates sec. 281.16(2)(am), Stats., repealing the numeric standard requiring a 40% reduction in the level of total suspended solids carried by runoff applicable to developed urban areas in municipalities issued municipal separate stormwater permits. The repeal does not apply to performance standards for removing total suspended solids from runoff from new development or redevelopment in such municipalities. Under the new provision, if a municipality has achieved a reduction in total suspended solids exceeding 20% the municipality must, to the maximum extent practicable, continue to maintain all of the best management practices with regard to removing total suspended solids from stormwater that it had implemented on or before July 1, 2011.

WRS Changes

Increase in Eligibility Threshold. Act 32 raises the Wisconsin Retirement System eligibility threshold for individuals hired after the effective date of the budget bill from 600 to 1,200 hours per year. For teachers, librarians, administrators, and educational support personnel, the threshold is raised to 880 hours.

WRS Vesting Requirement. New state and local employees hired after July 1, 2011 must have creditable service in at least five calendar years before becoming eligible for either a formula or money purchase annuity benefit.

Study of Potential Modifications to the WRS: The budget directs the Department of

Administration, Office of State Employment Relations, and the Secretary of Employee Trust Funds to study the following issues: 1) establishing a defined contribution program as an option for participating employees; , and 2) giving employees the option of not making employee required contributions while limiting retirement benefits for employees who make that option.

Conclusion

The 2011-2013 state budget permanently imposes strict levy limits and makes cuts to shared revenue and nearly all other state funding programs for municipalities. At the same time, it repeals an expensive stormwater standard applicable to urban developed areas, eliminates maintenance of effort on both emergency services and library spending, and provides some flexibility for management when collectively bargaining health benefits with police and fire unions.

The tools in Act 10 and the mandate repeals included in Act 32 may make it possible for most municipalities to weather the significant cuts to municipal programs in the current state budget without cutting back on key services. However, the pattern of cutting local government aids to solve state budget problems while imposing inflexible levy limits cannot continue without municipalities being forced to cut key services. It will be difficult, if not impossible, for municipalities to avoid making significant service cutbacks when faced with additional reductions in shared revenue and other state aid programs in the future.