

CITY OF PRINCETON
COMMON COUNCIL MEETING
COUNCIL CHAMBERS – 431 W. MAIN STREET
TUESDAY, SEPTEMBER 13, 2011
7:00 PM

1. CALL TO ORDER AND ROLL CALL.
2. PLEDGE OF ALLEGIANCE.
3. APPEARANCES FROM THE PUBLIC
4. MAYOR'S REPORT
 - A.
5. ADMINISTRATORS REPORT
 - A. Lifequest Termination Notice
6. CONSENT CALENDAR
 - A. Minutes for Approval:
 - i. August 23, 2011
 - B. Licenses for Approval
 - i. Operator Licenses
 1. Tokeesha D Cheers (new)
 2. Kayla LM Hardie (new)
 3. Carol S Dreymler (new)
7. OLD BUSINESS
 - A. SAG Grant – Site Assessment on former “Stock Lumber” property
 - i. Bonestroo Presents
 - ii. For discussion and vote
 - B. Reschedule Date for Performance Goals for City Administrator
 - i. For discussion and vote
 - C. Grievance Procedure
 - i. For discussion and vote
 - D. Hunting on City Property
 - i. For discussion
8. NEW BUSINESS
 - A. Crubaugh request for exception to policy
 - i. For discussion
 - B. Plan Commission recommendation for Zoning Administrator
 - i. For discussion and vote
 - C. Schedule of Meeting through October 2011
 - i. For discussion and vote
 - D. WRS Contributions for Employees with Employment Agreements (Non-collective bargaining)
 - i. For discussion
 - E. Staff Survey proposed by Ald. Pulvermacher and Council President Kallas to Evaluate City Administrator Performance
 - i. For discussion
9. COMMUNICATIONS
10. CLOSED SESSION
 - A. Adjourn into closed session pursuant to WI State Stats. 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.
 - i. Ambulance Negotiations
 - ii. WPPA Contract Negotiations
 1. Appoint Council representative

B. WI State Stats. 19.85(1)(g) Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

i. Confidential Memo from Labor Attorney

C.

11. 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, AUGUST 23, 2011
7:00 PM

1. **CALL TO ORDER AND ROLL CALL.** Mayor Mosolf called the meeting to order at 7:00 PM. In attendance were Alderpersons Magnus, Hardt, Kallenbach, and Kallas, Administrator Weidl, and Mayor Mosolf. Absent were Alderpersons Pulvermacher and Garro.
2. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was recited.
3. **APPEARANCES FROM THE PUBLIC**
 - Pam Schmidt W5222 Oak Tree Lane, Princeton She encouraged the Council to table the Ambulance information until Alderperson Pulvermacher returned. She thought Townships should pay their fair share, but if the amount is more than last year the Townships will have a hard time with the amount due to not being able to raise taxes.
4. **MAYOR'S REPORT**
 - A. Plan Commission Appointment-Dave Bednarek stepped down from the Plan Commission. Cary Waite was asked to replace him, and he accepted. Plan Commission Meeting is 8/30/11 at 3:30 pm at City Hall.
5. **ADMINISTRATORS REPORT**
 - A. New protocol for public information – Notices with important information for citizens will be put in utility bills.
 - B. Budget Comparison Report-Reports were put in Council packets, if there are questions contact City Administrator.
 - C. 2012 Operating Budget Schedule-A schedule was in packets for the upcoming budget process.
 - D. 2009 and 2010 Delinquent Personal Property-2009 Delinquent Personal Property-"N" % Henry Conti \$25.75, Personal Best \$527.98, and Vin's Auto Plus \$383.12. 2010 Delinquent Personal Property- Golden's Chimney \$429.31, "N" % Henry Conti \$21.59, Personal Best \$442.81, and Vin's Auto Plus \$321.30.
6. **CONSENT CALENDAR**
 - A. **Minutes for Approval:**
 - i. **July 26, 2011**
 - B. **Licenses for Approval**
 - i. **Operator Licenses**
 1. **Alisa L Klenke (new)**
 2. **Brandon W Sosinsky (new)**
 3. **Katrina Roloff (new)** Hardt motioned to approve Consent Calendar items 6Ai through 6Bi3, seconded by Magnus. Carried 4-0.
7. **OFFICER REPORTS**
 - A. **Police Chief** Nothing at this time.
 - B. **Ambulance Director-** Report to follow.
 - C. **Emergency Government Director** Nothing at this time.
 - D. **Building Inspector** Nothing at this time.
 - E. **Library Director** A report was turned in to Council. Director Duhr also added update on Country Café demolition: The gas main was closed and removed,

Egbert Excavating will start to take down the building after Labor Day, and the expenses so far have been paid by the Library Board.

8. OLD BUSINESS

A. Final Payment for Mechanic St. Lift Station

- i. Craig Kunkel presents**
- ii. For discussion and approval** Craig Kunkel from Kunkel Engineering presented a timeline from 3/15/10 until 6/22/11-with a description of project work, invoicing, change order, dollar amounts for invoicing and change orders, and City Administrator involvement in project.

9. NEW BUSINESS

A. Redistricting Map – Wards 1, 2, 3, & 4

- i. For approval** After the 2010 Census results there were a couple block changes for redistricting in the City. The blocks are square from Farmer St, Harvard St, S Fulton St, and Wisconsin St. Those blocks go from Ward 2 to Ward 1 in Aldermanic Wards, but still represented by the same Alderpersons, in 2012 it will change Supervisory Districts for the above mentioned blocks.

B. 2012 Ambulance Budget Proposal

- i. Presentation**
- ii. For discussion** Director Roehl explained to the Council his proposed 2012 Budget

C. Performance Goals for City Administrator

- i. For discussion and vote** This item was tabled until the 9/13/11.

10. COMMUNICATIONS Alderperson Kallas received phone calls from: Darrell Schueler about zoning on his property, it should be zoned Commercial. Administrator Weidl stated he was contacted about this property and Minutes were looked at from 1989-1994 and the information can't be found. Darrell is welcome to come down and look at the Minutes. Betty Wager had an election complaint, someone could not vote because they did not have an ID with them at the time. Administrator stated no one was turned away at Polls for not having an ID. Jim George had concerns about the dog at City Hall.

11. CLOSED SESSION

A. Adjourn into closed sessions pursuant to WI State Statute 19.85(1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session. Hardt motioned to go into closed session pursuant to WI State Statute 19.85 (1)(e): Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, seconded by Kallas. Carried 4-0.

- i.** Ambulance Negotiations

12. ADJOURN Mayor Mosolf adjourned the meeting at 9:15 PM.

* 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.

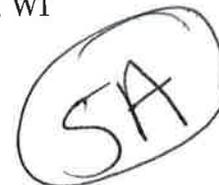
Mayor
Bob Mosolf

CITY OF PRINCETON
531 S. Fulton Street · Princeton, Wisconsin 54968
920-295-6612 · Fax: 920-295-3441

City Alderpersons
Patti Garro
Greg Hardt
Dan Kallas
Jasper Kallenbach
Victor Magnus
Ernie Pulvermacher

City Administrator
John S. Weidl

To: Lifeline Systems, Inc., d/b/a LifeQuest, N2930 State Road 22, Wautoma, WI
54982
From: John S. Weidl, City Administrator
Date: 9/7/2011
RE: Termination Notice



NOTICE OF TERMINATION

The purpose of this notice is to advise Lifeline Systems, Inc., d/b/a LifeQuest, a corporation whose notice address is N2930 State Road 22, Wautoma, WI 54982 (Agency) that the City of Princeton, a municipal corporation whose notice address is 531 S. Fulton Street, P.O. Box 53, Princeton, WI 54968 (Municipality) has elected to terminate the agreement as provided for in Section 4.3. Termination of the Assignment, Assumption and Collection Services Agreement. You are advised that effective December 31, 2012 your services will no longer be required to manage and collect the customer accounts for the ambulance services. Upon receipt of this notice, please confirm the termination date.

Sincerely,



John S. Weidl
Administrator for the City of Princeton

CC: Common Council, Adam Roehl, Wurtz Law



Stantec



Stantec
12075 Corporate Pkwy
Suite 200
Mequon, WI 53092

Tel 262-241-4466
Fax 262-241-4901
www.stantec.com

September 3, 2011

Mr. John Weidl
City Administrator
City of Princeton
531 South Fulton Street
Princeton, WI 54968

Re: Continuing Services Agreement
Stantec/Bonestroo File No.: 842-11001-0

Dear Mr. Weidl:

Per your request, this letter outlines proposed additional environmental investigation and remediation services to be performed by Stantec (formerly Bonestroo) in association with the former Stock Lumber Company property. Environmental investigation activities will be funded using remaining budget allocated as part of the Site Assessment Grant (SAG) awarded to the City in January or February 2010. Remediation services will be performed in association with implementation of the blight elimination and Brownfields Redevelopment (BEBR) Grant awarded to the City in September 2010. This letter supersedes a previous letter for a similar scope of services dated October 7, 2010 and submitted to the previous City administrator, David Maynard.

ADDITIONAL ACTIVITIES TO BE FUNDED AS PART OF SAG IMPLEMENTATION

Costs to Date and Budget Remaining

A summary of the SAG budget status was provided in a memorandum dated February 22, 2011 prepared by Stantec/Bonestroo for presentation at a city council meeting on that same date. As noted in the memorandum, \$60,041.46 of the \$74,800 in SAG funding had been expended as of February 22, 2011, of which a request for reimbursement had been submitted for \$60,041.46. The remaining \$267.03 was to be reimbursed as part of a future reimbursement submittal.

No additional SAG activities have been performed since February 22, 2011, and \$14,960 in funding is available to complete any necessary remaining environmental investigation and monitoring activities. Although the SAG requires a 20% match by the City (equal to \$14,960), no additional matching funds are required from the City to access the remaining funds, as the City has \$9,561 in past expenditures available to serve as a match for any additional SAG funding utilized.

General Discussion of Additional Required SAG Activities

Use of the remaining SAG funds will focus on collecting additional soil and groundwater data for the east portion of Parcel E as necessary to enable environmental cleanup to be implemented on the parcel: (a) in the same manner as was performed for the Dollar General property, and (b) achieving case closure from WDNR without a requirement for any future monitoring, engineering

controls, registry on the WDNR database of sites having residual contamination, or environmental restrictions on future development of the site for industrial, commercial, residential uses, or public uses. This approach should result in a site that has enhanced potential for attracting interest by developers. Unless otherwise requested by the City, there will be no additional testing focused on the wetland parcel (referred to as Parcel F in previous project reports and correspondence). The purpose for additional testing will be to precisely define the limits of contamination prior to performance of excavation activities, such that the volume of contaminated soil and the cost to fully remove this soil can be precisely known before commencing excavation. This removes risk and provides assurance that the project goals will be achieved.

Budget for Additional SAG Funded Activities

It is anticipated that the cost for additional soil sampling activities will be in the range of \$6,000 to \$10,000 (well below the \$14,491.51 of SAG funding remaining). Stantec will commit to:

1. completing all necessary environmental testing activities within the remaining available SAG funding, and
2. there being no additional out-of-pocket expenses to the City associated with this testing.

ADDITIONAL ENGINEERING SERVICES REQUIRED FOR IMPLEMENTATION OF THE BEBR GRANT

Discussion of BEBR Budget

A detailed discussion of the BEBR grant was provided in the February 22, 2011 memorandum prepared by Stantec/Bonestroo for the City. As noted in the memorandum, the City was awarded \$137,000 in funding, of which the City has utilized only \$3,415.80. It was estimated that upon payment of invoices that were outstanding at the time of the February 22, 2011 meeting, that the City will have expended \$23,823.41 on activities that could be claimed as part of the required BEBR match. It was also estimated that the City would need to expend a maximum additional out-of-pocket amount of \$13,801.59 in order to access the full amount of \$133,584.20 in unspent BEBR funds.

General Discussion of Project Objectives

It is understood that City's goals with respect to use of the BEBR grant have changed to some degree as a consequence of the challenged financial status of the Tax Incremental Finance (TIF) District as well as the challenged financial status of the economy as reflected in the current lack of any prospective developers for the east portion of Parcel E. The City wishes to reduce (and ideally, eliminate) any additional out-of-pocket expenses associated with use of the BEBR grant, and if possible, utilize funding in a manner that will provide a more fully "shovel ready" development site. One option discussed to provide a more "shovel-ready site would be use funding to provide an access road needed along the north edge of Parcel E, which is a key missing part of the infrastructure that would be needed for any future development. Based on past discussions with the Wisconsin Department of Commerce, and the City (with Stantec/Bonestroo's assistance) successfully obtaining approval to "beneficially reuse" soil with

low-levels of contamination at the City-owned vacant industrial park site, it is anticipated that achieving these modified goals for use of the BEBR funding.

As part of preparing this letter, Stantec prepared an updated cost estimate for remediation of the east portion of Parcel E (the area east of the Dollar General parcel), excluding engineering costs. This updated cost estimate is provided on the table below.

Item Ref #	Description	Unit Basis	Estimated # of Units	Unit Cost	Estimated Cost
1	Excavation	per ton	1,020	\$ 6	\$ 6,120
2	Loading and trucking to City-owned parcel	per ton	816	\$ 5	\$ 4,080
3	Loading and trucking to landfill	per ton	204	\$ 7	\$ 1,428
4	Landfill disposal fee	per ton	204	\$ 22	\$ 4,488
5	Landfill environmental tax	per ton	204	\$ 13	\$ 2,652
6	Backing and compaction with clean geotechnical fill	per ton	1,020	\$ 7	\$ 7,140
7	Backing and compaction with clean geotechnical fill	per ton	2,220	\$ 7	\$ 15,540
TOTAL					\$ 41,448

- Notes: 1) 150 feet long by 35 feet wide by 3.5 feet deep excavation (= 680 cubic yards) and an assumed average soil density of 1.5 tons per cubic yard
2) Assume 80% of excavated soil is taken to City parcel and 20% to landfill
3) Soil needed to backfill excavation
4) Soil needed to raise site elevation an additional 2 feet

It is estimated that engineering costs for bidding, field oversight, and preparation of remedial documentation reports and other documentation necessary to obtain "case closure" from WDNR would be on the order of \$10,000 to \$15,000, bringing the total remedial cost to \$51,448 to \$56,448. It should be noted that the cost estimate above includes \$15,540 in costs for an estimated 2,220 tons of fill that would be needed to raise the site grade by 2 feet. There is a technical case that can be made for providing this fill across the site, in that it would provide an enhanced certainty that all surface soil at the site is clean. Adding the soil, would have an additional benefit in further raising the site grade above the flood plain, and thereby enhance the site's long-term attractiveness as a redevelopment site.

Assuming that the cost estimate above is accurate, and using the higher end of the estimated cleanup costs of \$51,448 to \$56,448), an estimated \$77,136 in BEBR grant funding would potentially be available for use on infrastructure. Based on previous discussions with BEBR staff, there is a possibility that BEBR would approve a request to reallocate funding from use for environmental contractor and landfill costs to use for infrastructure and environmental engineering. The likelihood of this request being approved is enhanced by the fact that the City is not reducing the scope of the proposed cleanup activities, but can achieve the similar level of cleanup at a much lower cost as a result of the "beneficial reuse" of the contaminated soil. In addition, it is recognized that providing an access road would represent a critical missing infrastructure component that would greatly enhance the redevelopment potential of the site and the future economic benefit resulting from the Department of Commerce's investment in the project.

Proposed Approach for Cleanup Activities and Use of Remaining BEBR Funds

The key element in moving forward is obtaining approval from the Wisconsin Department of Commerce for relocation of funds. Therefore, it is proposed to use an iterative approach to move forward with both the SAG and BEBR grants. The proposed remaining work under the SAG would be performed to precisely define the scope of required cleanup and to obtain current bids and precise costs. The proposed cleanup would be submitted to WDNR for approval to provide certainty of its acceptability to WDNR. Simultaneously, the City would develop an accurate cost for the desired access road. Upon securing accurate and up-to-date costs for both the road and the cleanup, a formal request for an amendment to the BEBR grant would be submitted to the Wisconsin Department of Commerce. Clarification would also be sought from Department Commerce regarding the extent to which required additional matching funds would be reduced if the City utilized less than the full amount of the grant. Based on the Department of Commerce's response, and the costs for the project elements, the City would know: (a) the exact amount, if any, of the remaining out-of-pocket matching funds, (b) whether or not the access road would be funded, and (c) whether the cleanup would result in a site cleaned up to the highest level, with no environmental restrictions, or limits on the type of future land uses. Based on this information, the City could make an informed decision as to whether to move forward with cleanup of the east portion of Parcel E, or to simply perform a much more limited scope that would consist only of covering, grading, and seeding of the contaminated soil that was already brought to the City industrial park. The scope of work and costs for Stantec in relation to the cleanup would be known at this point in time and Stantec would amend the agreement with the City to commit to whatever this budget amount.

SCHEDULE

It is recommended that remaining work under the SAG move forward as soon as possible. Upon approval by the City, it is anticipated that investigative work would be performed and a draft cleanup plan submitted to the WDNR within approximately 4 to 6 weeks. It is considered highly likely that the volume of soil to be removed will be within +/- 20% of the current estimate of 1,020 tons. Therefore, it is recommended that work on developing the amendment letter for the BEBR grant would be performed simultaneously. Assuming that the City is able to develop the costs for the access road, it should be possible to submit the amendment request to the Department of Commerce by the end of September 2011. Assuming that the results are favorable, it should be possible to complete the cleanup activities during October and November 2011, and obtain case closure by the end of December 2011. It is assumed that construction of the access road would be performed under separate contract and would not involve Stantec staff.

TERMS AND CONDITIONS OF AGREEMENT

Work will be subject to the previously executed terms and conditions of agreement included as part of the Stantec/Bonestroo proposal dated July 31, 2009 and approved by the City on August 7, 2009.

ADDITIONAL STIPULATIONS

In accordance with a letter dated August 31, 2011 prepared on behalf of the City by Kunkel Engineering Group, Stantec agrees to the following stipulations regarding the scope of work outline in this proposal.

1. That Stantec will be paid from the SAG disbursement when received by the City of Princeton.
2. That the City will not incur out of pocket costs beyond the amount eligible for grant reimbursement via the SAG contract.
3. That subsequent to the site assessment being completed, Stantec will provide a formal "proposal" to Mr. Al Rabin requesting grant funds for the following:
 - a. Environmental remediation (scope to be determined)
 - b. Filling of the site approximately 2 feet
 - c. Construction of a road spur from Mechanic Street
 - d. Request a reduction in the required City match to receive the balance of BEBR grant funds.
4. That Stantec agrees to complete and compile the semi-annual reports and assist with other administrative requirements as set forth under the respective grant contracts.

We look forward to continuing to work with the City on the successful redevelopment/reuse of the former Stock Lumber Company property.

Sincerely

STANTEC



David B. Holmes, PG
262-643-9177



6.3 GRIEVANCE PROCEDURES

It is the goal of the City to provide fair and equitable treatment to all employees, to provide employees with an easily accessible procedure for expressing dissatisfaction, and to foster sound employee-supervisor relations through communication and reconciliation of work-related problems. The employee Grievance Procedure described herein has been established as a primary means of meeting these policy objectives. Any City employee or group of employees, claiming unfair treatment pertaining to employee terminations, employee discipline, or dissatisfaction with working safety beyond their ability to change, may seek to resolve a problem through the grievance procedure described here. However, if the employee has already used another available grievance procedure in attempting to resolve a problem, such as a procedure established under laws and administrative rules of the federal or state government, or is covered by a procedure provided under terms of a labor-management agreement, the grievance procedure described here cannot be used. Other employees unable to access this grievance procedure include statutory/political appointees, limited term employees, seasonal employees, part-time employees, and independent contractors.

“Termination” actions excluded from this procedure include: layoffs, workforce reductions, job transfers or demotions, action taken as a result of an employee’s failure to meet the qualifications of the position, voluntary termination including, without limitation, quitting and resignation, job abandonment, end of employment due to disability, retirement, contract non-renewal, death, action taken pursuant to s. 19.59 (ethics violations), end of employment and/or completion of assignment of temporary, contract, or part-time employees.

“Employee discipline” actions excluded from this procedure include: terminations, layoffs, or workforce reduction activities, adverse employment actions other than a disciplinary suspension, disciplinary reduction in base pay, demotion, and/or reduction in rank, plans of corrective or performance improvement, performance evaluation or reviews, documentation of employee acts, oral or written reprimands, administrative suspension with or without pay pending the investigation of misconduct or non-performance, change in assignment or assignment location, provided base pay is not reduced, and action taken pursuant to s. 19.59 (ethics violations).

“Workplace Safety” includes safety of physical work environment, operations, tools, equipment, provisions of protective equipment, training and warning requirements, workplace violence, and accident risk.

“Workplace Safety” does not include hours, overtime, sick, family, or medical leave, work schedules, breaks, termination, vacation, performance reviews, and compensation.

Grievances filed alleging workplace safety violations are personal to the individual employee filing the grievance (e.g. no “class actions”). This grievance procedure requires that employee(s) propose a remedy for the alleged violation. An impartial hearing officer has no discretion to force the expenditure of funds to remedy a grievance.

Verbal Grievance and Dispute Resolution. Within fifteen (15) working days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue and prior to filing a written grievance, the Grievant must discuss the dispute with the supervisor who make the decision. The supervisor and employee must informally attempt to resolve the dispute. The supervisor shall notify the City Administrator of this meeting and the results of the meeting.

Pre-Grievance Procedure. While the pre-grievance procedure is not a part of the official grievance procedure, it is designed to ensure that procedural due process is met. The City will follow best practices used for dealing with disciplinary matters.

- The City will notify the Personnel Officer before making a decision on discipline
- The City will inform the employee of any misconduct or non-performance and provide the employee with an opportunity to explain and give evidence.
- The Department Head and the Personnel Officer should ultimately agree on discipline and implement the discipline with regard to due process considerations.
- If discipline or termination may be subject to the grievance procedure, then provide notice of the process.

If the matter is not subject to the grievance procedure, management staff retain the ability to react and administer corrective action as necessary and as soon as practicable.

Written Grievance Submission. The employee must file a written grievance within fifteen (15) working days of the termination, employee discipline or actual or reasonable knowledge of the workplace safety issue. Grievance must be in writing and must be filed with the supervisor and with a copy to the City Administrator. The grievance shall contain a clear and concise statement of the pertinent facts, the dates the incident occurred, the identities of the persons involved, documentation related to the grievance in possession of the grievant, the steps taken to informally resolve the dispute and the results of those discussions, all reasons why the action of the supervisor should be overturned, if applicable, and the remedy that should be issued. *A grievance against workplace safety shall also identify the workplace rules allegedly violated, if applicable.*

Administrative Response. The Administration shall meet with the grievant within fifteen (15) working days of receipt of the written grievance to discuss voluntary resolution of the grievance. If those discussions do not resolve the grievance, then the Administration will provide a written response within five (5) working days of the meeting. The written response shall contain a statement of the date of the meeting, the decision to sustain or deny the grievance, and the deadline for the grievant to appeal the grievance to an Impartial Hearing Officer.

Impartial Hearing. The decision of the Administration shall be final unless the Grievant files a written appeal requesting a hearing before an Impartial Hearing

Officer (IHO). The written appeal shall be filed with the City Administrator and within ten (10) working days of the Administrative Response. The Impartial Hearing Officer shall file a written response within fifteen (15) working days of the close of the hearing. The IHO shall have no power to issue any remedy, but may recommend a remedy by asking the following question. Based on the preponderance of the evidence presented, has the grievant proven the decision of the Administration was arbitrary or capricious?

Selection of the Impartial Hearing Officer. Following receipt of the appeal, the Administration shall provide the name of a person who shall serve as an Impartial Hearing Officer.

Conciliation. Prior to the hearing, the Impartial Hearing Officer may engage in conciliation meetings to resolve the dispute. In cases involving allegations of workplace safety, the conciliation meeting is mandatory.

The grievant shall have the right to representation during the process. The representative shall not be a material witness to the dispute.

The Impartial Hearing Officer shall conduct proceedings, make a record of the proceedings, and provide the record to the City Clerk for preservation.

The grievant shall bear the burden of production and the burden of proof. No factual conclusion may be based solely on hearsay evidence. Not less than ten (10) days prior to any hearing, both the grievant and the Administration shall exchange lists of witnesses and documentary evidence that they intend to introduce at the proceedings.

Appeal for Review. The non-prevailing party may file a written request for review by the City Council within ten (10) working days of receipt of the Impartial Hearing Officer's written response by submitting a copy of the grievance, Administration's response, and the Impartial Hearing Officer's response. The request shall be filed with the Mayor and with a copy to the prevailing party.

The City Council shall review the record and determine whether a rational basis exists for the Impartial hearing Officer's decision. The findings of fact of the IHO shall not be overturned unless clearly erroneous. The City Council may decide, in each situation, whether it will review the record and make a decision, assign an Impartial hearing Officer to create a recommendation for the City Council's review, or hold a hearing and make an independent decision. The manner and process of the review is the sole choice of the City Council.

Decision of the Governmental Body. The City Council shall make a decision regarding whether or not a meeting will be held within thirty (30) calendar days of the appeal. A decision by the governmental body will be made within sixty (60) calendar days of the filing of the appeal unless the governmental body extends this time frame.

Limitations. The scope of the grievance that is grievance procedure in a collective bargaining agreement may not be brought forth under this policy. The scope of a grievance that is subject to other policy or ordinance for formal or informal investigation or dispute resolution procedure may not be brought forth under this policy.

8A

Memorandum for: Princeton City Council

Subject: Discussion, CRUBAUGH construction variance exception to TECHNICAL policy

Date: September 6th, 2011

From: James E. Crubaugh, 1359 Circle Drive, Sun Prairie, WI 53590

1. Request review and consideration on whether variance is needed (or not) regarding construction of garage/barn on land now (see plat attached), and then home in 2012.
 - a. While land is zoned residential, it has no "adjacent neighbors" as variance form would otherwise seek out for "normal" need variances.
 - b. Attached documents/diagrams reflect project as planned: with construction of the separate garage/barn (now) for storage, and home construction in CY2012.
 - c. Our Current home in Sun Prairie is currently on market for sale.
 - d. We are currently developing plans for the new home with Eagle Builders, Montello.
 - e. Once our current home in Sun Prairie is sold, this new home will be fully funded, but is not a requirement before new home is funded with a mortgage.
 - f. Land is fully paid and with clear title, and garage/barn to be constructed is fully funded.
2. Though current zoning is residential, current and preceding actual use of this 10 acre parcel has been agriculture, with Alfalfa currently being produced on the southern end (up near Shady View) and Corn being produced on the northern end by local farmer.
3. IF this land was zoned agriculture, your tax receipts would be roughly 10% of the taxes currently collected (\$600+) annually and no variance would have to occur to build a garage/barn on the property, and no neighbors' permission would be needed for that construction.
4. I am wanting to develop this land and (in turn) this will help increase your tax base, creating more revenue for the city.
5. Request EXCEPTION TO POLICY and approve issuing a building permit for this garage/barn at this time (with no variance needed, or the \$200 fee).

DRAWINGS NOT TO SCALE

CERTIFICATE OF SURVEY



RIPON LAND SURVEYING

827 W. Fond du Lac St.
P.O. Box 386
Ripon, Wisconsin 54971
Phone (920) 748-9696

CERTIFICATE OF SURVEY FOR LUKE LADWIG
LOCATED IN THE NW 1/4 OF THE NE 1/4
AND THE SW 1/4 OF THE NE 1/4 OF SEC. 24,
T.16N., R.11E., CITY OF PRINCETON,
GREEN LAKE COUNTY, WISCONSIN.

N 1/4 COR. SEC. 24

SECTION CORNER
ESTABLISHED FROM TIES

LOW LAND +
TREE LINE
S89°42'26"E 330.00'

S00°07'15"W 726.00'

S89°42'26"E 518.10'

POB

BEARINGS REFERENCED TO THE WEST LINE
OF THE NE 1/4 OF SECTION 24 RECORDED AS
N00°07'15"E ON CSM 2315



FARM FIELD

10.00 ACRES

SCALE: 1"=200'



N00°07'15"E 1320.00'

S00°07'15"W 1320.00'

UNPLATTED LANDS

N89°43'15"E, 518.10

PRINCETON
WATER
TOWER
1944.24

SUNNYVIEW
NURSING
HOME
CSM 2315



1 ACRE +
POND

GARAGE

HOME

N89°42'26"W 330.00'

FARM FIELD

LEGEND

- ▲ MAG NAIL MON. FOUND
- 1" DIA. IRON PIPE FOUND
- ⊙ 3/4" DIA. IRON REBAR FOUND
- ⊙ 2" DIA. IRON PIPE FOUND
- 3/4"x24" IRON REBAR 1.50 lb./ft. SET.

N00°07'15"E

LANE

111.39'

WOODS

16.5' Wide Right of Way
VOL. 711 PG. 385

← Sunnyview lane

WOODS





24 x 38

Saffron (#333-172)
Front Elevation



Article B: General Provisions

Sec. 13-1-20 Jurisdiction and General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the City of Princeton.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Yard Reduction or Joint Use.**
 - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Code shall be included as a part of a yard or other open space required for another building.
- (e) **One Main Building per Lot.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.
- (f) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.

Sec. 13-1-21 Use Regulations.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Common Council in



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Budget Repair Bill, Act 10, FAQs

Prepared by Curt Witynski , * Assistant Director, League of Wisconsin Municipalities
Last Updated June 29, 2011

Effective Dates/Initial Application

When does the WRS mandatory pension contribution requirement first apply to municipal employees?

While Act 10 generally took effect June 29, 2011, under changes made to Act 10 by SB 32, the 2011-2013 state budget, the Secretary of the Department of Administration determines the date by which general municipal employees not currently covered by a collective bargaining agreement must begin paying their WRS contribution. On June 30 DOA Secretary Huebsch distributed a letter to local government officials providing guidance on implementing Act 10. In the letter Sec. Huebsch said that the effective date for WRS contributions by local government employees should parallel as closely as possible the timing for state employees, who will first see these deductions on their August 25th paycheck.

With regard to general municipal employees currently covered by a collective bargaining agreement, the WRS employee contribution requirement first applies whenever the agreement expires or is extended, modified, or renewed.

While Act 10 originally established a March date as the time by which the WRS contributions must commence, that date was changed by the state budget. There will be no retroactive application of the WRS contribution requirement.

Does the mandatory WRS contribution requirement in Act 10 apply to municipal employees, such as administrators or department heads, who are covered by contracts or employment agreements other than collective bargaining agreements that require the municipality to pay the full WRS contribution?

Probably, but it is unclear. There is a divergence of opinion among labor lawyers on this issue. The answer may also depend on whether the agreement or understanding actually qualifies as a contract. Act 10 prohibits the municipal employer from paying the employee's WRS contribution. Act 10 further provides that for represented employees covered by a collective bargaining agreement the mandatory WRS contribution requirement first applies when the contract expires or is

extended, renewed or modified. No other contracts are mentioned in Act 10.

Article 1, Section 12 of the Wisconsin Constitution provides that no law "impairing the obligation of contract shall ever be passed." Wisconsin courts have said that this prohibition against statutes impairing contracts does not prevent the state from exercising its police powers for the common good. A challenge to legislation on grounds that it unconstitutionally impairs a contract must prove: 1) the legislation impairs an existing contractual relationship; 2) the impairment is substantial; and 3) if substantial, the impairment is not justified by the purpose of the legislation. *Reserve Life Ins. Co. v. La Follette*, 108 Wis.2d 637, 323 N.W.2d 173 (Ct. App. 1982). These are fairly difficult items to prove.

By when must a municipality have in place a civil service system or grievance system under Act 10?

October 1

When does the prohibition against municipalities deducting union dues from general municipal employee paychecks take effect?

For general municipal employees currently covered by a collective bargaining agreement, the dues deduction prohibition first applies when the agreement expires. Municipalities must therefore continue to deduct union dues until the current contract terminates. However, if a community is between contracts, (i.e., currently negotiating with a union after the expiration of a contract), the community should discontinue deducting union dues no later than the first pay period after June 29th.

Collective Bargaining Law Changes

Under Act 10, are municipalities prohibited from collectively bargaining with municipal general employees on any subject except total base wages?

Yes. Act 10 prohibits local governments from bargaining with general municipal employees on matters other than base wages. This means, for example, that municipalities may unilaterally dictate the health insurance benefit levels and premium contribution requirements for all employees except represented police officers and fire fighters.

Are general municipal employees limited to collectively bargaining on total base wage increases at or below the consumer price index (CPI) only?

Yes. Act 10 limits increases to total base wages that may be bargained by local governments. This is because the bill ties negotiated base wages to the consumer price index (CPI). The CPI measures changes through time in the price level of consumer goods and services purchased by households. Changes in CPI are used to measure price changes associated with the cost of living and are often used as a measure of inflation.

Must a municipality conduct a referendum before it can agree to a collective bargaining agreement that increases general municipal employees' base wages by more than the change in CPI?

Yes. Under Act 10, if a local government wishes to increase total base wages by a percentage that exceeds the CPI change, the governing body must adopt a resolution specifying the amount by which the total base wages increase will exceed the CPI limit. The resolution may not take



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Updated July 20, 2011

RECENT CHANGES TO YOUR WRS/GROUP HEALTH INSURANCE BENEFITS

2011 Wisconsin Act 10 and 2011 Wisconsin Act 32 contain a number of provisions that affect the retirement and health insurance programs administered by the Department of Employee Trust Funds (ETF). Major recent changes to the Wisconsin Retirement System (WRS) include:

- Prohibiting employers from paying the employee share of WRS contributions under most circumstances;
- Making employee-paid contributions pre-tax;
- Changing the formula benefit multiplier for select members;
- Creating a new five-year vesting requirement;
- Modifying the eligibility criteria to enroll in the WRS;
- Reducing the cost of the benefits provided in the state group health insurance program; and
- Increasing health insurance premiums for state employees.

This document is intended to help WRS members understand those provisions. This document only focuses on the provisions that relate to the programs administered by ETF. What follows are frequently asked questions and answers that summarize the provisions that affect WRS benefits and what they mean for our members. This document will be updated frequently as additional information becomes available. Please check regularly for new information and additional resources you may find helpful.

- For the Act 10 language visit: <http://legis.wisconsin.gov/11Act010.pdf>
- For the Act 32 language visit: <http://legis.wisconsin.gov/2011/data/acts/11Act32.pdf>
- For information about the process that has been used in the past by ETF and the Group Insurance Board to implement legislative changes to the health program and to make modifications to health insurance coverage, go to:
http://etf.wi.gov/boards/agenda_items_2011/gib20110208_items/Item_4B.pdf.
- To follow GIB meetings and the materials for GIB meetings, go to:
http://www.etf.wi.gov/boards/agendas_gib.htm.

- The changes outlined in Act 32 do not modify the eligibility criteria for anyone initially employed by a WRS participating employer prior to July 1, 2011, to include both WRS eligible and non-WRS eligible employees. The eligibility criteria regarding expected hours for these employees remains at least one-third of full time per year (600 and 440 hours). As such, there may be cases where employees do not have prior service with the WRS, yet the person worked for a WRS employer. In these circumstances, the old eligibility criteria would apply, not the Act 32 provisions.

12) Can public employees who work for a WRS employer opt out of the WRS?

- No, current law prohibits participating employees from opting out of the WRS. Allowing WRS members to opt out of the WRS may ultimately have a detrimental impact on the sustainability of the WRS and would very likely increase contribution rates for employees and employers remaining in the WRS. Belonging to the WRS involves pooling risk and benefit by funding the system through employer and employee contributions. If public employees were not obligated to participate, adverse selection may result in lower system revenue while liabilities increase. This may result in underfunding the WRS. In addition, allowing individual members to opt out of the WRS may violate provisions of the Internal Revenue Code governing defined benefit pension plans referred to as "rescission" (or, the breaking of a contract between two parties). This could result in disqualification of the WRS as a tax-qualified pension plan.

13) I have an individual compensation and fringe benefit agreement/contract with my employer and it isn't a collective bargaining agreement (CBA). Do the collective bargaining provisions affect my agreement/contract with my employer?

- ETF does not play a role in the enforcement and interpretation of CBAs and the collective bargaining changes. ETF recommends you consult with your employer to determine how the new legislation affects the agreement you have with your employer.

14) There has been a lot of media coverage about the financial health of pension systems across the nation. Is the WRS fully funded and able to pay benefits?

- Yes. The WRS is fully funded and able to pay benefits to current and future WRS members

15) There has also been a lot of media coverage about the benefit levels of the WRS and how those benefits compare to the benefits in the private sector and the retirement systems in other states. How do the benefit levels of the WRS compare?

- ETF does not track information about how public sector pension benefits compare to private sector benefits. For information about how WRS benefits compare to the benefits of other **public sector retirement systems**, please find below a link to the *2008 Comparative Study of Major Public Employee Retirement Systems*, published by the Wisconsin Legislative Council. Pages 25-30 provide information about benefit calculations.

http://legis.wisconsin.gov/lc/publications/crs/2008_retirement.pdf



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Updated August 8, 2011

INFORMATION FOR EMPLOYERS
REGARDING 2011 WISCONSIN ACT 10 and 2011 WISCONSIN ACT 32

2011 Wisconsin Act 10 and 2011 Wisconsin Act 32 contain a number of provisions that affect the retirement and health insurance programs administered by the Department of Employee Trust Funds (ETF). This document is intended to help Wisconsin Retirement System (WRS) employers implement those provisions. ETF also developed a frequently asked questions (FAQ) document for WRS members to help answer employee questions related to these Acts. Both of the documents focus only on the provisions that relate to the programs administered by ETF. The primary focus of this particular document is the WRS. Health insurance questions are answered in the Member FAQ. ETF will continue to add questions we receive from employers to this document; therefore, updated versions will only be available on the ETF Internet site and will not be mailed as Employer Bulletins.

- For the Member FAQ visit: http://etf.wi.gov/news/changes_to_your_WRS_Benefits.pdf
- For the Act 10 language visit: <http://legis.wisconsin.gov/11Act010.pdf>
- For the Act 32 language visit: <http://legis.wisconsin.gov/2011/data/acts/11Act32.pdf>

1. WRS Contribution Rate Changes

The Acts made changes to the actual employee and employer required contributions to the WRS, and the Acts also made changes to what employers are allowed to pay (pick-up) toward WRS contributions for its employees.

First, Act 10 made changes to WRS contribution rates and how the contributions are allocated to the accounts of WRS members. These changes apply to all WRS members and employers, regardless of whether WRS employers and members had a collective bargaining agreement in place prior to June 29, 2011. The WRS contribution rate changes brought about by the Acts are listed in the table below and are effective the first day of the first pay period on or after June 29, 2011.

Second, Act 10 prohibited WRS employers from paying the WRS employee required contribution with a few exceptions. This change applies to all WRS employers and all WRS employees who did not have a collective bargaining agreement in place prior to the effective date of Act 10, which was June 29, 2011. Specifically, Act 10 first applies to employees covered by a collective bargaining agreement that contains provisions inconsistent with the amount employees are required to contribute on the day on which the agreement expires or is terminated, extended, modified or renewed, whichever occurs first. Employers should consult their legal counsel regarding Act 10's effect on existing collective bargaining agreements and contracts with employees.

The second option for employers would be to continue to treat employees on active military duty as having remained actively employed with the employer, which results in the employer continuing to make WRS contributions while the employee is on active military duty. This option allows the employer to avoid having to pay interest that would accrue over time on the employer required contributions.

Q: What information do employers need to send to ETF if an employee returning from a military leave of absence makes a USERRA election?

A: ETF is in the process of reviewing what ETF IT system changes will need to be made to accommodate the Act 10 and Act 32 provisions. We are still determining what data elements employers will need to report for purposes of the WRS.

At this point, please continue to send ETF the employee's DD-214 and military orders when the employee returns to his or her position with the employer. If the employee does not receive a DD-214 based on the length of the employee's military leave, please continue to send the employee's leave and earnings statements when the employee returns to his or her position with the employer.

8. Additional Questions on Act 10 and Act 32:

Q: If an employer has an individual compensation and fringe benefit agreement/contract with an employee and it isn't a collective bargaining agreement, do the collective bargaining provisions in Act 10 affect the agreement/contract between the employer and employee?

A: ETF cannot answer this question. ETF does not play a role in the enforcement and interpretation of collective bargaining agreements or the collective bargaining changes in Act 10. ETF recommends that employers consult with their legal counsel.

Q: What if an employee belongs to multiple employment categories?

A: Earnings from employment covered by a collective bargaining agreement that specifies who pays the employee required contribution part of the rate would be held to that percentage. The earnings in any other employment category not covered by a collective bargaining agreement would be subject to the rates specified by Act 10.

Q: A teacher works the 2010-11 school year. The teacher has elected to have his/her earnings spread out over 12 months. The employer must report summer payments in the July 1, 2010-June 30, 2011 fiscal year, since the contract expires on June 30th. How does the employer determine from which earnings to withhold the 5.8%?

A: Nine-month contract employees who defer a portion of their salary so they receive payments throughout the summer should not have the 5.8% employee-required contribution withheld from the deferred payments if the employee's compensation was earned prior to the effective date of Wisconsin Act 10 (June 29, 2011). **Note:** Employees under an existing collective bargaining agreement will not be affected by Act 10. Employees not under a collective bargaining agreement must have the 5.8% employee-required contribution withheld from salary earned beginning with the first day of the first pay period on or after June 29, 2011.



Employer Bulletin

Employer Communication Center (608) 264-7900 Toll free: 1-888-681-3952 <http://etf.wi.gov>

Employee Trust Funds Board Announces 2012 WRS Contribution Rates

2011 Wisconsin Acts 10 and 32 contain a number of provisions that affect the retirement and health insurance programs administered by the Department of Employee Trust Funds (ETF). In order to more efficiently convey information regarding these Acts, updated information will be conveyed through ETF's Internet site rather than *Employer Bulletins*. Therefore, for a complete description of these changes and the most up-to-date information, please visit:

http://etf.wi.gov/news/Act_10_Employer_Communications.pdf

At its June 23, 2011 meeting, the Employee Trust Funds Board (Board) approved Wisconsin Retirement System (WRS) contribution rates for 2012, including rates for Wis. Stat. § 40.65 protective occupation duty-disability and the State's Accumulated Sick Leave Conversion Credit programs. These rates are based on current benefit levels and recommendations from the Board's independent consulting actuary.

WRS Employment Category

Contribution Rate Change

General, Teachers and Educational Support Personnel
Executive, Elected and Judges
Protective with Social Security
Protective without Social Security

Increase 0.2%
Increase 0.8%
Increase 0.2%
Increase 0.2%

Employers who have either elected to increase prior service coverage or pay off their unfunded liability balances may also experience a change in their prior service rates.

Your contribution rates effective for salaries and wages paid beginning January 1, 2012 are available on ETF's Internet site at:

<http://etfonline.wi.gov/ETFCalculatorWeb/etf/internet/employer/ETFemployerrates.jsp>

The contribution rate increases in 2012 are primarily due to the unprecedented investment declines during the 2008 stock market collapse. WRS Core Fund investment earnings are smoothed over five years to reduce volatility in rates and, as a result, the effects of 2008 will continue to put upward pressure on contribution rates for several more years. The rate increases are necessary to maintain a sound funding status.

The annual actuarial valuation incorporates current economic and demographic data into the existing financial condition of the WRS in setting new contribution rates for the system. It is normal for contribution rates to fluctuate somewhat from year to year, based on investment earnings, wage inflation and demographic trends. In addition, the change in contribution rates may vary between employment categories, depending on varying demographic trends within those groups. Benefits being paid to current annuitants are not affected by these rate changes.

2011 Wisconsin Acts 10 and 32 changed the sharing of required contributions between employees and employers. These Acts also changed when employers are allowed to pay (pick-up) WRS

contributions for their employees as well as the taxability of employee paid contributions. A complete description of these changes and how they will affect you is available on our Internet site at http://etf.wi.gov/news/Act_10_Employer_Communications.pdf.

For more information regarding the 2012 contribution rates or the Internet contribution rate calculator, please contact Nancy Kittleson, ETF Office of Trust Finance & Data Analysis, at (608) 267-9034.

For general questions regarding this *Employer Bulletin*, please contact the Employer Communication Center toll free at (888) 681-3952 or locally at (608) 264-7900.

The Department of Employee Trust Funds does not discriminate on the basis of disability in the provision of programs, services, or employment. If you are speech, hearing or visually impaired and need assistance, call the Wisconsin Relay Service at 7-1-1 or 1-800-947-3529 (English) 1-800-833-7813 (Español). We will try to find another way to get the information to you in a usable form.

This *Employer Bulletin* is published by the Wisconsin Department of Employee Trust Funds. Questions should be directed to contact persons listed in the Bulletin, or to the Division of Retirement Services (DRS). Call Matt Stohr, DRS administrator, at (608) 266-1210. Employer agents may copy this *Bulletin* for further distribution to other payroll offices, subunits or individuals who may need the information. Copies of the most recent Employer Bulletins are available on our Internet site at the following URL: <http://etf.wi.gov/employers.htm>

Wisconsin Department of Employee Trust Funds, P.O. Box 7931, Madison, WI 53707-7931; <http://etf.wi.gov>.