

**CITY OF PRINCETON  
COMMON COUNCIL MEETING  
COUNCIL CHAMBERS – 431 W. MAIN STREET  
TUESDAY, JUNE 28, 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. Fourth of July Flags in the Downtown
  - B. Grievance Procedure – next meeting for discussion
- 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
- 7. OLD BUSINESS**
  - A. Cancellation of July 12, 2011-Council Meeting
- 8. NEW BUSINESS**
  - A. Ordinance 2010-05 – “Outdoor Sports and Beer Gardens”
    - i. For discussion
  - B. Compliance Maintenance Annual Report
- 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 14, 2011**  
**7:00 PM**

1. **CALL TO ORDER AND ROLL CALL.** Mayor Mosolf called the meeting to order at 7:01 PM. In attendance were Alderpersons Pulvermacher, Kallenbach, Garro, and Kallas, Administrator Weidl, Mayor Mosolf. Absent were Alderpersons Magnus and Hardt.
2. **PLEDGE OF ALLEGIANCE.** The Pledge of Allegiance was recited.
3. **APPEARANCES FROM THE PUBLIC**
  - Brenda Nachtrab-512 N Fulton St. Princeton-Ambulance Service Questions about reclassifying drivers and lifting patients with only two people.
  - Dan Kuglin-W4124 State Rd 23/73, Princeton-Ambulance Service Questions-reducing the ambulance to a two (2) person crew and not being able to give proper patient care.
  - Randy Scherbarth-640 W Water St., Princeton-Ambulance Service Questions-CPR is easier with two (2) EMT's and a driver instead of one person driving the ambulance and one person doing CPR.
  - Aaron Wegner-N5846 Elysium Ct., Princeton-Ambulance Service Questions-Keep the three (3) person crew, three people are needed.
  - Naomi Pulvermacher-321 Dover St., Princeton-Ambulance Service Questions-About the 2010 Ambulance Report, the deficit, depreciation, ambulance replacement, selling the EMT house that is used for office space and training, reclassifying drivers, merging with Fire Department, Ambulance Service having its own district, LifeQuest Data and predicting calls and payments. Wanting a service that is affordable not sacrificing quality.
  - Andy Lewis-129 E Water St., Princeton-Ambulance Service Questions-Putting self in patients position-wouldn't people want a three (3) person crew.
  - Eric Koehn-128 Harvard St., Princeton-Ambulance Service Questions-He is a State Certified Driver and there are special tasks to do as a driver-more for EMT's to learn, keep the drivers no degradation of service.
4. **CONSENT CALENDAR**
  - A. **Minutes for Approval:**
    - i. **May 24, 2011**
  - B. **Licenses for Approval**
    - i. **Liquor Licenses-Renewals and New**
    - ii. **Operator Licenses-Renewals and New**
    - iii. **Open Air Alcoholic Beverage/Beer Garden Licenses-Renewals**  
Garro motioned to approve Consent Calendar items 4Ai through 4Biii, seconded by Pulvermacher. Carried 4-0.
5. **MAYOR'S REPORT** Two handouts were distributed-Plan Commission consensus about 103 S Farmer St and Salvage License-do nothing until owner of property contacts City about zoning change or R-1 Conditional Use Permit, and to revisit Open Air Alcoholic Beverage/Beer Garden Codes.
6. **ADMINISTRATORS REPORT**
  - A. **State of Wisconsin Joint Finance Committee Activity**
    - i. **Reduction in cuts to Municipal Aid**
    - ii. **Eliminating Maintenance of Effort for Police and Fire**

iii. **2010 Ambulance Report-For Service Area**

- B. **Budget Comparison Report** Administrator Weidl stated these were just report items and if Council wanted a discussion it has to be put on an agenda. Alderpersons Garro and Kallenbach would like the Ambulance Report on next agenda for discussion. Alderpersons Pulvermacher and Kallas would like to discuss the Budget Comparison at a meeting.

7. **OFFICER REPORTS**

- A. **Police Chief** Nothing at this time.
- B. **Ambulance Director** Co-Director Pulvermacher stated the Director could not be at meeting and that the Ambulance Service did not receive the AFG Grant.
- C. **Emergency Government Director**
- i. **Non-essential spending request** Director Jole handed in a request for radios, currently the department has only three (3) radios and seven (7) storm spotters and with cash flows low Director Jole thought it was essential. Garro motioned to approve Baycom Invoice for four (4) radios and programming, a charger and speaker for \$979.65, seconded by Pulvermacher. Carried 4-0.
  - D. **Building Inspector** A report was turned in to Council.
  - E. **Library Director** A report was turned in to Council.

8. **OLD BUSINESS**

- A. **Zoning Administrator**
- i. **RFP - For review and discussion** Administrator Weidl contacted Kunkel Engineering to write the RFP. Alderperson Pulvermacher stated he thought the RFP was more for Building Inspector than a Zoning Administrator. General consensus to look at having the Zoning Administrator position done by current city staff members.

9. **NEW BUSINESS**

- A. **Ordinance 8-4-6 "House Treatment of Combustible Refuse" Updates**
- i. **For review, discussion, and/or approval** Council Members had questions about putting grass clippings in bags or plastic containers for pickup. Administrator Weidl will put in Ordinance form and bring back to Council.
- B. **Building Inspector Services**
- i. **For discussion** Council Members has issues with current pricing for permits, when is a permit required, and to make the process easier to get a permit. Administrator Weidl would look into having a nominal fee application form, with work to be completed, and name of contractor with license number or name of person responsible for work completed, and bring back to Council for discussion.
- C. **Rescheduling Regular Council Meetings**
- i. **June 28, 2011 to June 27, 2011**
    1. **For discussion and approval** After a discussion no action taken.
  - ii. **July 12, 2011 to July 11, 13, 14, or 15, 2011**
    1. **For discussion and approval** No action taken at this time.

10. **COMMUNICATIONS** Mayor Mosolf stated Mike Goetz and Bud Gende contacted him about not having flags downtown and could there be brackets attached to the poles downtown. Public works will get prices for brackets and flags for the light poles downtown. Dan Kallas wanted to know if Second Street is finished or is someone coming back to finish with the soil and grass. George Jachthuber stated the company is coming back to fill and seed. Alderperson Garro had Tom Wick contact her about Mike

Swanke's vehicles being on City property and when are they going to be removed, and Florence Moore contacted Alderperson Garro about the flower baskets by Twister on the sidewalk being close to the curb and it was hard to open car doors when parked in those spots, and Vicki Wielgosh spoke with her about the transformer that broke and damaged items in the Car Wash. Administrator Weidl stated Vicki Wielgosh never contact Mayor Mosolf to get this item on the agenda. Alderperson Pulvermacher wanted to know if a DNR Forester had been contacted about the landfill and removing of trees. George Jachthuber stated someone is coming to look at the trees.

**11. CLOSED SESSION** Pulvermacher motioned to go into closed session pursuant to Wisconsin State Statute 19.85 (1)©: Considering employment, promotion, compensation or performance evaluation data of any employee over which the governmental body has jurisdiction or exercises responsibility, seconded by Garro. Carried 4-0.

**a. Adjourn into closed session pursuant to Wisconsin State Statute 19.85 (1) ©: Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.**

**i. Hiring of Part-Time Bookkeeper**

**ii. Administrator Contract**

**12. ADJOURN** Mayor Mosolf adjourned the meeting at approximately 10:45 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.

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

## ORDINANCE NO. 2010.05

### AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 7-2-19 "OUTDOOR SPORTS AND BEER GARDENS ACTIVITIES REGULATED"

**WHEREAS**, the Common Council for the City of Princeton is desirous to repeal and recreate 7-2-19 Outdoor Sports and Beer Gardens Activities Regulated of the Municipal Code; and

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PRINCETON, WISCONSIN TO READ AS FOLLOWS:**

The Common Council for the City of Princeton does hereby repeal and recreate Chapter 7-2-19 to be read as Open Air Alcoholic Beverage License / Beer Gardens.

#### **Sections:**

- (a) **Introduction & Definition.**
- (b) **Application**
- (c) **Requirements**

- (a) **Introduction and definitions.** All regularly operating establishments wishing to serve alcoholic beverages in the City of Princeton are required to obtain a license to serve alcoholic beverages in the open air / beer garden portion of their establishment. No holder of a "Class B", Class "B" and/or "Class C" license may operate under said license(s) in any outdoor area, whether or not said outdoor area was included in a description of the Premises, without first having obtained the permission of the Common Council subject to the conditions of this section. Approval under this subsection by the Common Council shall result in the outdoor area becoming a part of the description of the premises, with said outdoor area also being subject to all State and City laws, rules, regulations, and lawful orders governing "Class B", Class "B" and/or "Class C" premises. As used in this subsection:

*Outdoor area* shall mean an area, whether or not enclosed by a roof, which is open to the elements, and which is not constructed for year-round use.

*Outdoor premises* shall mean a licensed premise located in an outdoor area.

#### **(b) Application.**

(1) The application for said license shall be obtained from the City Office and must be fully completed and signed, along with a sketch showing the location of any proposed structural provisions for the creation of an outdoor location for the consumption of alcoholic beverages and shall indicate the nature of the fencing or other measures intended to provide control over the operation. It shall clearly define the space to be used for such purpose. No permit shall be issued a permit for an open air alcoholic beverage / beer garden if the area is greater than fifty percent (50%) of the gross floor area of the adjoining licensed premises. In the event that such map is omitted and the "Class B", Class "B" and/or "Class C" license is granted and issued, said license shall not be deemed to include an outdoor area within the description of the licensed premises.

(2) The annual fee for said license is established by majority vote by the Princeton City Council. The application shall be accompanied by payment of a fee as prescribed in Section 1-3-1 for review of the application.

(3) The term of the license shall be established as July 1st to June 30<sup>th</sup> of the following year.

**(c) Requirements.** Outdoor premises approved under this section are subject to the following requirements:

(1) Outdoor premises may be permitted only on properties located in B-1 Central Business District; B-2 General Commercial District, B-3 Highway Commercial District and PUD Planned Unit Development zoning districts as those terms are defined in the Chapter 13, Zoning Districts, subject to the conditional site plan review requirement of Chapter 13.

(2) Outdoor premises shall not be located in any actual or required yard area that directly abuts an adjoining property used for residential purposes, unless the following additional conditions are met:

a. Provide a 20-foot buffer between outdoor premises and the adjoining lot containing the residential use;

b. Provide a privacy fence six feet in height as a separation between the business and residential area;

(3) The space should utilize some form of material(s) different from the underlying grass, gravel or asphalt to clearly define the space. The separation from other surrounding uses shall be by means of a barrier such as an attractive fence, wall, posts and ropes (not less than ¾ inch in diameter), or for structurally enclosed areas the outside point of ingress/egress shall be closed with a similar size rope, gate or door with no open point(s) of ingress except through the bar area within the building.

(4) If the outdoor premises are located in the front yard of the licensed premises, it shall be completely surrounded by an attractive wall or fence (not height restricted).

(5) Service in the outdoor premises shall be limited to persons seated at tables or at a bar, including at tables in the open air area.

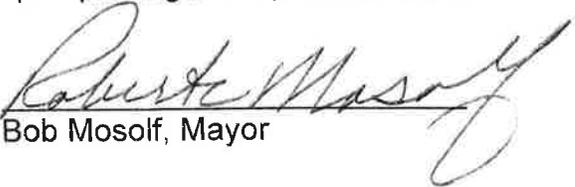
(6) The outdoor premises shall only be used for serving food and alcohol and no part of said area shall be used for recreational activities, including, but not limited to, volleyball, horseshoes, darts, and softball. This paragraph does not affect the licensing provisions for fraternal, volunteer or non-profit organizations.

(7) Lighting of the area must be shielded and not be of intensity or brilliance to create glare which is distracting to adjoining property owners or can become a hazard or danger to vehicular traffic.

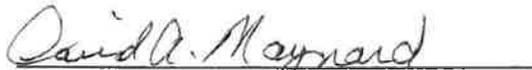
(8) Noise from any source that is emitted from the outdoor area and measured at any border of the real property on which the licensed premises is located shall not exceed 85 db from 7:00 a.m. to 9:00 p.m. and 75 db from 9:00 p.m. until closing.

(9) License holders shall be directly responsible for the conduct of their patrons. Rare occasions of rowdy or disorderly conduct requiring the intervention of the Princeton Police Department, with the cooperation of the proprietor and/or employees shall be deemed to be reasonable assistance to a local business. Three or more noise complaints filed against the owner of an outdoor premises during a license period (July 1 to June 30), and verified by the Police Department, shall constitute sufficient grounds to revoke the outdoor premises permit granted under this section, subject to the hearing requirement under Section 7-2-17.

This ordinance shall take force and be in effect upon passage and publication, as provided by law.

  
Bob Mosolf, Mayor

ATTEST:

  
David Maynard, City Clerk

AYES: 3

NAYES: 0

PASSED THIS 20TH DAY OF JULY, 2010.

PUBLISHED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

# CITY OF PRINCETON

*Mayor*  
Bob Mosolf

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: City Council  
From: John S. Weidl, City Administrator  
Date: 6/23/2011  
RE: Zoning Administrator and Building Permits

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**Issue:** The City Council asked me to investigate the impact of directing Zoning Administration services internally between the Public Works and Police Departments. Likewise, I have researched the possibility of reducing the number of instances in the City that require a building permit. I have spoken to both departments and the City Attorney in an attempt to gauge the costs of such policy change(s).

**Impact:** There are significant costs associated with both of these changes. Numerous ordinances would have to be amended or revoked. According to the City Attorney, both the public works department and the police department would incur significant expenses to meet the training criteria of a qualified zoning administrator. The City would be responsible for all of the administrative and billing paperwork that comes with an “in-house” service. Additionally, the City Attorney believes that easing building permit requirements could lead to decreased property values, as the Assessor uses permit data to update values, and safety issues throughout the City as the City will lose the ability to monitor and inspect who is building what and where.

**Recommendation:** I still believe that one firm can handle both building permits and zoning administration. The City rarely requires zoning services and those services usually involve setbacks, lot lines, property maintenance ordinances. In addition, if the City continues to contract for services, there is no direct cost to the City, which is a more equitable proposition because those who require building or zoning services will pay the costs. I believe that changing the permitting procedure is one that people with rental property or side business would favor, but it will eventually impact the City’s Equalized Assessed Value (EAV) and the City budget moving forward.

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Influent Flow and Loading

Questions								
1.	Monthly average flows and (C)BOD loadings.							
	InFluent No.701	Influent Monthly Average Flow, MGD	X	Influent Monthly Average (C)BOD Concentration on mg./l	X	8.34	=	Influent Monthly Average(C) BOD Loading, pounds/day
	January	0.1193	X	241	X	8.34	=	240
	February	0.1094	X	195	X	8.34	=	178
	March	0.1514	X	201	X	8.34	=	254
	April	0.1692	X	142	X	8.34	=	200
	May	0.1952	X	158	X	8.34	=	258
	June	0.1920	X	195	X	8.34	=	312
	July	0.2645	X	247	X	8.34	=	545
	August	0.2373	X	114	X	8.34	=	225
	September	0.1679	X	116	X	8.34	=	162
	October	0.1376	X	137	X	8.34	=	157
	November	0.1310	X	170	X	8.34	=	186
	December	0.1223	X	147	X	8.34	=	150
2.	Maximum month design flow and design (C)BOD loading.							
		Design	X	%	=	% of Design		
	Max Month Design Flow, MGD	.416	x	90	=	0.3744		
			x	100	=	.416		
	Design (C)BOD, lbs./day	450	x	90	=	405		
			x	100	=	450		

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

Influent Flow and Loading (Continued)

3. Number of times the flow and (C)BOD exceeded 90% or 100% of design, points earned, and score:

	Months of Influent Flow	Number of times flow was greater than 90% of design	Number of times flow was greater than 100% of design	Number of times (C)BOD was greater than 90% of design	Number of times (C)BOD was greater than 100% of design
January	1	0	0	0	0
February	1	0	0	0	0
March	1	0	0	0	0
April	1	0	0	0	0
May	1	0	0	0	0
June	1	0	0	0	0
July	1	0	0	1	1
August	1	0	0	0	0
September	1	0	0	0	0
October	1	0	0	0	0
November	1	0	0	0	0
December	1	0	0	0	0
Points per each exceedance		2	1	3	2
Exceedances		0	0	1	1
Points		0	0	3	2
Total Number of Points					5

4. Was the influent flow meter calibrated in the last year?

- Yes Enter last calibration date, MM/DD/YYYY 08/04/2010
- No -explain

5. Sewer Use Ordinance

5.1 Did your community have a sewer use ordinance that limited or prohibited the discharge of excessive conventional pollutants ((C)BOD, SS, or pH) or toxic substances to the sewer from industries, commercial users, hauled waste, or residences?

- Yes
- No

If No, please describe:

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

Influent Flow and Loading (Continued)

	<p><b>5.2 Was it necessary to enforce?</b></p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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<b>6.</b>	<p><b>Septage Receiving</b></p> <p><b>6.1 Did you have requests to receive septage at your facility?</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Septic Tanks</td> <td style="width: 33%;">Holding Tanks</td> <td style="width: 33%;">Grease Traps</td> </tr> <tr> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> </table> <p><b>6.2 Did you receive septage at your facility? If yes, indicate volume in gallons</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">Septic Tanks</td> <td style="width: 33%;">Holding Tanks</td> <td style="width: 33%;">Grease Traps</td> </tr> <tr> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td><input checked="" type="radio"/> Yes <input type="radio"/> No</td> <td><input type="radio"/> Yes <input checked="" type="radio"/> No</td> </tr> <tr> <td style="text-align: center;">128150 gal</td> <td style="text-align: center;">267300 gal</td> <td style="text-align: center;">gal</td> </tr> </table> <p><b>6.2.1 If yes to any of the above, please explain if plant performance is affected when receiving any of these wastes</b></p> <div style="border: 1px solid black; padding: 5px; min-height: 20px;"> <p>The plant does not seem to have any adverse affects from the acceptance of these wastes</p> </div>	Septic Tanks	Holding Tanks	Grease Traps	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	Septic Tanks	Holding Tanks	Grease Traps	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	128150 gal	267300 gal	gal
Septic Tanks	Holding Tanks	Grease Traps														
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No														
Septic Tanks	Holding Tanks	Grease Traps														
<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No														
128150 gal	267300 gal	gal														

<b>7.</b>	<p><b>Pretreatment</b></p> <p><b>7.1 Did your facility experience operational problems, permit violations, biosolids quality concerns or hazardous situations in the sewer system or treatment plant that were attributable to commercial or industrial discharges in the last year?</b></p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p>If Yes, describe the situation and your community's response:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p><b>7.2 Did your facility accept hauled industrial wastes, landfill leachate, etc?</b></p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p>If yes, describe the types of wastes received and any procedures or other restrictions that were in place to protect the plant from the discharge of hauled industrial wastes.</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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Total Points Generated	5
Score (100 - Total Points Generated)	95
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Effluent Quality and Plant Performance ((C)BOD)

Questions							
1.	Monthly average effluent values, exceedances, and points for (C)BOD:						
	Outfall No.001	Monthly Average C(BOD) Limit (mg/L)	90% of Permit Limit >10 (mg/L)*	Effluent Monthly Average C(BOD) (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
	January	30	27	6	1	0	0
	February	30	27	8	1	0	0
	March	30	27	10	1	0	0
	April	30	27	23	1	0	0
	May	30	27	16	1	0	0
	June	30	27	13	1	0	0
	July	30	27	9	1	0	0
	August	30	27	9	1	0	0
	September	30	27	12	1	0	0
	October	30	27	12	1	0	0
	November	30	27	8	1	0	0
	December	30	27	9	1	0	0
	* Equals limit if limit is <=10						
	Months of Discharge/yr				12		
	Points per each exceedance with 12 months of discharge:					7	3
	Exceedances					0	0
	Points					0	0
	Total Number of Points						0
	<b>NOTE:</b> For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge. Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is 12/6 = 2.0						
2.	If any violations occurred, what action was taken to regain compliance?						
3.	Was the effluent flow meter calibrated in the last year?						
	<input checked="" type="radio"/> Yes - enter last calibration date, MO/DAY/YEAR:				08/04/2010		
	<input type="radio"/> No - explain:						

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

Effluent Quality and Plant Performance ((C)BOD) (Continued)

4.	What problems, if any, were experienced over the last year that threatened treatment?  <div style="border: 1px solid black; height: 20px; width: 90%; margin: 5px auto;"></div>
5.	Other Monitoring and Limits  <b>5.1</b> At any time in the past year was there an exceedance of a permit limit for any other pollutants such as metals, pH, residual chlorine, or fecal coliform? <input checked="" type="radio"/> Yes <input type="radio"/> No If Yes, please describe: <div style="border: 1px solid black; padding: 2px; margin: 5px auto; width: 80%;">effluent pH was high</div>
	<b>5.2</b> At any time in the past year was there an effluent acute or chronic whole effluent toxicity (WET) test? <input type="radio"/> Yes <input checked="" type="radio"/> No If Yes, please describe: <div style="border: 1px solid black; height: 20px; width: 90%; margin: 5px auto;"></div>
	<b>5.3</b> If the biomonitoring (WET) test did not pass, were steps taken to identify and/or reduce source(s) of toxicity? <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA Please explain unless not applicable: <div style="border: 1px solid black; height: 20px; width: 90%; margin: 5px auto;"></div>

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Effluent Quality and Plant Performance (Total Suspended Solids)

Questions							
1.	Monthly average effluent values, exceedances, and points for TSS:						
	Outfall No.001	Monthly Average TSS Limit (mg/L)	90% of Permit Limit >10 (mg/L)*	Effluent Monthly Average TSS (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
	January	30	27	4	1	0	0
	February	30	27	4	1	0	0
	March	30	27	5	1	0	0
	April	30	27	8	1	0	0
	May	30	27	11	1	0	0
	June	30	27	12	1	0	0
	July	30	27	21	1	0	0
	August	30	27	21	1	0	0
	September	30	27	36	1	1	1
	October	30	27	25	1	0	0
	November	30	27	14	1	0	0
	December	30	27	10	1	0	0
	* Equals limit if limit is <=10						
	Months of Discharge/yr				12		
	Points per each exceedance with 12 months of discharge:					7	3
	Exceedances					1	1
	Points					7	3
	Total Number of Points						10
	<p><b>NOTE:</b> For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.                      Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is <math>12/6 = 2.0</math></p>						
2.	If any violations occurred, what action was taken to regain compliance?						
	the problem quickly resolved itself but we worked with engineers from Strand and got approval to spread aluminum sulfate to help with future problems						

Total Points Generated	10
Score (100 - Total Points Generated)	90
Section Grade	B

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Ponds And Lagoon Leakage

	Questions	Points																																										
1.	What material was used to line your ponds?  <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">A synthetic rubber liner was installed on all ponds</div>																																											
2.	Did you measure influent flow to your wastewater ponds or lagoons?  <input checked="" type="radio"/> Yes (0 points) <input type="radio"/> No (40 points - Go to 8) 2.1 Enter your method of influent flow measurement in the box below: <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">A mag meter on discharge line from main pumping station</div>	0																																										
3.	Did you measure effluent flow discharged from your wastewater system either to the land disposal system or to the receiving stream?  <input checked="" type="radio"/> Yes (0 points) <input type="radio"/> No (40 points - Go to 8) <input type="radio"/> No Discharge (0 points) 3.1 Enter your method of effluent flow measurement in the box below: <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">An ultrasonic meter using a V-Notch Wier at the point of discharge</div>	0																																										
4.	Total monthly influent and effluent flow volumes from the pond/lagoon system during the last calendar year.  <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #4F81BD; color: white;"> <th style="width: 25%;">Total Monthly Influent Volume(million gal)</th> <th style="width: 50%;"></th> <th style="width: 25%;">Total Monthly Effluent Volume(million gal)</th> </tr> </thead> <tbody> <tr><td>3.699</td><td>January</td><td>5.02</td></tr> <tr><td>3.064</td><td>February</td><td>4.238</td></tr> <tr><td>4.693</td><td>March</td><td>6.012</td></tr> <tr><td>5.075</td><td>April</td><td>6.305</td></tr> <tr><td>6.05</td><td>May</td><td>6.955</td></tr> <tr><td>5.761</td><td>June</td><td>6.873</td></tr> <tr><td>8.199</td><td>July</td><td>9.158</td></tr> <tr><td>7.355</td><td>August</td><td>7.844</td></tr> <tr><td>5.036</td><td>September</td><td>5.495</td></tr> <tr><td>4.267</td><td>October</td><td>4.59</td></tr> <tr><td>3.929</td><td>November</td><td>4.702</td></tr> <tr><td>3.79</td><td>December</td><td>5.289</td></tr> <tr><td>60.9180</td><td>Years Total</td><td>72.4810</td></tr> </tbody> </table>	Total Monthly Influent Volume(million gal)		Total Monthly Effluent Volume(million gal)	3.699	January	5.02	3.064	February	4.238	4.693	March	6.012	5.075	April	6.305	6.05	May	6.955	5.761	June	6.873	8.199	July	9.158	7.355	August	7.844	5.036	September	5.495	4.267	October	4.59	3.929	November	4.702	3.79	December	5.289	60.9180	Years Total	72.4810	
Total Monthly Influent Volume(million gal)		Total Monthly Effluent Volume(million gal)																																										
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# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Ponds And Lagoon Leakage (Continued)

5.	<p>From the yearly total influent and effluent volumes from 4 above, total effluent is divided by total influent and converted to a percent of volume loss.</p> <p>Total effluent, million gal =&gt;     <u>72.4810</u>     = 1.190 = eff / infl ratio                  Total influent, million gal =&gt;     60.9180                  Conversion to a percent of volume loss:                  (1-effl/infl ratio)* 100                 ==&gt;     -19.0     % of influent lost and not discharged with effluent</p>												
6.	<p>What was the total wastewater surface area of the ponds/lagoons at operating level (do not include seepage cells)?</p> <p style="margin-left: 20px;"><span style="border: 1px solid black; padding: 2px 10px;">6</span> Acres</p>												
7.	<p><b>Leakage Rate Estimation</b></p> <p><b>7.1</b>  <i>Total influent volume (in million gallons) minus total effluent volume (in million gallons) plus or minus the change in pond/lagoon storage (in million gallons) is the net wastewater loss. The net loss divided by 0.000365 equals the estimated leakage amount in gallons per day.</i></p> <table border="1" style="width: 100%; border-collapse: collapse; margin: 10px 0;"> <tr> <td style="padding: 2px;">Total Annual Influent(MG)</td> <td style="padding: 2px; text-align: center;">60.9180</td> <td style="width: 20px;"></td> </tr> <tr> <td style="padding: 2px;">Total Annual Effluent(MG)</td> <td style="padding: 2px; text-align: center;">72.4810</td> <td></td> </tr> <tr> <td style="padding: 2px;">Estimated Net Loss(MG)</td> <td style="padding: 2px; text-align: center;">-11.5630</td> <td></td> </tr> <tr> <td style="padding: 2px;">Estimated Leakage Amount (GPD)</td> <td></td> <td style="padding: 2px; text-align: center;">-31,679</td> </tr> </table> <p><b>If you have a Department approved method</b> for determining a change in storage volume, then enter the storage change last year in million gallons below.</p> <p style="margin-left: 20px;"> <input type="radio"/> Storage Increase: Enter amount in MG -&gt; <span style="border: 1px solid black; padding: 2px 10px;">0</span>  <input type="radio"/> Storage Decrease: Enter amount in MG -&gt; <span style="border: 1px solid black; padding: 2px 10px;">0</span> </p> <p><b>7.2</b>                  CMAR Estimated Leakage Rate in gallons per acre per day (gpad):                  The CMAR Estimated Leakage Rate in gpad is the leakage amount in gpd (from part 7.1) divided by the total pond surface area (from part 6).</p> <p style="margin-left: 20px;">                 Leakage Amount, gpd                                 Acres                                 CMAR Estimated Leakage Rate, gpad                  -31,679                                 divided by     6                                 =     -5280             </p>	Total Annual Influent(MG)	60.9180		Total Annual Effluent(MG)	72.4810		Estimated Net Loss(MG)	-11.5630		Estimated Leakage Amount (GPD)		-31,679
Total Annual Influent(MG)	60.9180												
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Estimated Net Loss(MG)	-11.5630												
Estimated Leakage Amount (GPD)		-31,679											
8.	<p>Did you conduct an on-site, field water balance/leakage test on your ponds or lagoons that was approved by the Department and is still valid?</p>												

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Ponds And Lagoon Leakage (Continued)

8.1	<input type="radio"/> Yes    Year <input style="width: 100px;" type="text"/>														
	<input checked="" type="radio"/> No														
	8.2 If yes, what was the Field Test Calculated Leakage Rate for your ponds/lagoons?														
	<input style="width: 100px;" type="text"/> gpad														
	<b>NOTE: if 8.1 is answered Yes, the value in 8.2 will be used in 9 to compute points generated.</b>														
	8.3 Leakage Rate Comments:														
	<input style="width: 600px; height: 20px;" type="text"/>														
9.	The CMAR Estimated Leakage Rate (from 7) is used to determine the points generated in the table below.		0												
	<b>IF an approved field test was conducted and the results are <u>still valid and accepted</u> by the Department, the Field Calculated Leakage rate (from 8.2) is used to determine the points earned from the table below</b>														
	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="width: 50%;">gpad</th> <th style="width: 50%;">points</th> </tr> </thead> <tbody> <tr> <td>0-1,000</td> <td>0</td> </tr> <tr> <td>1,001-2,000</td> <td>10</td> </tr> <tr> <td>2,001-4,000</td> <td>20</td> </tr> <tr> <td>4,001-7,000</td> <td>30</td> </tr> <tr> <td>&gt;7,000</td> <td>40</td> </tr> </tbody> </table>			gpad	points	0-1,000	0	1,001-2,000	10	2,001-4,000	20	4,001-7,000	30	>7,000	40
gpad	points														
0-1,000	0														
1,001-2,000	10														
2,001-4,000	20														
4,001-7,000	30														
>7,000	40														
	Based on the leakage rate in gpad, the points earned are:														

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Biosolids Quality and Management

	Questions	Points
1.	<p><b>Biosolids Use/Disposal:</b></p> <p><b>1.1 How did you use or dispose of your biosolids?(Check all that apply)</b></p> <p> <input type="checkbox"/> Land Applied Under Your Permit  <input type="checkbox"/> Publicly Distributed Exceptional Quality Biosolids  <input type="checkbox"/> Hauled to Another Permitted Facility  <input type="checkbox"/> Landfilled  <input type="checkbox"/> Incinerated  <input checked="" type="checkbox"/> Other                 </p> <p>NOTE:If you do not remove biosolids from your system annually, please describe your system type such as lagoons, reed beds, recirculating sand filters, etc, and if biosolids were land applied last year, please also check top box above.</p> <p>1.1.1 If you checked Other, Please describe:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                     we did not remove biosolids from our lagoons Sludge is stored in aeraited lagoons until removal is needed                 </div>	
6.	<p><b>Biosolids Storage:0</b></p> <p><b>6.1 How many days of actual,current biosolids storage capacity did your wastewater treatment facility have either on-site or off-site?</b></p> <p> <input checked="" type="radio"/> &gt;+ 180 days (0 points)  <input type="radio"/> 150 - 179 days (10 points)  <input type="radio"/> 120 - 149 days (20 points)  <input type="radio"/> 90 - 119 days (30 points)  <input type="radio"/> &lt; 90 days (40 points)  <input type="radio"/> Not Applicable (0 points)                 </p> <p><b>6.2 If you check Not Applicable above, explain why.</b></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	0
7.	<p><b>Issues:</b></p> <p><b>7.1 Describe any outstanding biosolids issues with treatment, use or overall mgt?</b></p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Staffing and Preventative Maintenance (All Treatment Plants)

	Questions	Points
1.	Was your wastewater treatment plant adequately staffed last year?  <input checked="" type="radio"/> Yes <input type="radio"/> No If No, please describe: <input style="width: 650px; height: 20px;" type="text"/> Could use more help/staff for: <input style="width: 650px; height: 20px;" type="text"/>	
2.	Did your wastewater staff have adequate time to properly operate and maintain the plant and fulfill all wastewater management tasks including recordkeeping?  <input checked="" type="radio"/> Yes <input type="radio"/> No. Explain <input style="width: 650px; height: 20px;" type="text"/>	
3.	Did your plant have a <u>documented AND implemented</u> plan for preventative maintenance on major equipment items?  <input checked="" type="radio"/> Yes (Continue with questions below) <input type="radio"/> No (40 points and go to question 6) If No, explain: <input style="width: 650px; height: 20px;" type="text"/>	0
4.	Did this preventative maintenance program depict frequency of intervals, types of lubrication, and other tasks necessary for each piece of equipment?  <input checked="" type="radio"/> Yes <input type="radio"/> No (10 points)	0
5.	Were these preventative maintenance tasks, as well as major equipment repairs, recorded and filed so future maintenance problems can be assessed properly?  <input checked="" type="radio"/> Yes <input type="radio"/> (Paper file system) <input checked="" type="radio"/> (Computer program) <input type="radio"/> (Both Paper and Computer) <input type="radio"/> No (10 points)	0
6.	Did your plant have a detailed O&M Manual that was used as a reference when needed?  <input checked="" type="radio"/> Yes <input type="radio"/> No	
7.	Rate the overall maintenance of your wastewater plant.  <input type="radio"/> Excellent	

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Staffing and Preventative Maintenance (All Treatment Plants) (Continued)

	<ul style="list-style-type: none"> <li><input checked="" type="radio"/> Very Good</li> <li><input type="radio"/> Good</li> <li><input type="radio"/> Fair</li> <li><input type="radio"/> Poor</li> </ul> <p>Describe your rating:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>We had no major equipment failures due to a lack of maintenance during 2010.</p> </div>	
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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Operator Certification and Education

Questions		Points
1.	<p>Did you have a designated operator-in-charge during the report year?</p> <p> <input checked="" type="radio"/> Yes (0 point)  <input type="radio"/> No (20 points)                 </p> <p>Name: <input type="text" value="ERNEST F SCHMIDT"/></p> <p>Certification No: <input type="text" value="34369"/></p>	0
2.	<p>In accordance with Chapter NR 114.08 and 114.09, Wisconsin Administrative Code, what grade and subclass(es) were required for the operator-in-charge to operate the wastewater treatment plant and what grade and subclass(es) were held by the operator-in-charge?</p> <p>Required: <input type="text" value="1 - DEJ; D - PONDS/AERATED LAGOONS; E - DISINFECTION; J - LABORATORY"/></p> <p>Held: <input type="text" value="2 - DJ; 2 - D=PONDS/AERATED LAGOONS GRADE 2; J=LABORATORY GRADE 2"/></p>	
3.	<p>Was the operator-in-charge certified at the appropriate level to operate this plant?</p> <p> <input checked="" type="radio"/> Yes (0 point)  <input type="radio"/> No (20 points)                 </p>	0
4.	<p>In the event of the loss of your designated operator-in-charge, did you have a contingency plan to ensure the continued proper operation &amp; maintenance of the plant that includes one or more of the following options (check all that apply):</p> <p>                     4.1 <input type="checkbox"/> one or more additional certified operators on staff                      4.2 <input type="checkbox"/> an arrangement with another certified operator                      4.3 <input type="checkbox"/> an arrangement with another community with a certified operator                      4.4 <input type="checkbox"/> an operator on staff who has an operator-in-training certificate for your plant and is expected be certified within one year                      4.5 <input checked="" type="checkbox"/> a consultant to serve as your certified operator                      4.6 <input type="checkbox"/> None of the above (20 points)                 </p> <p>Explain: <input type="text" value="Midwest Contract Operations remains as a consultant for the city to operate the facility in case of loss of the operator-in-charge"/></p>	0
5.	<p>If you had a designated operator-in-charge, was the operator-in-charge earning continuing education credits at the following rates?</p> <p>Grades T, 1, and 2:</p> <p> <input checked="" type="radio"/> Averaging 6 or more CEUs per year  <input type="radio"/> Averaging 3 to 5 CEUs per year  <input type="radio"/> Averaging 1 to 2 CEUs per year  <input type="radio"/> Averaging 0 to 1 CEUs per year                 </p>	

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Operator Certification and Education (Continued)

Grades 3 and 4:	
<input type="radio"/> Averaging 8 or more CEUs per year	
<input type="radio"/> Averaging less than 8 CEUs per year	
Not applicable:	
<input type="radio"/> See Question 1.	

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

Financial Management (Continued)

	<p><b>5.2.3 Adjusted January 1st Beginning Balance</b> <span style="float: right;">\$20,000.00</span></p> <p><b>5.2.4 Additions</b> to Fund (e.g., portion of User Fee, earned interest, etc.) <span style="float: right;">+ \$0.00</span></p> <p><b>5.2.5 Subtractions</b> from Fund (e.g., equipment replacement, major repairs - use description box 5.2.5.1 below*) <span style="float: right;">- \$0.00</span></p> <p><b>5.2.6 Ending Balance as of December 31st for CMAR Reporting Year</b> <span style="float: right;">\$20,000.00</span></p> <p>(All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.)</p> <p>*5.2.5.1. Indicate adjustments, equipment purchases and/or major repairs from 5.2.5 above</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>From the indications of the 2010 audit, the equipment replacement fund was never fully funded. Immediately following the 2010 audit funds were transferred to appropriately fund with the correct amount.</p> </div>													
	<p><b>5.3 What amount <u>should</u> be in your replacement fund?</b> <span style="float: right;">\$54,934.00</span></p> <p>(If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the HELP option button.)</p>													
	<p>5.3.1 Is the Dec. 31 Ending Balance in your Replacement Fund above (#5.2.6) equal to or greater than the amount that should be in it(#5.3)?</p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No Explain:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>This did not happen until after the 2010 audit in early 2011.</p> </div>													
6.	<p>Future Planning</p> <p>6.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating or new construction of your treatment facility or collection system?</p> <p><input checked="" type="radio"/> Yes (If yes, please provide major project information, if not already listed below)</p> <p><input type="radio"/> No</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 60%;">Project Description</th> <th style="width: 20%;">Estimated Cost</th> <th style="width: 20%;">Approximate Construction Year</th> </tr> </thead> <tbody> <tr> <td>Currently seeking RFPs for I and I study.</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>Currently seeking RFPs for a Facility Plann for the Wastewater treatment plant.</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>We are planning on upgrading the collection system in the most deteriorated parts of the city</td> <td style="text-align: center;">\$570,000.00</td> <td style="text-align: center;">2012</td> </tr> </tbody> </table>	Project Description	Estimated Cost	Approximate Construction Year	Currently seeking RFPs for I and I study.	\$		Currently seeking RFPs for a Facility Plann for the Wastewater treatment plant.	\$		We are planning on upgrading the collection system in the most deteriorated parts of the city	\$570,000.00	2012	
Project Description	Estimated Cost	Approximate Construction Year												
Currently seeking RFPs for I and I study.	\$													
Currently seeking RFPs for a Facility Plann for the Wastewater treatment plant.	\$													
We are planning on upgrading the collection system in the most deteriorated parts of the city	\$570,000.00	2012												
7.	<p>Financial Management General Comments:</p>													

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Financial Management (Continued)

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Total Points Generated	60
Score (100 - Total Points Generated)	40
Section Grade	F

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Sanitary Sewer Collection Systems

	Questions	Points
1.	<p>Do you have a Capacity, Management, Operation &amp; Maintenance (CMOM) requirement in your WPDES permit?</p> <p> <input type="radio"/> Yes  <input checked="" type="radio"/> No                 </p>	
2.	<p>Did you have a <u>documented</u> (written records/files, computer files, video tapes, etc.) sanitary sewer collection system operation &amp; maintenance or CMOM program last calendar year?</p> <p> <input checked="" type="radio"/> Yes (go to question 3)  <input type="radio"/> No (30 points) (go to question 4)                 </p>	0
3.	<p>Check the elements listed below that are included in your Operation and Maintenance (O&amp;M) or CMOM program.:</p> <p><input checked="" type="checkbox"/> <b>Goals:</b> Describe the specific goals you have for your collection system:</p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">                     To identify areas that would most benefit from rehabilitation and to continue assesment of the waste water treatment plant for remaining in the limits of ammonia and phosphorous                 </div> <p><input checked="" type="checkbox"/> <b>Organization:</b> Do you have the following written organizational elements (check only those that you have):</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Ownership and governing body description</li> <li><input checked="" type="checkbox"/> Organizational chart</li> <li><input checked="" type="checkbox"/> Personnel and position descriptions</li> <li><input checked="" type="checkbox"/> Internal communication procedures</li> <li><input type="checkbox"/> Public information and education program</li> </ul> <p><input checked="" type="checkbox"/> <b>Legal Authority:</b> Do you have the legal authority for the following (check only those that apply):</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Sewer use ordinance Last Revised MM/DD/YYYY <span style="border: 1px solid black; padding: 2px 10px;">08/05/2003</span></li> <li><input type="checkbox"/> Pretreatment/Industrial control Programs</li> <li><input checked="" type="checkbox"/> Fat, Oil and Grease control</li> <li><input checked="" type="checkbox"/> Illicit discharges (commercial, industrial)</li> <li><input checked="" type="checkbox"/> Private property clear water (sump pumps, roof or foundation drains, etc)</li> <li><input checked="" type="checkbox"/> Private lateral inspections/repairs</li> <li><input type="checkbox"/> Service and management agreements</li> </ul> <p><input type="checkbox"/> <b>Maintenance Activities: details in Question 4</b></p> <p><input checked="" type="checkbox"/> <b>Design and Performance Provisions:</b> How do you ensure that your sewer system is designed and constructed properly?</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> State plumbing code</li> <li><input checked="" type="checkbox"/> DNR NR 110 standards</li> <li><input checked="" type="checkbox"/> Local municipal code requirements</li> <li><input checked="" type="checkbox"/> Construction, inspection and testing</li> <li><input type="checkbox"/> Others:</li> </ul>	

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

## Sanitary Sewer Collection Systems (Continued)

	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="4" style="text-align: left; padding: 2px;">NUMBER OF SANITARY SEWER OVERFLOWS (SSO) REPORTED (10 POINTS PER OCCURRENCE)</th> </tr> <tr> <th style="width: 10%; padding: 2px;">Date</th> <th style="width: 40%; padding: 2px;">Location</th> <th style="width: 20%; padding: 2px;">Cause</th> <th style="width: 30%; padding: 2px;">Estimated Volume (MG)</th> </tr> <tr> <td colspan="4" style="padding: 5px;">NONE REPORTED</td> </tr> </table> <p style="margin-top: 10px;">Were there SSOs that occurred last year that are not listed above?</p> <p style="margin-left: 20px;"> <input type="radio"/> Yes  <input checked="" type="radio"/> No     </p> <p>If Yes, list the SSOs that occurred:</p> <div style="border: 1px solid black; height: 20px; width: 60%; margin-left: 20px;"></div>	NUMBER OF SANITARY SEWER OVERFLOWS (SSO) REPORTED (10 POINTS PER OCCURRENCE)				Date	Location	Cause	Estimated Volume (MG)	NONE REPORTED				0
NUMBER OF SANITARY SEWER OVERFLOWS (SSO) REPORTED (10 POINTS PER OCCURRENCE)														
Date	Location	Cause	Estimated Volume (MG)											
NONE REPORTED														
	<p><b>PERFORMANCE INDICATORS</b></p> <p><input style="width: 60px;" type="text" value="0.00"/> Lift Station Failures(failures/ps/year)</p> <p><input style="width: 60px;" type="text" value="0.12"/> Sewer Pipe Failures(pipe failures/sewer mile/yr)</p> <p><input style="width: 60px;" type="text" value="0.00"/> Sanitary Sewer Overflows (number/sewer mile/yr)</p> <p><input style="width: 60px;" type="text" value="0.00"/> Basement Backups(number/sewer mile)</p> <p><input style="width: 60px;" type="text" value="0.00"/> Complaints (number/sewer mile)</p> <p><input style="width: 60px;" type="text"/> Peaking Factor Ratio (Peak Monthly:Annual Daily Average)</p> <p><input style="width: 60px;" type="text"/> Peaking Factor Ratio(Peak Hourly:Annual daily Average)</p>													
6.	<p>Was infiltration/inflow(I/I) significant in your community last year?</p> <p style="margin-left: 20px;"> <input checked="" type="radio"/> Yes  <input type="radio"/> No     </p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; padding: 5px; margin-left: 20px;">       Infiltration and inflow remains sognificant in our collection system taking in more than the water distribution system is supplying.     </div>													
7.	<p>Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?</p> <p style="margin-left: 20px;"> <input type="radio"/> Yes  <input checked="" type="radio"/> No     </p> <p>If Yes, please describe:</p> <div style="border: 1px solid black; height: 20px; width: 60%; margin-left: 20px;"></div>													

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:  
6/23/2011

Reporting Year: 2010

Sanitary Sewer Collection Systems (Continued)

8.	Explain any infiltration/inflow(I/I) changes this year from previous years?	
	We are currently upgrading the water meters in the residences of the city. As we do this, we have been inspecting the building for cross connections and trying to educate the owners of issues with I/I and the rolls they can play in reducing it.	
9.	What is being done to address infiltration/inflow in your collection system?	
	Public education, sewer inspections and prioritizing projects to produce the best results for the city.	

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

# COMPLIANCE MAINTENANCE ANNUAL REPORT

Facility Name: Princeton Wastewater Treatment Facility

Last Updated:

Reporting Year: 2010

Resolution or Owner's Statement

NAME OF GOVERNING BODY OR OWNER	DATE OF RESOLUTION OR ACTION TAKEN
Princeton City Council	
RESOLUTION NUMBER	
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B, required for grade C, D, or F):	
<b>Influent Flow and Loadings:</b> Grade=A	
<b>Effluent Quality: BOD:</b> Grade=A	
<b>Effluent Quality: TSS:</b> Grade=B	
<b>Ponds:</b> Grade=A	
<b>Biosolids Quality and Management:</b> Grade=A	
<b>Staffing:</b> Grade=A	
<b>Operator Certification:</b> Grade=A	
<b>Financial Management:</b> Grade=F	
We have adjusted the Equipment Replacement fund after our findings in the 2010 audit to include the necessary funds. The City is also currently reviewing the User Charge System.	
<b>Collection Systems:</b> Grade=A	
ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS (Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00) <b>G.P.A. = 3.75</b>	

### 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 conditions 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 a workplace safety violation 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.

Step One. Every reasonable effort should be made by supervisors and employees to resolve any questions, problems and misunderstandings that have arisen. Accordingly, employees should first discuss any complaints or questions they may have with their direct supervisors, and are urged to initiate such discussions at the time the dissatisfaction or question arises. Supervisors, in turn, should take positive and prompt action to answer employees' questions and resolve complaints presented to them.

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.

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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 an 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 and 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.



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## Developing a Grievance Procedure That Complies with Wisconsin Act 10

by Nancy Pirkey, Attorney

Nancy Pirkey is an attorney with Buelow Vetter Buikema Olson & Vliet, LLC, where she represents municipal employers on the multitude of labor and employment issues arising in today's tough economic climate. She serves as chief negotiator at the bargaining table, defends employers in grievance arbitration, interest arbitration, prohibited practice hearings, and police and fire commission hearings, as well as offering day-to-day advice on a variety of labor and employment topics. For more information on grievance procedures or the impact of the Budget Repair Bill on municipal employers, please contact at [npirkey@buelowvetter.com](mailto:npirkey@buelowvetter.com) or (262) 364-0257.

2011 Wisconsin Act 10, more commonly known as the "Budget Repair Bill," was designed to make broad and sweeping changes to the wages, benefits and working conditions of public employees. Most reports on the Budget Repair Bill have focused on the changes in the bargaining rights of public employees and their labor unions, including topics that are no longer subject to collective bargaining and the elimination of interest arbitration to resolve an impasse in bargaining. There has also been a great deal of discussion and debate over the requirement that employees make mandatory contributions to WRS and increase their contributions to group health insurance plans. However, what has received less attention is the creation of a new grievance procedure for municipal employers who do not currently offer civil service protections to their employees.<sup>1</sup>

This Article assumes that the Budget Repair Bill will finally emerge as a law, whether by a decision of the Wisconsin Supreme Court or through legislative enactment as part of the 2011-13 biennial budget bill.<sup>2</sup> Assuming that one of these two events occur, the Budget Repair Bill will require that employers adopt a grievance procedure or modify an existing civil service ordinance to provide specific procedural protections to all employees. Because a civil service system is a more complicated procedure to administer, it is anticipated (and recommended) that most municipal employers adopt a grievance procedure to comply with the Budget Repair Bill. This Article will discuss the requirements of this new statute and actions that a municipal employer should take to adopt a new grievance procedure or amend existing grievance procedures.

### Basic Requirements of the Grievance Procedure

All municipal employers must offer some form of grievance procedure to all employees, regardless of whether the employees are represented by a union or not. All employers have the option to create either a civil service ordinance or a grievance procedure that covers, at a minimum, the topics of employee discipline, employee termination, and workplace safety.<sup>3</sup>

For those employers who have already adopted a civil service system, the Budget Repair Bill requires that the existing civil service system must be maintained, provided that the

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civil service system addresses issues of discipline, discharge and workplace safety.<sup>4</sup> For those employers who are not currently operating under a civil service system, the municipality must adopt either a civil service system or a grievance procedure that addresses matters of employee discipline and discharge and workplace safety.<sup>5</sup>

### Timeline for Adoption of the Grievance Procedure

The Budget Repair Bill provides a four-month timeline in which the municipality must take such action.<sup>6</sup> Thus, employers must have a civil service system or grievance procedure in place on the first day of the fourth month after the effective date of the Budget Repair Bill. However, there is nothing in the Budget Repair Bill that prevents an employer from adopting a civil service system or grievance procedure prior to the effective date of this provision of the new law.

For those employers with "active" collective bargaining agreements, the Budget Repair Bill will not take effect until the current collective bargaining agreement expires, is terminated, extended, modified, or renewed, whichever occurs first.<sup>7</sup> Thus, municipal employers may have to administer two different grievance procedures -- one for non-represented employees and one for unionized employees until the expiration of the current collective bargaining agreement(s).

### Employee Coverage Issues

The grievance procedure must apply to *all* employees of the municipality, union and non-union alike. Thus, non-represented employees, even though at-will employees, will gain procedural protections over discipline and discharge under the new law. The Bill does not carve out any exception for seasonal, temporary or part-time employees, so these groups of employees have now been afforded procedural protections they likely have not enjoyed before. The only group of employees who can be exempted from the grievance procedure are public safety employees (police officers and firefighters) because they will continue to have a grievance procedure offered through their collective bargaining agreement.

More concerning is the fact that appointed officials, who serve "at-pleasure" of the appointing body by statute, are also covered by this new law.<sup>8</sup> In reality, this means that the elected officials may decide to terminate the employment of an "at-pleasure" appointee, and that individual will now have the right to a hearing before an impartial hearing officer and appeal to the same elected officials that removed that individual from service. The Wisconsin Counties Association, the League of Wisconsin Municipalities and the Wisconsin School Board Association sought trailer legislation to amend the Budget Repair Bill to address this conflict, but no corrective legislation has been proposed at the time of this writing.<sup>9</sup>

### Employee Discipline and Termination

The Budget Repair Bill does not define the terms "discipline" and "termination" but it is likely that the new law addresses all forms of progressive discipline, including oral reprimands, written reprimands, suspensions without pay and terminations. The Budget Repair Bill does use the term "termination" rather than the more common "discharge,"<sup>10</sup> and this choice of words may have legal significance. Unless we receive clarification from the Legislature or the courts, I advise that the grievance procedure specifically define what the municipality deems to be a "termination" that may be grieved. Thus, the grievance procedure should define a "termination" as a discharge from employment for rule violations, poor performance or other acts of misconduct. More importantly, the grievance procedure should exclude certain personnel actions from the definition of a "termination" including:

- Voluntary quit;
- Layoff or failure to be recalled from layoff at the expiration of the recall period;
- Retirement;
- Job abandonment, "no-call, no-show", or other failure to report to work; or

- Termination of employment due to medical condition, lack of qualification or license, or other inability to perform job duties.

The trailer legislation proposed by trade the associations adds the following to the list of exclusions from the term "termination":

- Workforce reduction activities;
- Job transfer or demotion;
- Action taken for failure to meet the qualifications of a position;
- Action taken pursuant to an ordinance created under sec. 19.59(1m);
- Death; or
- End of the employment of a temporary, contract or part-time employee.

Similarly, the municipality should include a definition of "discipline" in their grievance policy and procedure, or exclude those items that are not considered "discipline" such as:

- Placing an employee on paid administrative leave pending an internal investigation;
- Counselings, meetings or other pre-disciplinary action;
- Actions taken to address work performance, including use of a performance improvement plan or job targets;
- Demotion, transfer or change in job assignment; or
- Other personnel actions taken by the employer that are not a form of progressive discipline.

The trailer legislation supported by the Counties, League and School Boards expands these exclusions from "discipline" to address:

- Oral or written reprimands;
- Terminations, layoffs or workforce reduction activities;
- Performance evaluations or reviews;
- Documentation of employee acts and/or omissions in an employment file;
- Actions taken pursuant to an ordinance created under sec. 19.59(1m);
- Non-disciplinary wage, benefit or salary adjustments; and
- Change in assignment or assignment location.

It is extremely important that any municipality that is drafting a grievance procedure to comply with the Budget Repair Bill also review and revise its discipline policy. For example, the municipality needs to determine whether it wishes to retain a just cause standard for discipline once the collective bargaining agreement expires or impose an arbitrary & capricious or reasonableness standard for discipline. While the legal issues related to eliminating a just cause standard are beyond the scope of this Article, it is important that the discipline policy and grievance procedure be harmonized wherever possible.

The next question is what process the municipality should follow once a grievance over discipline or termination is filed. One important element of any grievance procedure should be to ensure that the amount of "process" which is provided will be determined by the severity of the discipline at issue. Thus, a grievance over a written reprimand will be processed differently than a grievance over a discharge. These issues will be discussed in more detail below.

### **Workplace Safety Protections**

The Budget Repair Bill does not define "workplace safety" to determine the issues which may be challenged under the grievance procedure. Thus, the grievance policy and procedure itself should include a definition of workplace safety issues. Absent clarification from the Legislature or the courts, it is recommended that this definition be narrowly written and applied. We recommend one of two different definitions for "workplace safety" issues that are subject to the grievance procedure:

- A definition that ties violations to state and federal regulations on health and safety standards in the workplace; or
- A definition based on proposals exchanged during the legislative process that resulted in the adoption of the Budget Repair Bill. A deputy chief of staff to Governor Walker proposed that workplace safety be defined as "conditions of employment affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to same."<sup>11</sup>

The trailer legislation supported by the League recommends that the law include the former definition of employee safety in the statute. One other issue to be addressed on this topic is the type of hearing and the "process" due when a grievance is filed over workplace safety. These issues will be addressed below.

### **Grievance Procedure**

The Budget Repair Bill does not identify the elements of the grievance procedure or any other details which a municipality must satisfy in processing a grievance, other than the following:

- A written document specifying the process that a grievant and the employer must follow;
- A hearing before an impartial hearing officer; and
- An appeal process in which the highest level of appeal is the governing body of the local governmental unit.

Thus, a municipality has complete discretion to determine the number of steps of the grievance procedure, the content of the grievance form, the timelines for filing and processing the grievance, and the supervisors or managers that will be included as steps in the grievance procedure. While it may be tempting to simply borrow the grievance procedure contained in the collective bargaining agreement(s), I strongly recommend that each municipality review, modify and adopt a grievance procedure that streamlines and expedites the processing of the grievance.

At a minimum, I recommend that the grievance policy and procedure address the following elements:

- The minimum information which must be included in the written grievance, such as a summary of the pertinent facts, the date(s) the event occurred, the steps taken to informally resolve the grievance, and the remedy requested;
- Short timelines for processing the grievance through the various steps, including whether the timelines are work or calendar days;
- The steps of the grievance procedure. The steps should be designed to resolve the grievance at the lowest possible level, and without the need for an impartial hearing officer. For example, the initial grievance could be first filed with the department head. The grievance should contain at least one additional step prior to the impartial hearing officer, such as appeal to the highest ranking human resources professional in the municipality (i.e., a human resource director, city or village administrator or clerk-treasurer).
- Specific timelines for appealing the grievance to the next step and a waiver of rights if these timelines are not satisfied;
- Recognition that the impartial hearing officer will determine how elaborate a hearing will be held, which will depend upon the type of issue being grieved;
- Whether the grievant is entitled to attorney or union representation at the various steps; and
- Recognition that the elected officials will decide the final appeal based on a "paper" review and that no new testimony or evidence may be presented on appeal.

### **Use of an Impartial Hearing Officer**

The Budget Repair Bill requires the use of an impartial hearing officer as a mandatory step in the grievance procedure. Unfortunately, the new law does not explain or define the role of the impartial hearing officer or what kind of hearing must be held at this step of the grievance procedure. We can expect litigation by employees or unions over a variety of issues related to the use of an impartial hearing officer. However, until the courts provide that guidance, municipalities should consider the following issues in drafting and adopting a grievance procedure that complies with the Budget Repair Bill.

The first question is what it means to appoint an "impartial" hearing officer to decide the grievance. Certainly, the safest course is to use an outside, independent person to serve as the impartial hearing officer; in other words, someone who is not employed by the municipality. Thus, the municipality could decide to hire a local attorney, or a retired judge or human resources director to serve as the impartial hearing officer. Some municipalities have discussed using a form of "mutual aid" by asking a neighboring community to lend out their human resources director to be appointed as the impartial hearing officer (and vice versa). Other municipalities may decide the safest course is to continue to select an independent labor arbitrator or a staff member of the Wisconsin Employment Relations Commission to serve as the impartial hearing officer. Existing case law recognizes a presumption of honesty and integrity in administrative adjudicators, with a strong showing required to rebut this presumption of impartiality.<sup>12</sup>

The one apparent legal restriction on the appointment of the impartial hearing officer is that it cannot be someone with a direct interest in the case, such as the personnel committee of the city council or village board, since those same elected officials will be deciding any appeal of the hearing officer's decision.<sup>13</sup>

### **Appeal of the Hearing Officer's Decision**

The Budget Repair Bill states that the decision of the impartial hearing officer may be appealed to the "governing body of the local governmental unit."<sup>14</sup> Based on a plain reading of the new law, the governing body does not have authority to delegate the appeal to the personnel committee or any other duly recognized committee of the council or board. As part of proposed trailer legislation, the League has requested that the new law be amended to permit delegation of the appeal process to a subcommittee of the elected body, but as of this time, such delegation is not permitted.

The new law expressly recognizes that "the highest level of appeal" is to the governing body. However, most attorneys anticipate that there will be a limited right to appeal the decision of the governing body under Chapter 227 of the Wisconsin Statutes. A chapter 227 appeal provides limited rights to review an agency decision, which is conducted by the court without a jury and confined to the record developed during the processing of the grievance.<sup>15</sup>

### **Conclusion**

The Budget Repair Bill has provided many significant opportunities for municipal employers to change employment policies and practices, and to void contract language that is costly, burdensome, and/or inefficient. While the creation of a grievance policy may create new procedural protections for non-represented employees, it should also streamline and simplify the grievance procedure for union employees. Municipalities should carefully weigh their options and create a procedure that is fair and impartial to both the employee and the employer. It is too early to tell how employees will react to these new grievance policies and procedures, but we anticipate that unions will want to represent employees in the grievance process, and will be willing to litigate to enforce employee rights. Thus, employers should take the time now to craft a balanced grievance policy and procedure that can withstand any legal challenge.

### Employees 323

1. Wis. Stats. sec. 66.0509, as created by Section 170 of 2011 Wisconsin Act 10.
2. The 2011-13 biennial budget bill is set forth in Senate Bill 27/Assembly Bill 40.

3. Wis. Stats. sec. 66.0509(1m)(c), as created by Section 170 of 2011 Wisconsin Act 10.
4. Wis. Stats. sec. 66.0509(1m)(e), as created by Section 170 of 2011 Wisconsin Act 10.
5. Wis. Stats. sec. 66.0509(1m)(c), as created by Section 170 of 2011 Wisconsin Act 10.
6. Section 9332(2) of 2011 Wisconsin Act 10.
7. Section 9332(1) of 2011 Wisconsin Act 10.
8. See, for example, secs. 17.12(1)(c) and 17.13, Wis. Stats.
9. See, Memo dated May 19, 2011 sent jointly by the League of Wisconsin Municipalities, the Wisconsin Counties Association and the Wisconsin Association of School Boards to the Members of the Joint Committee on Finance.
10. Wis. Stats. sec. 66.0509(c)1., as created by Section 170 of 2011 Wisconsin Act 10.
11. E-mail dated March 3, 2011 from Eric Schult, deputy chief of staff to Governor Walker, to an unknown recipient. These e-mails were released as public records by the Governor's office with the names of the recipients redacted. These e-mails are available on The Wheeler Report website at <http://www.thewheelerreport.com/releases/March11/0308/0308walkercommunication.pdf>.
12. *Withrow v. Larkin*, 421 U.S. 35 (1975); *Nu-Roc Nursing Home v. State DHSS*, 200 Wis.2d 405 (Ct. App. 1996).
13. *Eau Claire County v. Teamsters Local 662*, 228 Wis. 2d 640 (Ct. App. 1999), *aff'd* 2000 WI 57, 235 Wis. 2d 385.
14. Wis. Stats. sec. 66.0509(1m)(d)3, as created by Section 170 of 2011 Wisconsin Act 10.
15. Wis. Stat. sec. 227.57(1). In reviewing an administrative decision, the court must uphold the findings of fact, if they are supported by relevant, credible and probative evidence upon which reasonable persons could rely. *Larson v. Labor & Indus. Rev. Comm'n*, 184 Wis. 2d 378, 386 n. 2 (Ct. App. 1994). The court may, however, set aside the administrative decision or remand the case to the agency if it finds that the agency's action depends on any finding of fact that is not supported by substantial evidence in the record. Wis. Stat. sec. 227.57(6).