



Minutes
Committee #2
Labor Negotiations, Personnel, Policy & Administration
August 14, 2013

Committee #2 met on Wednesday, August 14, 2013 at 5:30 PM in the Council Chambers, City Hall, 30 West Central Street, Chippewa Falls, WI.

Council/Committee Members present: Bill Hicks, Amy Mason, Chuck Hull, George Adrian, Jane Lardahl, Mayor Hoffman.

Others present: Finance Manager/Treasurer Lynne Bauer, City Clerk Bridget Givens.

Call to Order: 5:31 PM

Items of business to be discussed or acted upon at this meeting are shown on the attached agenda below:

1. Review City of Chippewa Falls residency ordinance. Possible recommendations to the Council.

Finance Manager/Treasurer Bauer informed the Committee that the State Budget adopted in July 2013 eliminated a municipality's ability to impose residency restrictions on employees other than fire, police and emergency personnel. The current city ordinance requires department heads to live in the city limits and certain emergency workers to live within 20 and 30 minutes of the City. City Attorney Ferg recommends leaving the current ordinance in place until any challenges or appeals are heard by the courts. In the interim, the Committee understands the ordinance would no longer apply to departments other than police and fire.

No action taken.

2. Adjournment.

Motion by Hull/Mason to adjourn at 5:40 PM. All present voted aye. Motion carried.

**Minutes submitted by,
Bill Hicks, Chair**

selection of health care coverage plans by a municipal employer for public safety employees, and the impact of such costs and payments and the design and selection of the health care coverage plans on the wages, hours, and conditions of employment of the public safety employee are a prohibited subject of bargaining. This first applies to a public safety employee who is affected by a collective bargaining agreement that contains provisions inconsistent with Act 20 on the day on which the collective bargaining agreement expires or is terminated, extended, modified, or renewed, whichever occurs first.

NEW GRANT OF AUTHORITY

Golf Carts. The budget authorizes municipalities to pass ordinances allowing the operation of golf carts on any highway that has a speed limit of 25 mph or less and that is located within the municipality. Such an ordinance cannot allow golf carts to be operated on or across any state trunk highway or connecting highway.

PREEMPTION OF MUNICIPAL POWERS AND OTHER NON-FISCAL POLICY CHANGES AFFECTING MUNICIPALITIES



Residency. The state budget prohibits any municipality from requiring that any employee or prospective employee, as a condition of employment, reside within any jurisdictional limit except that a municipality may require that law enforcement, fire, or emergency personnel reside within 15 miles of the jurisdictional boundaries of the local government. The term "emergency personnel" is not defined. Conceivably, a municipality could define the term to include snow plow drivers, utility workers, and administrators or department heads. Also, in this budget the Legislature expressly

declares that public employee residency requirements are a matter of statewide concern.

Utility Relocation Costs to Accommodate Street Car Projects; Ability of Companies to Challenge Public Works Projects in the Right-of-Way.

The budget makes several changes to current laws governing Public Service Commission review of municipal regulations on the use of public rights-of-way by a public utility, telecommunications company, or video service provider. Under the budget, a municipal regulation is unreasonable if it requires a company or public utility, including a telecommunications provider or video service provider, to pay any part of the cost to modify or relocate the company's facilities to accommodate an urban rail transit system. The budget defines "municipal regulation" as any contract, ordinance, resolution, order, or other regulation entered into, enacted, or issued by a municipality before, on, or after the bill's general effective date.

The budget also expands the types of companies that can file complaints with the PSC about the reasonableness of a municipal rights-of-way regulation. Under the budget, upon complaint by a public utility, a telecommunications provider, including an alternative telecommunications utility, a video service provider, or any qualified complainant, the PSC must set a hearing and determine if a municipal rights-of-way regulation is reasonable or unreasonable. If the PSC finds any municipal regulation relating to any product or service rendered by any such provider within a municipality or relating to the terms and conditions upon which such provider occupies the streets, highways, or other public places within the municipality, to be unreasonable, the municipal regulation shall be void.

Preemption of Local Zoning Regulation of Cell Phone Towers. The budget limits the ability of municipalities to regulate the location of cell phone towers by creating a comprehensive uniform statewide framework for regulating the location of any facilities and support structures necessary for providing wireless telecommunications service.

Appeal of Municipal Fees to Tax Appeals Commission. The budget establishes a new process for challenging the reasonableness of municipal fees. Under the budget, any person aggrieved by a fee imposed by a municipality because the person does not believe that the fee bears a reasonable relationship to the service for which the fee is imposed may appeal the reasonableness of the fee to the Tax Appeals Commission (TAC) by filing a petition with the TAC within 60 days of the fee's imposition. The budget further specifies that the municipality, rather than the person filing the complaint, bears the burden of proof in establishing that a reasonable relationship exists between the fee and the service for which the fee is imposed. "Reasonable relationship" means that the cost charged for the service does not exceed the reasonable direct costs associated with any activity related to the fee. These provisions first apply to fees imposed on July 2, 2013.

Uniform Construction Site Erosion Control and Stormwater Management Standards. The budget requires DNR to establish by rule statewide uniform standards for construction site erosion control and stormwater management. Prior law required DNR to establish minimum erosion control and stormwater management standards. Under the budget, municipalities are prohibited from enacting ordinances

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1.38 - RESIDENCE AS A CONDITION OF EMPLOYMENT. (Cr. #2007-02)

- (1) DEPARTMENT HEADS. The Chippewa Falls Common Council deems that it is in the best interests of the City of Chippewa Falls and its residents to require certain Department Heads to reside within the City of Chippewa Falls because their decisions and/or budgets can have a substantial impact upon the taxes paid by residents of the City of Chippewa Falls and they should be subject to the regulations and/or tax impact which their decisions and budgets may have.
 - (a) Applicability. This section shall apply to the following: Director of Parks and Recreation, Librarian, City Inspector, City Planner, City Engineer, Director of Public Works, Superintendent of Streets, Superintendent of Public Utilities, Police Chief, Fire Chief, City Clerk/Treasurer, and City Administrator.
 - (b) Residence. As a condition of employment an individual performing any job function set forth above in subsection (1)(a) shall be or become a resident of the City of Chippewa Falls. Any person not living in the City of Chippewa Falls at the time of commencement of his or her job function shall have 6 months from the completion of his or her probationary period but no more than 18 months from the commencement of employment to establish residency within the City of Chippewa Falls or such employment shall be terminated upon resolution of the Chippewa Falls Common Council by a majority vote of those present.
 - (c) Exception. (Cr. #2011-10) Any City employee employed at the time of the adoption of this ordinance section on February 11, 2007, who later becomes a listed department head is exempt from the requirement that department heads live within the City limits, provided however, that the employee has been continuously employed with the City since February 11, 2007, and has continuously lived outside the City limits since February 11, 2007, as permitted under the City Code. Provided further that §1.38(4) below will apply if the employee, after becoming a department head, moves from his or her permanent residence to another permanent residence.
- (2) OTHER EMPLOYEES. Any other employee, excluding independent contractors, of the City of Chippewa Falls, whether part-time or full-time, shall be subject to this section, provided however, that their residency status is not governed by another applicable State Statute(s) or Chippewa Falls Ordinance(s).
 - (a) Subemployees. The department heads listed in subsection (1)(a) above shall set a geographical response time area in which the employees under them shall live. This geographical response time area shall be equally applied for all such employees. If a department head does not act and establish a geographical response time area, then the Common Council may act in the place of the department head and establish such a geographical response time area for the employees under that department head.
 - (b) Remaining Employees. Any applicable employee not covered by subsection (2)(a) above shall reside within such geographical response time area as may be from time to time established by the Chippewa Falls Common Council.
 - (c) Approval. Any geographical response time area established by a department head, whether initially or by subsequent amendment, shall be subject to approval by the Chippewa Falls Common Council by a majority vote of those present.
- (3) WAIVER PROCEDURE. Any department head listed in subsection (1)(a) above or any other employee listed in subsection (2) above or any prospective department head or employee

may seek a waiver of any applicable residency requirement. The waiver shall be sought before the Chippewa Falls Common Council. Any waiver shall be subject to such conditions, modifications, or other terms as the Common Council deems just and equitable. The waiver shall be granted upon a vote of two-thirds of the Council elect.

- (4) **EFFECTIVE DATE AND PROSPECTIVE APPLICATION.** This section shall take effect upon adoption by the Common Council and any notifications required by law. This section shall apply to any current department head listed in subsection (1)(a) above when that department head moves from his or her permanent residence to another permanent residence. This section shall apply to any current subemployees and remaining employees listed in subsections (2)(a) and (2)(b) above upon the geographical response time area being established by the department head or the Common Council, as may be applicable. Any current department head, subemployee, or remaining employee who is presently in compliance with Code §1.33 being repealed is deemed to be in compliance with this section and any provisions herein shall not be applicable until he or she moves from his or her permanent residence to another permanent residence.

CITY OF CHIPPEWA FALLS EMPLOYEES 2007 RESIDENCY MAP BOUNDARIES

20 MINUTE RESPONSE TIMES

➤ **CHIPPEWA FALLS FIRE & EMERGENCY SERVICES DEPT.**

FROM THE INTERSECTION OF HIGHWAYS 124 & 64

East on Highway 64 to the 190th Avenue grid line
West on 190th Avenue grid line to County Highway K
South on County Highway K to County Highway S
East on County Highway S to Highway 27
South on Highway 27 to 120th Avenue
East on 120th Avenue to County Highway EE
South on County Highway EE to County Highway O
East on County Highway O to 320th Street in Boyd (including Boyd Village Limits)
South on 320th Street to County Highway X
West on County Highway X to County Highway D
South on County Highway D to 40th Avenue
West on 40th Avenue to 270th Street
South on 270th Street to 10th Avenue (Chippewa/Eau Claire County Line)
West on Chippewa/Eau Claire County Line to County Highway XX
South into Eau Claire County on County Highway XX to County Highway Q
West on County Highway Q to County Highway K
South on County Highway K to Highway 12
West on Highway 12 to County Highway I
South and west on County Highway I to I-94
West on I-94 into Dunn County to Highway 29
East on Highway 29 to Highway 40
North on Highway 40 to Bloomer (including Bloomer City Limits)
North on Highway 40 to Highway 64
East on Highway 64 to Highway 124

CITY OF CHIPPEWA FALLS EMPLOYEES **2007 RESIDENCY MAP BOUNDARIES**

30 MINUTE RESPONSE TIMES

- **CHIPPEWA FALLS POLICE DEPARTMENT**
- **CHIPPEWA FALLS STREET DEPARTMENT**
- **CHIPPEWA FALLS DEPARTMENT OF PUBLIC UTILITIES**
- **CHIPPEWA FALLS PARKS & RECREATION DEPARTMENT**
- **CHIPPEWA FALLS PUBLIC WORKS & ENGINEERING DEPARTMENTS**

FROM THE INTERSECTION OF COUNTY HIGHWAYS DD & M

East on County Highway M to New Auburn (including New Auburn Village Limits)
East on County Highway M to County Highway F
South on County Highway F to County Highway AA
East and south on County Highway AA to 226th Avenue
East on 226th Avenue to 225th Avenue
East on the 225th Avenue grid line to County Highway Z
East on County Highway Z to County Highway CC into Cornell (including Cornell City Limits)
North on County Highway CC to the 240th Avenue grid line
East on 240th Avenue to Highway 27
South on Highway 27 to Highway 64
East on Highway 64 to County Highway EE
South on County Highway EE to 190th Avenue
East on 190th Avenue to County Highway D
South on County Highway D to 170th Avenue
East on 170th Avenue around Otter Lake to 165th Avenue
East on 165th Avenue to County Highway H at the Chippewa/Clark County Line
South along the Chippewa/Clark County Line to 40th Avenue
West on 40th Avenue to County Highway G
South on County Highway G into Eau Claire County to Stoney Lonesome Road
West on Stoney Lonesome Road to County Highway NL
West on County Highway NL to Highway 27
South on Highway 27 to County Highway V
West on County Highway V to County Highway JJ
West on County JJ to County Highway KK
South on County Highway KK to County Highway D
West on County Highway D to County Highway V
West on County Highway V to County Highway HH
West on County Highway HH Highway 37
North on Highway 37 to Highway 85
West on Highway 85 into Dunn County to County Highway H
North on County Highway H to County Highway E
Northwest on County Highway E to Highway 29