

MINUTES OF THE COMMON COUNCIL MEETING HELD AT THE GREENFIELD CITY HALL
ON WEDNESDAY, NOVEMBER 7, 2018

The meeting was called to order by Mayor Neitzke at 7:00 p.m.

1. ROLL CALL:	Aldersperson Lubotsky	Present
	Aldersperson Bailey	Present
	Aldersperson Akers	Present
	Aldersperson Saryan	Present
	Aldersperson Kastner	Present

ALSO PRESENT:	Brian Sajdak	City Attorney
	Jeff Katz	Director of Neighborhood Services
	Jennifer Goergen	City Clerk

2. An opening prayer was given by Pastor Leggett.

3. Pledge of Allegiance

4. It was moved by Aldersperson Saryan, seconded by Aldersperson Akers, to approve the October 16, 2018 Common Council minutes. Motion carried unanimously.

5. Mayor's Report – The public safety referendum was approved at the November 6, 2018 election.

6. Aldermanic Reports – None.

7. Announcements – None.

8. Citizen Commentary – None.

At this time, Mayor Neitzke proceeded to Agenda Item 11a.

9. 7:05 p.m. Public hearing on the proposed 2019 Budget

Mayor Neitzke said the referendum was approved. Five additional police officers and two additional fire department personnel will be hired for about \$950,000. The city will lose about \$650,000 in funds from the state's expenditure restraint program as a result. The city should not lose the aid in the future. The hiring will be staggered to make up for the \$650,000.

Aldersperson Kastner asked what the state would do with the \$650,000 it is not giving to Greenfield. Mayor Neitzke did not know.

The property tax levy will be \$25,856,083, exclusive of the TIF levy.

No one spoke regarding the budget.

It was moved by Alderperson Akers, seconded by Alderperson Bailey, to close the public hearing. Motion carried unanimously.

10. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to adopt Resolution No. 3662, levying a property tax in the amount of \$25,856,083 (exclusive of the TIF levy) to fund the expenses of the City of Greenfield contained in the 2019 budget:

RESOLUTION NO. 3662

WHEREAS, the City of Greenfield has prepared an Annual Budget for the 2019 fiscal year in accordance with the requirements of the City of Greenfield Municipal Code; and

WHEREAS, the Common Council has reviewed the proposed revenues from all sources and the proposed expenditures for all purposes and has directed that the proposed budget be adjusted accordingly; and

WHEREAS, a public hearing on the Annual Budget was held November 7, 2018 after due and proper notice of said hearing having been given in accordance with the provisions of Section 65.90, Wisconsin Statutes; and

WHEREAS, it is necessary to levy a property tax in the amount of \$25,856,083 (exclusive of the TIF levy) to fund the expenses of the City of Greenfield contained in the 2019 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, Wisconsin, as follows:

1. That the 2019 Annual Budget, a summary of which is attached hereto and made a part hereof, be and is hereby approved;
2. That the property tax is hereby levied in the amount of \$25,856,083 (exclusive of the TIF levy) on all taxable property within the City of Greenfield as returned by the Assessor in the year 2018, for the purposes as set forth in the budget.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of November, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

CITY OF GREENFIELD
OFFICIAL NOTICE
NOTICE OF PUBLIC HEARING - 2019 BUDGET

NOTICE IS HEREBY GIVEN that in accordance with Section 85.90(3) of the Wisconsin Statutes, the Common Council of the City of Greenfield will hold a public hearing in the Greenfield City Hall Council Chambers, Room 100, located at 7325 West Forest Home Avenue on the 7th day of November, 2018 at 7:05 p.m. on the proposed 2019 budget where all interested citizens will have the opportunity to give written and oral comment.

REVENUES	Year Ending 12/31/16	Year Ending 12/31/17	Actual YTD 7/31/18	Est. Year Ending 12/31/18	2018 Budget	Proposed 2019 Budget	Percent Change	Proposed 2019 Budget W/Referendum	Percent Change
GENERAL PROPERTY TAXES	16,221,161	16,507,363	16,714,042	16,714,691	16,892,242	17,092,484	2.40%	18,067,464	6.24%
INTERGOVERNMENTAL REVENUES	3,393,374	3,601,964	1,677,152	3,615,539	3,806,532	3,923,344	3.07%	3,237,913	-14.94%
LICENSES & PERMITS	1,634,365	1,829,327	862,997	1,496,035	1,457,840	1,388,475	-6.13%	1,368,475	-6.13%
FINES, FORFEITURES & PENALTIES	622,486	656,517	426,147	682,333	682,000	663,000	-2.79%	663,000	-2.79%
PUBLIC CHARGES FOR SERVICES	1,442,617	1,391,602	947,076	1,396,963	1,365,700	1,366,230	0.04%	1,366,230	0.04%
INTERGOVERNMENTAL CHARGES	1,105,055	1,162,492	902,793	1,182,780	1,147,049	1,249,533	8.93%	1,249,533	8.93%
MISCELLANEOUS REVENUES	307,274	245,163	271,804	296,732	223,900	278,900	24.96%	278,900	24.96%
OTHER FINANCING SOURCES	15,000	14,000	20,000	20,000	1,136,431	1,388,865	22.21%	1,388,865	22.21%
TOTAL REVENUES	24,941,332	25,410,428	21,422,011	25,775,073	26,711,694	27,530,851	3.07%	27,820,420	4.19%
EXPENDITURES									
GENERAL GOVERNMENT	3,334,118	3,496,693	2,038,224	4,011,210	3,965,382	4,227,102	6.99%	4,227,102	6.99%
PUBLIC SAFETY	15,947,691	16,355,208	9,191,645	17,297,223	17,235,778	17,476,648	1.40%	17,766,217	3.08%
DEPT OF NEIGHBORHOOD SERVICES (Public Works)	3,861,438	3,413,212	2,181,457	3,770,041	3,698,466	3,770,576	3.06%	3,770,576	3.06%
HEALTH & HUMAN SERVICES	625,728	626,227	340,284	764,866	763,735	800,568	4.82%	800,568	4.82%
RECREATION & EDUCATION	860,914	914,713	353,252	971,994	971,944	1,043,022	7.31%	1,043,022	7.31%
DEPT OF NEIGHBORHOOD SERVICES (Community Development)	88,966	105,105	52,391	111,189	111,189	197,935	78.02%	197,935	78.02%
OTHER FINANCING USES	217,911	290,000	5,000	5,000	5,000	15,000	200.00%	15,000	200.00%
TOTAL EXPENDITURES	24,936,786	25,201,138	14,362,253	26,931,523	26,711,694	27,530,851	3.07%	27,820,420	4.19%

All Governmental Funds Combined	Estimated Fund Balance 1/1/19	2019 Total Revenue	2019 Total Expenditures	Other Financing Sources (Uses)	Estimated Fund Balance 12/31/19	Property Tax Contribution	Property Tax Contribution
General Fund	9,089,997	27,530,851	27,530,851	(1,368,865)	7,721,132	17,047,949	18,022,949
Special Revenue Funds	2,827,662	8,363,687	7,544,355		3,646,994	2,629,358	2,629,358
Enterprise Funds	24,603,187	6,073,944	6,073,944		24,603,187	-	-
Capital Project Funds	2,674,275	1,005,636	4,282,800	2,944,000	2,341,111	683,892	683,892
Debt Service Funds	1,195,162	6,163,261	6,266,841	35,500	1,127,082	4,519,884	4,519,884
TOTAL	40,390,283	49,137,379	51,698,791	1,610,635	39,439,506	24,881,083	25,856,083

A summary of the proposed budget is published herewith and public notice is hereby given that the budget detail is available for public inspection at the City Clerk's Office and Finance Department in the Greenfield City Hall during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and at the Greenfield Public Library during normal library hours.

Dated at Greenfield, Wisconsin this 27th day of September, 2018.

Jennifer Goergen, City Clerk
Jennifer Goergen, City Clerk

Published: October 17, 2018

Mayor Neitzke noted there would still be some line item adjustments to the budget, to salaries and benefits within the Police Department, since this public hearing is occurring only one day after the passage of the referendum. Also, there will be a \$2,500 increase allocated for trees (related to the Emerald Ash Borer problem) taken from elsewhere in the budget.

On a roll call vote, motion carried unanimously.

It was moved by Alderperson Saryan, seconded by Alderperson Bailey, to reconsider [the motion adopting the 2019 Annual Budget with a levy of \$25,856,083]. Motion carried unanimously.

It was moved by Alderperson Akers, seconded by Alderperson Bailey, to reaffirm/readopt Resolution No. 3662 levying a property tax in the amount of \$25,856,083 (exclusive of the TIF levy) to fund the expenses of the City of Greenfield contained in the 2019 budget:

RESOLUTION NO. 3662

WHEREAS, the City of Greenfield has prepared an Annual Budget for the 2019 fiscal year in accordance with the requirements of the City of Greenfield Municipal Code; and

WHEREAS, the Common Council has reviewed the proposed revenues from all sources and the proposed expenditures for all purposes and has directed that the proposed budget be adjusted accordingly; and

WHEREAS, a public hearing on the Annual Budget was held November 7, 2018 after due and proper notice of said hearing having been given in accordance with the provisions of Section 65.90, Wisconsin Statutes; and

WHEREAS, it is necessary to levy a property tax in the amount of \$25,856,083 (exclusive of the TIF levy) to fund the expenses of the City of Greenfield contained in the 2019 Annual Budget.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Greenfield, Wisconsin, as follows:

1. That the 2019 Annual Budget, a summary of which is attached hereto and made a part hereof, be and is hereby approved;
2. That the property tax is hereby levied in the amount of \$25,856,083 (exclusive of the TIF levy) on all taxable property within the City of Greenfield as returned by the Assessor in the year 2018, for the purposes as set forth in the budget.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of November, 2018.

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

Minutes are not official until formally approved by the Common Council at the next scheduled meeting.

CITY OF GREENFIELD
OFFICIAL NOTICE
NOTICE OF PUBLIC HEARING - 2019 BUDGET

NOTICE IS HEREBY GIVEN that in accordance with Section 85.90(3) of the Wisconsin Statutes, the Common Council of the City of Greenfield will hold a public hearing in the Greenfield City Hall Council Chambers, Room 100, located at 7325 West Forest Home Avenue on the 7th day of November, 2018 at 7:05 p.m. on the proposed 2019 budget where all interested citizens will have the opportunity to give written and oral comment.

REVENUES	Year Ending 12/31/16	Year Ending 12/31/17	Actual YTD 7/31/18	Est. Year Ending 12/31/18	2018 Budget	Proposed 2019 Budget	Percent Change	Proposed 2019 Budget W/Referendum	Percent Change
GENERAL PROPERTY TAXES	16,221,161	16,507,363	16,714,042	16,714,691	16,892,242	17,092,484	2.40%	18,067,464	8.24%
INTERGOVERNMENTAL REVENUES	3,393,374	3,601,964	1,677,152	3,615,539	3,806,532	3,923,344	3.07%	3,237,913	-14.94%
LICENSES & PERMITS	1,634,365	1,829,327	862,997	1,496,035	1,457,840	1,388,475	-6.13%	1,368,475	-6.13%
FINES, FORFEITURES & PENALTIES	622,486	656,517	426,147	682,333	682,000	663,000	-2.79%	663,000	-2.79%
PUBLIC CHARGES FOR SERVICES	1,442,617	1,391,602	947,076	1,396,963	1,365,700	1,366,230	0.04%	1,366,230	0.04%
INTERGOVERNMENTAL CHARGES	1,105,055	1,162,492	902,793	1,182,780	1,147,049	1,249,533	8.93%	1,249,533	8.93%
MISCELLANEOUS REVENUES	307,274	245,163	271,804	296,732	223,900	278,900	24.96%	278,900	24.96%
OTHER FINANCING SOURCES	15,000	14,000	20,000	20,000	1,136,431	1,388,865	22.21%	1,388,865	22.21%
TOTAL REVENUES	24,941,332	25,410,428	21,422,011	25,775,073	26,711,694	27,530,851	3.07%	27,820,420	4.19%
EXPENDITURES									
GENERAL GOVERNMENT	3,334,118	3,496,693	2,038,224	4,011,210	3,965,382	4,227,102	6.99%	4,227,102	6.99%
PUBLIC SAFETY	15,947,691	16,355,208	9,191,645	17,297,223	17,235,778	17,476,648	1.40%	17,766,217	3.08%
DEPT OF NEIGHBORHOOD SERVICES (Public Works)	3,861,438	3,413,212	2,181,457	3,770,041	3,698,466	3,770,576	3.06%	3,770,576	3.06%
HEALTH & HUMAN SERVICES	625,728	626,227	340,284	764,866	763,735	800,568	4.82%	800,568	4.82%
RECREATION & EDUCATION	860,914	914,713	353,252	971,994	971,944	1,043,022	7.31%	1,043,022	7.31%
DEPT OF NEIGHBORHOOD SERVICES (Community Development)	88,966	105,105	52,391	111,189	111,189	197,935	78.02%	197,935	78.02%
OTHER FINANCING USES	217,911	290,000	5,000	5,000	5,000	15,000	200.00%	15,000	200.00%
TOTAL EXPENDITURES	24,936,786	25,201,138	14,362,253	26,931,523	26,711,694	27,530,851	3.07%	27,820,420	4.19%

All Governmental Funds Combined	Estimated Fund Balance 1/1/19	2019 Total Revenue	2019 Total Expenditures	Other Financing Sources (Uses)	Estimated Fund Balance 12/31/19	Property Tax Contribution	Property Tax Contribution
General Fund	9,089,997	27,530,851	27,530,851	(1,368,865)	7,721,132	17,047,949	18,022,949
Special Revenue Funds	2,827,662	8,363,687	7,544,355		3,646,994	2,629,358	2,629,358
Enterprise Funds	24,603,187	6,073,944	6,073,944		24,603,187	-	-
Capital Project Funds	2,674,275	1,005,636	4,282,800	2,944,000	2,341,111	683,892	683,892
Debt Service Funds	1,195,162	6,163,261	6,266,841	35,500	1,127,082	4,519,884	4,519,884
TOTAL	40,390,283	49,137,379	51,698,791	1,610,635	39,439,506	24,881,083	25,856,083

A summary of the proposed budget is published herewith and public notice is hereby given that the budget detail is available for public inspection at the City Clerk's Office and Finance Department in the Greenfield City Hall during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday and at the Greenfield Public Library during normal library hours.

Dated at Greenfield, Wisconsin this 27th day of September, 2018.

Jennifer Goergen, City Clerk
Jennifer Goergen, City Clerk

Published: October 17, 2018

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item #12a.

COMMON COUNCIL TO TAKE ACTION ON THE FOLLOWING COMMITTEE REPORTS:

11a. Board of Public Works meeting held October 23, 2018

It was moved by Alderperson Lubotsky, seconded by Alderperson Bailey, to approve the following:

Item #4 - Approve an Intergovernmental Cooperation Agreement (ICA) with the Milwaukee Metropolitan Sewerage District (MMSD) to allow Greenfield to benefit from MMSD's stormwater initiatives.

Item #5 - Approve an ordinance to repeal and recreate Chapter 32 of the Greenfield Municipal Code, Illicit Stormwater Discharge.

Item #6 - Approve the 2019 Special Assessment Rate Schedule.

Item #8 - Approve a funding agreement with the Milwaukee Metropolitan Sewerage District (MMSD) for a Private Property Inflow and Infiltration (PPII) reduction project.

and

At this time, Mayor Neitzke proceeded to Agenda Item 21a.

Item #7 – It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve an amendment to Resolution No. 3529, updating the Stormwater Utility Rate.

and

At this time, Mayor Neitzke proceeded to Agenda Item #21b

11b. Plan Commission meeting held on October 9, 2018

It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve the following:

Item #5A, 5B & 5C Approve a Planned Unit Development Amendment, Site, Landscaping and Architectural Plans, and a Signage Appeal for an expansion to Children's Hospital of Wisconsin, Greenfield Clinic, an existing medical clinic located at 3365 S. 103 Street, subject to Plan Commission and staff comments, with applicant to work with City staff on landscaping/ screening along the west property line, speak with neighboring property owners overall, and work with neighboring properties on screening. Tax Key No. 524-8986-025

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceed to Agenda Item #9

12. City Clerk's Report

- a. Summons and Complaint filed in Milwaukee County Circuit Court, Case No. 18CV8701, received from the law offices of Thomas E. Hayes on behalf of the Estate of Nicholas O'Brien, by its personal representative Stephanie Coolidge, J.O., a minor by his mother and natural guardian, Stephanie Coolidge, and Stephanie Coolidge, personally, vs. City of Greenfield – referred to the city's insurance company [Attorney Bill Ehrke].

13. Appointments to various committees and commissions:

- a. Mayor appointments, confirmed by Council:

- (1) One member to the Zoning Board of Appeals for a term to expire 5/1/20 (formerly Donald Kopp) (CC 10/2/18) – to be placed on the **NEXT AGENDA**.
- (2) Two alternate members to the Board of Review for a term to expire 5/1/23 (newly created positions) - to be placed on the **NEXT AGENDA**.

- b. Mayor appointments:

- (1) One alternate member to the Zoning Board of Appeals for a term to expire 5/1/21 (formerly Denise Kunz) - to be placed on the **NEXT AGENDA**.

14. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to approve the issuance of an operator license to the following:

Phirman, Angela S.-5070 W. Drexel Ave.

Motion carried unanimously.

15. Department of Neighborhood Services

- a. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve Ordinance No. 2915:

ORDINANCE NO. 2915

ORDINANCE CREATING SECTION 15.28 OF THE MUNICIPAL CODE RELATING TO GAS
PIPING SYSTEMS

The Common Council of the City of Greenfield do ordain as follows:

PART I. SECTION 15.28 of the Municipal Code is hereby created as follows:

15.28 GAS PIPING SYSTEMS.

(1) *National Fuel Gas Code adopted.*

(a) The National Fuel Gas Code, ANSI Z223.1-2015, NFPA 54-2015, including all amendments subsequently made thereto, is hereby adopted by reference and incorporated into this article with the same force and effect as though fully set out in this section, and failure to comply with any provision of the National Fuel Gas Code shall constitute a violation of this subdivision.

(2) *Permit and inspection required.*

(a) No person shall do any gas piping work in the City until after a permit therefor has been issued. All gas piping system work under permit shall be inspected and approved prior to the concealment of work.

(3) *Submission of plan.*

(a) At the discretion of the Building Inspector or other qualified Inspector, a gas piping plan shall be submitted for all new installations, additions and alterations to a gas piping system involving ten (10) or more gas fixture outlets to be installed in public buildings.

(4) *Plans and specifications.*

(a) Plans and specifications for gas piping to be installed in and outside of all buildings, structures, parks, areas or complexes, shall be submitted to the Inspection Services Division and written approval must be received before commencing work.

(5) *Bad faith; unreasonable delay.*

(a) Bad faith or unreasonable delay in the performance of gas piping work or failure to respond promptly to official communications shall constitute sufficient reason for withholding permits and/or issuing new permits.

* * *

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of November, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

- b. It was moved by Alderperson Kastner, seconded by Alderperson Lubotsky, to approve purchasing two pieces of unbudgeted diagnostic equipment by using reserve funds within the capital equipment fund that are designated for DPW purchases, in an amount not to exceed \$27,000. On a roll call vote, motion carried unanimously.

16. It was moved by Alderperson Akers, seconded by Alderperson Saryan, to approve amending the Diversified Benefit Services Flexible Spending Account (FSA) plan document to include a Limited Purpose FSA effective January 1, 2019. On a roll call vote, motion carried unanimously.

17-20. It was moved by Alderperson Saryan, seconded by Alderperson Kastner, to approve the following:

Approve disbursements in the amount of \$679,033.94

Approve mileage reimbursements in the amount of \$540.04

Approve investments and reinvestments

Accept financial statements as of 9/30/18

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded with Agenda Item #22

21. City Attorney's Report

- a. Adopt Ordinance No. 2914:

ORDINANCE NO. 2914

AN ORDINANCE REPEALING AND RECREATING CHAPTER 32
OF THE GREENFIELD MUNICIPAL CODE

The Common Council of the City of Greenfield do ordain as follows:

PART I. Chapter 32 of the Greenfield Municipal Code is hereby repealed and recreated to read as follows:

Chapter 32 Illicit Stormwater Discharge

32.01 - Definitions. For the purposes of this Chapter 32, the following terms shall be defined as follows:

- (1) *Illicit discharge* means any direct or indirect non-stormwater discharge to the City of Greenfield's municipal separate storm sewer system (MS4) except as exempted in Section 32.02(2).
- (2) *Illicit connection* means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this chapter.
- (3) *Person* means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- (4) *Municipal Separate Storm Sewer System (MS4)* means publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- (5) *Best Management Practices (BMPs)* means control measures taken to mitigate changes to both quantity and quality of runoff caused through changes to land use. Generally BMPs focus on water quality problems caused by increased impervious surfaces from land development. BMPs are designed to reduce stormwater volume, peak flows, and/or nonpoint source pollution through evapotranspiration, infiltration, detention, and filtration or biological and chemical actions. BMPs also can improve receiving-water quality by extending the duration of outflows in comparison to inflow duration (known as hydrograph extension), which dilutes the stormwater discharged into a larger volume of upstream flow. Stormwater BMPs can be classified as "structural" (i.e., devices installed or constructed on a site) or "non-structural" (procedures, such as modified landscaping practices or street sweeping). There are a variety of BMPs available; selection typically depends on site characteristics and pollutant removal objectives.

32.02 - Illicit Discharge Prohibitions

- (1) No person shall discharge or cause to be discharge into the City's MS4, any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (2) Exemptions. The commencement, conduct or continuance of any legal discharge to the storm drain system is prohibited except as described as follows:
 - a. The following discharges are exempt from discharge prohibitions established by this chapter; water line flushing or other potable water sources, landscape irrigation or lawn watering; diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including

active groundwater dewatering systems), crawl space pumps, air-conditioning condensation, springs noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire-fighting activities and any other water source not containing pollutants.

- b. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
- c. Dye testing is an allowable discharge but requires a verbal notification to the City Engineer prior to the time of the test.
- d. The prohibition shall not apply to any non-stormwater discharge permitted under a WPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Wisconsin Department of Natural Resources, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

32.03 – Illicit Connections prohibited. The construction, use, maintenance or continued existence of illicit connections to the City's MS4 is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this chapter, regardless of whether the connections was permissible under law or practice applicable or prevailing at the time of connection.

32.04 – Suspension of MS4 Access.

- (1) Suspension due to Illicit Discharges in Emergency Situations. The City Engineer may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State of Wisconsin. If the violator fails to comply with a suspension order issued in an emergency, the City Engineer may take steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the State of Wisconsin, or to minimize danger to persons.
- (2) Suspension Due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City Engineer will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Engineer for a reconsideration and hearing.

32.05 – Monitoring of Illicit Discharges.

- (1) The City Engineer shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.
- (2) Facility operators shall allow the City Engineer ready access to all parts of the premises for the full purposes of inspection, sampling, examination any copying of records that must be kept under conditions of a WPDES permit to discharge stormwater and the performance of any additional duties as defined by state and federal law.
- (3) Unreasonable delays in allowing the City Engineer access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with a

WPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the City Engineer reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

- (4) If the City Engineer has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City Engineer may seek issuance of a search warrant from a court of competent jurisdiction.

- 32.06 - Requirement to Prevent, Control and Reduce Stormwater Pollutants by the Use of Best Management Practices (BMPs). The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other waste into the City's MS4 through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system.
- 32.07 – Watercourse Protection. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structure within or adjacent to a watercourse so that structures will not become a hazard to the use, function or physical integrity of the watercourse.
- 32.08 – Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system or waters of the State of Wisconsin, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a relapse of non-hazardous materials, said person shall notify the City Engineer in person or by phone or facsimile no later than the next business day. Notification in person or by phone shall be confirmed by written notice addressed and mailed to the City Engineer within three business days of the phone notice. If the discharge of prohibited material emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.
- 32.09 - Enforcement. Whenever the City of Greenfield finds a person has violated a prohibition or failed to meet a requirement of this section, the City of Greenfield may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
- (1) The elimination of illicit connections or discharges;
 - (2) That violating discharges, practices, or operations shall cease and desist;

- (3) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property;

If the violations are likely to result in damage to properties, public facilities or waters of the state, the City Engineer may enter the land and take corrective actions necessary to prevent such damage. The costs incurred by the City Engineer, plus interest and legal costs, shall be paid by the responsible party.

Every violation of this chapter is a public nuisance. Any person who violates the chapter shall be subject to forfeiture of not less than \$50 nor more than \$500 per offense, together with the costs of prosecution. Each day each violation continues shall constitute a separate offense.

If the City Engineer determines that the responsible person has failed to take appropriate measures to abate or remediate the illicit discharge, the City Engineer or designee may enter upon the land and perform the work or other operations necessary to abate or remediate the illicit discharge. The costs by the City for this work shall be collected as a debt from the responsible person, and such cost shall be assessed against the real estate as a special charge.

32.10 - Appeals.

- (1) *Board of Public Works.* The Board of Public Works, created pursuant to section 2.02(3) of the City of Greenfield ordinances pursuant to § 62.234(4)(b), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the City Engineer in administering this chapter. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this chapter that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.
- (2) *Who may appeal.* Appeals to the Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the City of Greenfield affected by any decision of the City Engineer.

32.11 - Severability. If any section, clause, provision or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

32.12 - Effective date. This chapter shall be in force and effect from and after its adoption and publication.

PART II. The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED by the Common Council of the City of Greenfield on the 7th day of November, 2018.

APPROVED:

Michael J. Neitzke, Mayor

ATTEST:

Jennifer Goergen, City Clerk

On a roll call vote, motion carried unanimously.

At this time, Mayor Neitzke proceeded to Agenda Item 11a (Item #7).

- b. Adopt resolution amending Resolution No. 3529 of the storm water utility rates (BPW 10/23/18)

Aldersperson Akers said she did not support it. She wanted more information, such as how Greenfield compares to other cities' rates. With the referendum being approved, she did not want to raise this rate without more information.

Department of Neighborhood Services Director Jeff Katz said the rates charged by neighboring communities vary widely. He did not have those figures with him. What is being requested is to increase the existing rate by the Consumer Price Index (CPI), which is approximately 2.33%. Greenfield is probably "in the middle" of what other cities charge, but the comparison data is several years old.

Mayor Neitzke asked Mr. Katz to email comparison data to the alderpersons and himself, and asked if these two items could be placed **ON THE NEXT AGENDA**. No one objected. He asked if Aldersperson Lubotsky was willing to remove her second of the motion; she said initially she was willing to vote on this item tonight, but ultimately agreed to remove her second.

At this time, Mayor Neitzke proceeded with Agenda Item #11b.

- c. Common Council did not go into closed session pursuant to Wisconsin Statutes, Section 19.85(1)(b) & (f) to consider the issuance of an operator license to Justin M. Dobbe due to the following:

(1) Justin Dobbe was not in attendance. No action was taken.

d.-e. No action necessary due to the explanation in Item #22c(1).

22. Items for future agenda - none

23. It was moved by Aldersperson Akers, seconded by Aldersperson Lubotsky, to adjourn the meeting at 7:30 p.m. Motion carried unanimously.

Jennifer Goergen, City Clerk