

RESOLUTION NO. 3423

A RESOLUTION TO ESTABLISH A PRIVATE PROPERTY
INFILTRATION AND INFLOW REIMBURSEMENT PROGRAM

WHEREAS, the City of Greenfield ("City") is served by the Milwaukee Metropolitan Sewerage District (the "MMSD"); and

WHEREAS, the MMSD 2010 Capital Budget established a project (M03044, I/I Reduction on Private Property, Phase II) to serve as a funding mechanism to the participating municipalities for infiltration and inflow reduction efforts on private property; and

WHEREAS, the MMSD project provides over \$62,000,000 over 10 years for efforts to address private property infiltration and inflow into the sewerage system operated by the MMSD; and

WHEREAS, the City of Greenfield is eligible to receive a portion of said MMSD funds, currently estimated in the amount of \$647,600 through 2012, which includes funding for private property infiltration and inflow reduction efforts, including carryover from 2010 and 2011; and

WHEREAS, over the course of the MMSD program through 2020, the City anticipates being eligible for annual funding through the MMSD reimbursement programs; and

WHEREAS, the City hereby intends to establish a policy regarding its participation in this MMSD reimbursement program, and the method by which private property owners can receive reimbursement under this program.

NOW, THEREFORE, be it hereby resolved by the Common Council of the City of Greenfield, Milwaukee County, Wisconsin, that the following policies shall direct the City Administration of the MMSD program to reduce infiltration and inflow on private property within the City of Greenfield:

1. Application Process.
 - a. Filing. Property owners may apply by filing an approved application form with the Director of Neighborhood Services. Applications should be filed in the calendar year in which the work will be performed, or in November or December of the immediately preceding calendar year.
 - b. Eligible Work. Reimbursement is available only for eligible work, as defined and regulated within the MMSD program, and as determined by the MMSD. The eligible work must be described in the application.
 - c. Cost Estimates. Applications should include written quotations from three qualified contractors, showing estimated costs of eligible work.
 - d. City of Greenfield Review. Applications will be considered on a first-come, first-served basis. The City shall approve only applications for eligible work that comply with the MMSD program rules, regulations and policies, subject to the additional limitations stated herein, and subject to payment approval as described in Section 8, below.
2. Televising. Before any lateral is replaced, repaired, or relined it must be televised and the televised results must be submitted to the City for review. The City will determine whether the work will be eligible for reimbursement after viewing the televising results.

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3. Percentage of Cost Eligible for Reimbursement. In order to make reimbursement through MMSD available to as many City residents as possible, the City shall limit the reimbursement that any one property can receive to the following:
 - a. Full cost of televising. The full cost of televising laterals shall be reimbursed through the MMSD program, up to a maximum of \$500 per property. Televising may be done by City crew/equipment or by an independent contractor.
 - b. Reimbursement for Sanitary Sewer Lateral Work. All eligible work completed on sanitary sewer laterals (repair, replace, reline) and foundation drain disconnections, including the installation of sump pumps new to the building, shall be reimbursed 100% up to a cost of \$6,000 and thereafter, shall be reimbursed at a rate of 75% to a total of \$12,000 per property.
 - c. Fifty Percent for All Other Work. All eligible work including redirecting existing storm water systems, modifying downspout and existing sump pump systems, or eliminating surface storm drainage which will contribute to I/I reductions in the sanitary sewer system shall be reimbursed at a rate of 50% to a maximum of \$6,000. No project otherwise eligible for fifty percent participation, but which has an estimated actual cost of less than \$200, shall be reimbursed under this program.
 - d. Percentages Based upon Estimates. The percentage of the cost that the City Director of Neighborhood Services may authorize for reimbursement shall be based upon the lowest cost estimate submitted by the property owner with the application, unless (1) the actual cost is less than the estimate, in which case the percentage shall be based upon the actual cost; or (2) the City Director of Neighborhood Services finds all estimates that are submitted are excessive, in which case he/she may notify the property owner that the reimbursement will be based upon a lower total price.
 - e. Exceptions. The City Director of Neighborhood Services shall have the authority to grant exceptions to the reimbursement limitations noted above upon request of the property owner, if it appears that the limit on reimbursement is unduly burdensome on an individual property owner due to unique circumstances affecting the lot, if the Director of Neighborhood Services finds there is a particularly strong public benefit that would be achieved by completing the work.
4. Subject to MMSD Funding. Reimbursement is available only when the City has funding available through the MMSD program. When the MMSD program funds are exhausted or eliminated or otherwise unavailable, reimbursement pursuant to this program will be suspended pending new allocation from the MMSD.
5. After-the-Fact Applications. After-the-fact applications can be submitted to the City Director of Neighborhood Services for projects completed prior to formal application approval provided the project was commenced and completed in the calendar year in which the application is filed. The City may authorize reimbursement for such projects, if the City Director of Neighborhood Services finds that funding is available, the project would have been approved had the formal application been submitted prior to commencement of work, and proper documentation is provided.
6. Property Owner Responsible; and No City Assumption of Risk. Although the Director of Neighborhood Services will review projects pursuant to the terms of this policy, ultimately all work conducted by private property owners, the means and methods of performing such work, the compliance with the MMSD program, the risk of funding being denied or unavailable, and all other risks, are the responsibility of the private property owner. Any approval of an application by the City shall not be interpreted as acceptance of any such risks or responsibilities.

7. Application Forms. The City Director of Neighborhood Services is authorized and directed to prepare application forms for private property owners to use, to further implement this policy. The application forms shall require the property owner's agreement to hold the City and MMSD harmless and indemnify the City and MMSD for all costs and risks arising from this work that is to be conducted on the private property.
8. Application for Payment. Applications that have been approved as described in Section 1 of this policy are eligible for payment of reimbursement, pursuant to all terms and conditions of the MMSD program rules, regulations and policies, and subject to the additional limitations stated herein. Applications for payment shall be filed with the City Director of Neighborhood Services as follows:
 - a. Filing. Property owners shall file an application for payment with the City Director of Neighborhood Services, which must be received by the City after the work is completed, and no later than six months after the initial application was conditionally approved by the City.
 - b. Documentation. The application for payment shall include complete documentation of the work, showing that the work was fully completed, and showing that the work was successful in accomplishing the purpose for which the work was completed. If the work involved televising, the application for payment shall include the televising video. For work that involves subgrade excavation, a complete photographic record shall be provided, demonstrating full and accurate completion of the subgrade facilities. Where subgrade facilities remain in place and connected to the system, the documentation shall demonstrate that all connections are tight and properly made, and that all pipe segments are properly connected, through clear photographic evidence. Where subgrade facilities are removed or disconnected, the photographic evidence shall clearly demonstrate the disconnection, and also demonstrate that the new discharge location is properly established and functional with photographic evidence of discharge in the new location. When required by code, a building permit shall be obtained and the building inspector shall be asked to make at least one site inspection during construction. A building inspector's written site report shall be used as additional documentation of satisfactory work. The City Director of Neighborhood Services may deny payment of reimbursement pursuant to this policy if there is not a clear record, as described herein, that the work was properly completed.
 - c. Actual Cost. The Application shall provide invoices to show the actual costs of the eligible work. Work completed by the property owner is not eligible for reimbursement. Standard building permit fees shall be included as an actual cost of the work.
 - d. Payment. Upon approval of the payment request, the City Director of Neighborhood Services shall provide written payment authorization and payment shall be made to the applicant.
9. Subject to Change. The City of Greenfield reserves the right to reconsider, amend, suspend, or terminate, its participation in this MMSD program, and this policy, from time to time as the City deems appropriate.
10. City Code Compliance Required and not Waived. Nothing herein shall be construed as limiting, modifying, revising, or affecting in any way the responsibilities of City private property owners as described in the Municipal Code, or the penalties for noncompliance,.

SEVERABILITY.

The several sections of this resolution and the attachment hereto are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the resolution. The remainder of the resolution shall remain in full force and effect. Any other resolutions whose terms are in conflict with the provisions of this resolution are hereby repealed as to those terms that conflict.

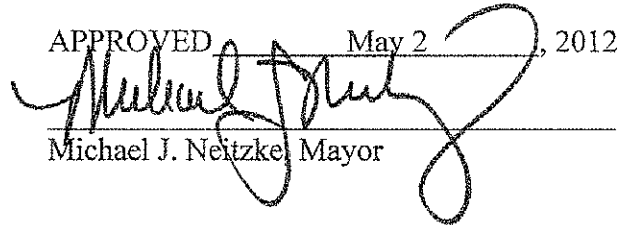
EFFECTIVE DATE.

This resolution shall take effect immediately upon passage and posting or publication as provided by law.

ADOPTED May 1, 2012


Jennifer Goergen, City Clerk

APPROVED May 2, 2012


Michael J. Neitzke, Mayor