

Sewergate

The facts behind the MMSD cover-up.

Milwaukee wants us to increase your sewer bill by 500% to pay for their "combined" sewers. And our storm sewers aren't even connected to their Deep Tunnel holding tank!



What are the facts behind the Milwaukee Metropolitan Sewerage District (MMSD) cover-up? Here's a simple truth they don't want you to know ...



When it rains in the City of Milwaukee, run-off is channeled into a "combined" sewer system and treated as if it's sewerage. It's a very costly set-up. But in Mequon — and in 25 other communities that are now on both sides of the Sewer Wars — "separate" storm sewers efficiently direct the harmless run-off into drainage ditches and rivers. There's *no* treatment cost.

In fact, it was Milwaukee's combined system that was always overflowing and pouring raw sewerage and pollutants into Lake Michigan. And it was Milwaukee's unwillingness to pay \$400 million to separate their sewers that ultimately led to the \$2.3 billion Deep Tunnel fiasco.

(Why a \$2.3 billion "holding tank" when you can really fix the problem for \$400 million?)

Here are the questions we should be asking: Why should *we* pay for treatment of all the extra waste water collected by Milwaukee's "combined" sewers? Our storm sewers aren't even hooked up to the Deep Tunnel! Why should *we* pay for the heavy dumping by "wet" industries like Miller Brewing and Universal Foods? They're certainly not paying *their* fair share.

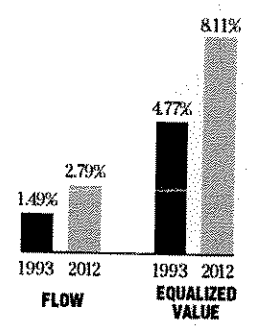
And why should *we* pay for a system that promotes waste of our precious water supply? We thought Mayor Norquist — who ultimately controls MMSD — was in favor of the environment!



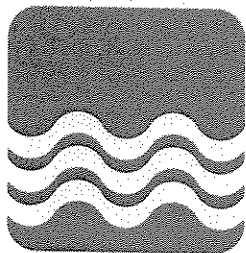
Get informed! Watch next week for more of the facts behind Sewergate -- MMSD's secret cover-up and grab for your money.

Would you pay for gas or electricity based on your property value?

Of course not! But MMSD wants you to pay based on assessed home value, not your use of the system. More than 99% of Wisconsin communities agree with Mequon. Payment for the capital costs of a sewerage treatment system should be based on use.



Mequon's meters say we only send 1 1/2% of the total flow into the Deep Tunnel. But with a property-value-based charge, we'd pay almost 5% of the total bill! And because of Mequon's growth and escalating property values, our flow is projected to increase only to 2 3/4% in the next twenty years — while our "equalized" bill would increase to over 8% ... This is "fairness?"



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street Milwaukee, Wisconsin 53201-3049

File

Office of the Executive Director
414-225-2088

September 15, 1995

Representative Marc C. Duff
District 98
Post Office Box 8952
Madison, WI 53708

Dear Representative Duff:

You may have seen a recent article in The Milwaukee Journal/ Sentinel concerning what the newspaper termed "seepage" from the Milwaukee Metropolitan Sewerage District's deep tunnel system. I want to give you a fuller, more accurate understanding about the operation of the tunnel system than the newspaper article conveyed.

At the outset, let me say that the deep tunnel system is performing its task of preventing sewer overflows from polluting area rivers and Lake Michigan even better than expected.

Since beginning operation in November, 1993, the system has prevented over 11 billion gallons of diluted raw sewage from polluting our rivers and Lake Michigan. In the past, during wet weather, the Milwaukee metropolitan area experienced over 60 sewer overflows per year. The tunnel project was built to limit overflow events to less than 1.8 times, which is less than half the frequency established in current federal guidance applicable to sewer overflows. Since the deep tunnel system became operational, only two sewer overflow events have occurred in the last 22 months. As a representative of the State of Wisconsin, you can take great pride in this exemplary pollution control project.

MMSD has continually monitored the groundwater conditions in the area surrounding the tunnels since the start-up of the system. This monitoring system, utilizing 45 wells, was designed as a precautionary measure to ensure that the system was operating as expected. In 1994, a monitoring well near the tunnel zone underneath our Jones Island Wastewater Treatment Plant detected levels of coliform bacteria after tunnel fill events.

This bacteria detection caused MMSD to retain the consulting firm of Camp Dresser and McKee (CDM) to conduct an independent review of the situation, along with Dr. Herbert Wang of the University of Wisconsin to provide peer review of CDM's work. These actions were taken by MMSD on its own initiative. In addition, MMSD has had a number of meetings with the Department of Natural Resources to discuss the matter and will continue to work closely with DNR staff until all of the groundwater issues have been resolved.

September 15, 1995
Page Two

At the end of May, 1995, CDM completed its preliminary report. CDM's finding was that the deep tunnel system was operating as should be expected. Water pressure outside the tunnel forms a natural barrier that keeps the diluted sewage within the confines of the tunnel. But CDM found that under certain conditions when the tunnel was full, this natural barrier temporarily expands slightly into the tunnel walls causing "a small amount of tunnel water [to be] temporarily stored in the rock adjacent to the tunnel during wet weather events." CDM said this storage is of a limited duration.

The CDM report further states that, "All such temporary storage returns to the tunnel after tunnel water levels return to normal operating levels," i.e., when the tunnel water begins to be pumped to the plants for treatment and the pressure barrier contracts once again. Based on CDM's findings, all tunnel contents return to the tunnel when the water is pumped to our treatment plants. CDM recommended further monitoring and verification of these preliminary conclusions.

Although our initial concerns have been alleviated by the conclusions of this independent consultant, MMSD has begun these additional studies in order to be as certain as possible that the tunnel is operating acceptably.

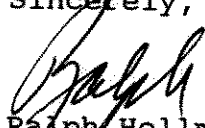
The Journal/Sentinel also reported that "DNR has withheld a \$1.5 million grant payment to the sewerage district," and implied that this was done as a punitive measure. This assumption is not correct.

No grant funds have been "withheld" as a fiscal sanction against the MMSD. The Journal/Sentinel reporter was apparently confused by the fact that MMSD, again on its own initiative, requested a delay in the performance certification for the tunnel so that we could address the groundwater data. Performance certification of a project is required by grant regulations after completion of an initial start up phase of a funded project.

As soon as deep tunnel performance is verified, we will give the necessary performance certification, and the grant money will be released. MMSD has a responsibility to the taxpayers and citizens of Wisconsin to verify adequate performance of this enormous project before certifying that performance.

I hope this additional information has been helpful. Please feel free to call me if you have any questions or would like to discuss this matter.

Sincerely,


Ralph Hollmon
Executive Director

COPY

August 15, 1995

David T. Prosser, Jr.
Speaker of the House of Representatives
State Capitol - Room 21 N.
P.O. Box 8953
Madison, WI 53708

Dear Speaker Prosser:

I am a property owner in district BR-9, City of Brookfield. It has been brought to my attention that you are the individual that can best convey my message of displeasure with the decision makers of the City of Milwaukee regarding the procrastination of sewage system hook-ups to neighboring communities.

Thirty years ago, my wife and I, purchased a parcel of land in Brookfield with the intention of maintaining it as an investment for our retirement years. For the past seven years WE HAVE NOT BEEN ABLE TO SELL OUR INVESTMENT PROPERTY because of the inability to offer city sewerage for the development of 7 large residential lots.

The MMSD sewerage system is at my lot line to the north, all I need is permission to extend service to the next 6.5 acres of land, which is my parcel of land, and then I would be able to sell my property.

The lack of cooperation between the Milwaukee Metropolitan Sewerage District and the City of Brookfield has created unnecessary financial setbacks and expenses for my family. We have been paying property taxes and property insurance all these years, also, we have lost our rental income from the house that sits on the property because the City of Brookfield has made our tenants vacate the house because of an outdated septic system. The time element has taken its toll in the amount of acres that the city and DNR have restricted for "land preservation" on my parcel, a loss of 16 acres to date.

It is for these reasons I earnestly request that you help cut through the politics of this debate and call upon Mayor John Norquist and other MMSD affiliates to bring relief to this long awaited area known as Brookfield Basin BR-9.

Thank you for the opportunity to state my concerns on this matter.

With kind regards,

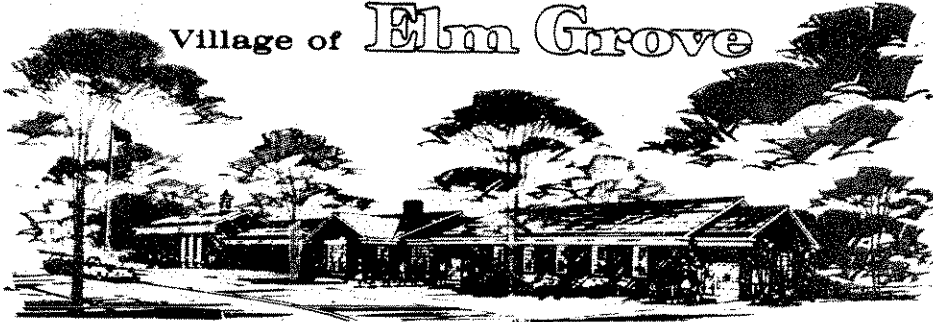


Ervin G. Krueger
Land Owner/Basin BR-9

(2)

cc: Representative Hank Urban
Representative Marc Duff
Senator Margaret Farrow
Mayor Kate Bloomberg

Village of **Elm Grove**



13600 Juneau Boulevard
Elm Grove, Wisconsin 53122-0906
414-782-6700
FAX 782-8714

August 21, 1995


State Assemblyman Marc Duff
98th District
State Assembly Rm 306 North
P.O. Box 8952
State Capitol, Madison, WI 53708

RE: MMSD Reorganization

Dear Assemblyman Duff:

Attached for your attention, is a copy of a resolution passed
by our Board of Trustees.

Sincerely,


James J. Pellowski
Village Clerk

JJP:mg

Enclosure

RESOLUTION NO. _____

RESOLUTION BY THE VILLAGE OF ELM GROVE
URGING LEGISLATIVE ACTION TO REFORM AND REORGANIZE THE
MILWAUKEE METROPOLITAN SEWAGE DISTRICT

WHEREAS, The Village of Elm Grove and seven other communities are members of FLOW (Fair Liquidation of Waste) an organization formed to implement a fair and equitable basis for allocating capital costs to all customers of the Milwaukee Metropolitan Sewage District; and

WHEREAS, the MMSD was created by the Wisconsin legislature; and

WHEREAS, the Wisconsin legislature is considering legislation designated SB 206, SB 208, AB 374 and AB 434; legislation to reform and reorganize the MMSD; and

WHEREAS, this legislation is designed to create a more responsive and adequately regulated MMSD; and

WHEREAS, a reformed and reorganized MMSD will help prevent future disputes and create an atmosphere of improved regional cooperation,

NOW, THEREFORE, BE IT RESOLVED, the Village of Elm Grove does hereby support and endorse the proposed legislation,

BE IT FURTHER RESOLVED, does hereby urge the Wisconsin legislature to pass the proposed legislation and send it to the Governor for signature.

BE IT FURTHER RESOLVED, that copies of this resolution be provided to members of the Wisconsin legislature and Governor Tommy Thompson.

Adopted this 14th day of August, 1995.

VILLAGE OF ELM GROVE

By: James W. Nortman
James W. Nortman, Village President

ATTEST:

James J. Pellowski
James J. Pellowski, Village Clerk

Ruekert Mielke

Professional Engineers
& Registered Land Surveyors since 1946

AUG 14 1995

DATE: August 11, 1995
TO: Steve Bablitch
FROM: William J. Mielke, P.E. *WJM*
RE: Legislature Involvement in FLOW Dispute

We seem to still be battling the Democrats' claims that the FLOW dispute does not belong in the legislature. As Scott Jensen pointed out at one of the hearings, this attitude has not always been the case. Attached are copies of Tom Loftus' comments and involvement in the FLOW dispute back when the Democrats had control of the legislature. You may find these comments and the subsequent newspaper article helpful.

WJM/lc

attachment

cc: Peter Peshek (w/attachment)
Neil Palmer (w/attachment)
Mayor Kathryn Bloomberg (w/attachment)
Senator Margaret Farrow (w/attachment)
Representative Marc Duff (w/attachment)

Loftus to vow fight on sewer fee veto

By JIM GRINSTEAD
and TOM HELD
Sentinel staff writers

Assembly Speaker Thomas A. Loftus will tell Milwaukee-area sewer commissioners Monday that he will fight the governor's veto of a bill to force some suburbs to pay for sewer capital costs from property taxes.

Loftus, a Sun Prairie Democrat, said he will put a new bill with nearly identical provisions on Republican Gov. Tommy G. Thompson's desk.

Loftus said he will make the pledge Monday when he meets with commissioners of the Milwaukee Metropolitan Sewerage District, which encompasses most of Milwaukee County.

"The veto shows the governor's true colors: With a stroke of his pen, Gov. Tommy Thompson once again hurt property taxpayers in Milwaukee. He has been no friend of Milwaukee," Loftus said in remarks released Sunday.

Loftus is considered Thompson's most likely opponent in the 1990 race for governor, although Loftus has not formally announced he will run.

Thompson spokesman Jon Henkes said Loftus' contention that the governor was not a friend of Milwaukee was "ludicrous."

"That's absolutely untrue," Henkes said. "Loftus is generating a lot of his comments based on a campaign that is not progressing as well as he had hoped."

Henkes also said Loftus still was "smarting" from a luncheon honoring Thompson Nov. 22, sponsored by former local officials with ties to the Democratic Party.

Thompson vetoed a bill Dec. 8 that would have required suburbs outside

"The veto shows the governor's true colors: With a stroke of his pen, Gov. Tommy Thompson once again hurt property taxpayers in Milwaukee."

— THOMAS A. LOFTUS,
Assembly speaker

Milwaukee County to pay their share of the cost of capital improvements to the sewer system on the basis of property value, as communities within the district do.

The communities — under the banner of Fair Liquidation of Waste — and the district have been in a legal battle over the issue for seven years.

Both sides have been working toward a negotiated settlement that might involve a different form of payment, but Thompson said in his veto message that unless an agreement was reached by the end of February, he would ask the Public Service Commission to settle the issue.

Loftus said he doubted the sides could reach an agreement, or that taking the issue to the PSC was the best way to resolve it.

The Legislature believes it is a matter that should be solved by law, he said.

Thompson's secretary of administration, James R. Klauser, said reintroducing the bill in the Legislature would hamper the negotiations between FLOW and the sewerage district.

DEC 1989

MILWAUKEE SENTINEL

Wisconsin Legislature

ASSEMBLY SPEAKER

Tom Loftus

Statement

Speaker Tom Loftus

Milwaukee Metropolitan Sewage District

December 18, 1989

I wanted to meet with you today to share my disappointment with the Governor's veto of Senate Bill 65 -- the Milwaukee Sewer Bill.

This veto shows the Governor's true colors: With a stroke of his pen, Governor Tommy Thompson once again hurt property taxpayers in Milwaukee. He has been no friend of Milwaukee.

Getting SB 65 approved by the Legislature was a tough job. It was the culmination of years of work and building support. The Governor has cut the legs out from under Milwaukee.

I am going to help work to put another bill on the Governor's desk because I want what you want: a fair and final resolution to the issue of who pays for sewers in this county.

The Governor apparently doesn't care if property taxes in Milwaukee go up. He demonstrated this recently in the budget bill when he vetoed a lower interest rate for sewer projects.

Office of the Speaker

Room 211 West, State Capitol, P.O. Box 8952, Madison, WI 53708 • (608) 266-3387

In 1988, due to changes in federal law, the program which helps communities clean up their wastewater was changed from a grant to a loan program. Communities which previously received grants to clean up their wastewater, like Milwaukee, now receive loans at 3.5% interest. This program change cost the MMSD \$60 million in interest charges.

In the 1989-91 budget, the Legislature reduced the interest rate to 2.5%, which would have saved the MMSD \$27 million. But the interest rate was vetoed by the Governor. Why? Because he doesn't care about property taxpayers in Milwaukee!

The burden of this massive project which you have undertaken should not fall disproportionately on the City of Milwaukee and its residents. Low and moderate income property owners should not pay the same rates as wealthier property owners. FLOW communities must pay their fair share.

According to information from the Legislative Fiscal Bureau, using the current method to distribute capital costs based on property values in MMSD communities, Milwaukee's share of charges for 1989 represent 43% of the total charges. Using FLOW's proposed method, based on usage, Milwaukee's share would increase to 62% of total charges. This would mean a \$15 million annual increase in taxes for Milwaukee property owners.

As you could guess, the big winners under the FLOW proposal are Fox Point, Glendale, Greenfield, Wauwatosa, Whitefish Bay, Brookfield, Elm Grove, Menomonee Falls, Mequon and New Berlin. In these 10 communities, charges would drop 44% under FLOW's proposal. In FLOW communities, charges would be cut in half. Even in these communities, only the wealthiest property owners will benefit, because charges for owners of the least expensive homes will actually go up.

It is also unfortunate that the millions of dollars which both sides have spent in promotional and legal fees could have been used for property tax relief in the District. It is time for final action in this dispute, not another court battle.

I, and other Democrats, would like to work with you and hear your ideas. We intend to vigorously pursue this issue and want to work closely with you to bring it to a fair and speedy resolution for the taxpayers of Milwaukee.

NEIL PALMER & ASSOCIATES

Public Affairs Consultants

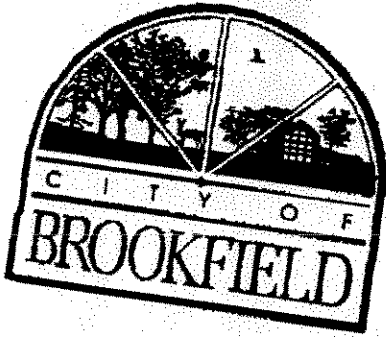
8/9/95

To: Senator Mary E. Panzer
Representative Marc Duff ✓

From: Neil Plamer, FLOW *Neil*

Re: Letters concerning AB 434

I thought the attached letters might be of interest to you. I will continue to keep you up to date



KATHRYN C. BLOOMBERG
Mayor

August 3, 1995

David T. Prosser, Jr.
Speaker of the House of Representatives
State Capitol - Room 21 N.
P.O. Box 8953
Madison, WI 53708

Dear Speaker Prosser:

I can't express my disappointment with your decision to request a delay in the Committee vote requiring MMSD to provide sewer service to properties in the City of Brookfield. Over the past decade as these property owners have been denied service repeatedly and subjected to harassment and delay, I have reminded them John Norquist runs the District and controls the Democratic Legislature...be patient, eventually a bully gets put in his place. John Norquist was well known for his dislike of the suburbs from public comments to staged rallies in our communities against freeway expansions.

They eagerly watched the preparation and introduction of legislation that would take away from the District this abusive power. This bill guaranteed nothing, but provided review by the DNR of denials and ultimate relief if the denials were inappropriate. There is serious confusion by everyone here as to why the Republican leadership deserted them.

Although development in Brookfield is healthy in spite of the actions of MMSD, the rights of these property owners are of substantial concern to the City. The City and the State have invested tens of millions of dollars in building wastewater treatment facilities, in installing interceptors, and in replacing failing septic systems.

I have asked these property owners to contact you directly as they can tell their individual stories better than I.

I encourage you to provide the critical leadership required on this issue. The ongoing divisive character of this issue continues

David T. Prosser Jr.
Speaker of the House of Representatives
August 3, 1995
Page Two

to infect other regional issues. The legislators representing these communities need to be able to let their constituents know that Madison cares about out of control bureaucracies whether they are the Department of Public Instruction or MMSD. Please keep me informed and let me know if I can be of any service.

Sincerely,



Kathryn C. Bloomberg
Mayor

KCB/mjg

enclosures

240 REGENCY COURT
BROOKFIELD, WI 53045



TEL: (414) 782-8231
FAX: (414) 782-4617

August 8, 1995

David T. Prosser, Jr.
Speaker of the House of Representatives
State Capitol - Room 21 N
P.O. Box 8953
Madison, WI 53708

RE: Sewer Service to Parcels in Basin 9/Legislative Action.

Dear Speaker Prosser:

I would like to take this opportunity to introduce myself and my company to you. I came to this country 33 years ago to obtain my graduate degree in Physics from the University of Detroit. I was able to support myself financially, at the age of 23, with the small income I derived by teaching at the University on a part-time basis. After graduation, I decided to accept teaching as a career. My first appointment was at Lakeland College, Sheboygan, as an assistant professor of physics. In 1968 I came to Milwaukee to join the Milwaukee School of Engineering (M.S.O.E.) to teach physics and mathematics. It was indeed a real experience to have had the opportunity of being on the faculty of M.S.O.E. While at M.S.O.E., I had the opportunity to do research using several powerful accelerating machines and nuclear reactors. My research, done purely on a part-time basis, led to the publication of a number of technical articles; one of which caught the attention of a Russian scientist who invited me to take part in an international meeting in Vienna on the use of nuclear techniques in the field of pollution analysis. I am proud to say that I was the only attendee in that meeting representing the United States. This was later followed by another meeting in Paris. I was again requested to participate in a third meeting in Tokyo on the same subject. However, by that time, my interest in Nuclear Physics and "splitting atoms" had turned into "splitting land" thereby creating some of the most beautiful homes in the City of Brookfield.

My company, V. K. Homes, Inc., has been building custom luxury homes and subdivisions from 1980, and has so far created approximately 160 million dollars of real estate. The real estate we have completed so far accounts for approximately 6.2% of the residential tax base in the City of Brookfield. Our future plans call for the creation of another 60 million dollars in completed real estate before we move on to other locations.

As a scientist, I know that there is always a solution to even the most difficult problem. In my capacity as the owner of a business in the City of Brookfield, I had to take leadership in whatever responsibility I undertook and was always able to achieve positive results. I strongly believe in working with adversaries to reach mutually acceptable solutions to problems that seem impossible to resolve.

As you may know, the reason for this letter is to discuss the issue of the vote on Bill 434, "the require to serve bill," which, as I understand, has been delayed for action until September 12, 1995. It is a great disappointment to me and all concerned that the dispute between the MMSD and the suburbs is still not resolved. I realize that the issue is extremely complex and not the most favorite subject of discussion for either the MMSD or the suburbs. However, as intelligent and sophisticated as we are, I find it hard to believe that no one can find a solution to this problem which is costing the hard working tax payers millions of dollars. In my opinion, this is a pure waste! I have always believed, and still believe, that this country is blessed with talented people, in both the government and in the private sector, who can work together to find solutions to problems that are vital to the benefit of the community and the nation. Moreover, I believe that this country has enough resources and the necessary brain power to challenge the oppressed, needy and under-privileged with opportunities rather than with inefficiency and bureaucracy.

My company has approximately 30 acres of prime land in Basin 9 in the City of Brookfield. We purchased this parcel in 1989 and since then have been the victim of the sewer wars between the FLOW communities and the MMSD. Since sewer has not been available to service the property, we have lost, and are still losing, a considerable amount of money in the form of taxes, interest, and lost profits. I do not believe it can be justified to the owners of the properties, the tax payers, or the community to deny sewer service to the affected properties for no good reason other than the arrogance and unreasonable position taken by the MMSD.

In conclusion, I respectfully ask you, Mr. Speaker, to use your leadership position to bring this issue one step closer to a satisfactory resolution by turning the matter over to the DNR so that they may make an informed decision as soon as possible. If you have any questions, feel free to call me.

Sincerely,
V. K. Homes, Inc.

Vincent Kuttemperoor
President

cc:
Representative Hank Urban
Representative Marc Duff
Senator Margaret Farrow
Mayor Kate Bloomberg



MUTUAL SAVINGS BANK

June 26, 1995

State Senator Alberta Darling
State Capitol
P.O. Box 7882
Madison, WI 53707

Re: SB 206 and SB 208

Dear Senator Darling:

I am writing to ask for your support of SB 206 and SB 208 which deal with the Milwaukee Metropolitan Sewerage District (MMSD). For many years I, and other business leaders, have been attempting to help bring some sense of equity and accountability to the MMSD's operation and charging methods.

Mutual Savings Bank and the Village of Brown Deer have been and continue to be victims of MMSD's inequitable policies on charging for sewerage service. As an example, Mutual's new corporate office building in Brown Deer discharges 483,000 gallons of wastewater per year, or the equivalent of six homes per year. This past year, Mutual paid \$671 for operation and maintenance costs as part of our sewer bill which is again the equivalent of what six homes also paid. The major inequity is that MMSD taxed our Brown Deer office building \$21,595.14 for MMSD capital costs and MMSD also taxed our desks and computers (personal property) \$2,962.30 for a total bill of \$24,557.44.

While we are asked to pay way more than our fair share of MMSD capital costs, MMSD seems to have no problem giving a free ride to all the hospitals and tax exempt properties in the MMSD service area. Heavy water users are also subsidized by the present system of capital charging.

Besides our corporate offices, we also have 14 branch offices located in the MMSD service area which suffer the same problem. The MMSD charging system is an anomaly in Wisconsin. At all our other branches throughout Wisconsin, we are charged for sewer service based on use. Why should MMSD be allowed to continue this unfair charging practice?

State Senator Alberta Darling
Page 2


June 26, 1995

The present governance of MMSD has been unable to deal with this long-standing problem. The proposed legislation will bring new personalities and new ideas to the process. The Public Service Commission regulation of MMSD which serves 28 very diverse communities is sorely needed for their impartial expertise to bring the long awaited fairhanded equity to resolve and cost allocation issues.

On behalf of the homeowners and businesses in your District, I ask for your support for this legislation. I would appreciate your office keeping me informed as to your position on this issue.

Very truly yours,

MUTUAL SAVINGS BANK


MICHAEL T. CROWLEY, JR.
PRESIDENT and
CHIEF EXECUTIVE OFFICER

MTC:jp

8/10/95

To: The Editor
Wauwatosa News-Times
CNI Newspapers
640 E. Ryan Road
Oak Creek, WI. 53154

Recently, Wauwatosa citizens received a postcard from a group called " Let's Be Fair " with a message " from Mayor Maricolette Walsh about the "Sewer Wars." The Mayor's message stated that Wauwatosa residents can't afford to lose the Sewer Wars. I couldn't agree more. Unfortunately, much of the rest of the information on the postcard was not accurate.

The City of Wauwatosa is part of the special unit of government known as the Milwaukee Metropolitan Sewage District (MMSD) as are the other municipalities inside Milwaukee county. The MMSD bills its' customer communities inside the district based on two components. Operation and maintenance expenses are charged based on how much the customer use of the sewer system contributes to those costs. Capital costs incurred by MMSD are billed based on the property value of the customer communities.

The communities of Brookfield, Elm Grove, New Berlin, Menomonee Falls, Butler, Germantown, Mequon and Thiensville do not belong to the sewage district. These communities , who all belong to the coalition known as Fair Liquidation of Waste, are contract purchasers of wholesale sewer service from the MMSD. For decades our communities contracted for services and were charged on the basis of how much we used. ~~Our combined volume was ----% of the total system use in 1994.~~

When the MMSD was planning to build the Deep Tunnel system district representatives came to public meetings in our communities and stated that our future service contracts including capital charges would be billed on the same usage criteria. We believed them. In 1984, after the deep tunnel project was underway and opportunity for public inquiry or alternative treatment plans was no longer possible, the MMSD unilaterally canceled our use based contracts and began billing us based on property value.

We objected and went to court where the court found that yes, the MMSD had told us our future service charges would be based on use. The former executive director of MMSD testified that he personally had gone to FLOW communities and told them they would be charged based on usage through the year 2005.

No other metropolitan sewage district in Wisconsin uses property value to charge for capital costs. As far as we know, MMSD has the highest sewage property tax in the whole country. Wauwatosa residents are charged \$3.00 per \$1,000 of assessed value for MMSD

capital charges. This means that higher valued homes in Wauwatosa pays more for the same amount of sewer system use than a lower valued home in some other community. As a matter of fact it means you pay for more for sewer service if you add a screen porch and a garage even though your sewer use never changed.

The FLOW communities think property value based charging is wrong. However if Milwaukee county communities want to bill their residents based on property value that is fine. Our point is that the sewage district is a monopoly provider of wholesale utility services which should charge based on the cost of providing this critical public health service. After receiving a fair and equitable wholesale bill, each community should be free to allocate those costs as a local decision. If Wauwatosa wants to continue paying almost \$3 million in extra property tax, the taxpayers can decide to do that.

The dispute between the FLOW communities and MMSD has gone on for far too long but it will be settled. We hope through negotiation, but if not, then by the Public Service Commission which is currently considering the issue.

By the way, Mayor Walsh said we have not paid our bill for the last 12 years. **That is not true.** Since the dispute began we have made payments valued at \$91 million. On a dollar per gallon basis the FLOW communities are actually paying more than the communities inside the district. We accept that and one of our settlement offers proposes that we pay 150% of what district communities pay on a per gallon basis. The MMSD, where Mayor Walsh serves a paid commissioner, has rejected this and even more generous offers to settle.

The FLOW communities are supporting legislation to change the governance and regulatory oversight of MMSD. One bill reduces the eleven member commission to five, trimming the commissioners appointed by the mayor of Milwaukee from seven to one. Another bill gives the Public Service Commission power to approve the rates charged by MMSD. If your local electric or gas utility wanted to charge you based on the value of your home, not your use, the PSC would have the power to say no. No one can tell the MMSD no.

Mayor Walsh said the proposed legislation would cancel the "debt" the FLOW communities owe. **This is absolutely false.** The legislation deals with the future not the past.

The legislature is the right place for these issues to be decided because the legislature created the MMSD. Interestingly, the MMSD has tried three times to get legislative authority to charge FLOW communities based on property value (and failed) but now MMSD Commissioner Walsh says we have no right to seek legislative relief.

The FLOW communities support legislative changes in how MMSD is governed and operated because we want to create a future free of conflict so that all the communities in our region can work together on all the regional issues we face.

Yes, Wauwatosa residents should contact their legislators and ask them to help create a better MMSD by supporting SB 206 and SB 208. Residents might also want to ask Mayor (Commissioner) Walsh who " Let's Be Fair " is and why their address is the same as the address for the MMSD lobbyists.

Sincerely,

Neil Palmer
Trustee, Elm Grove &
FLOW Executive Director

240 REGENCY COURT
BROOKFIELD, WI 53045



TEL: (414) 782-8231
FAX: (414) 782-4617

AUG 10 1995

August 8, 1995

David T. Prosser, Jr.
Speaker of the House of Representatives
State Capitol - Room 21 N
P.O. Box 8953
Madison, WI 53708

RE: Sewer Service to Parcels in Basin 9/Legislative Action.

Dear Speaker Prosser:

I would like to take this opportunity to introduce myself and my company to you. I came to this country 33 years ago to obtain my graduate degree in Physics from the University of Detroit. I was able to support myself financially, at the age of 23, with the small income I derived by teaching at the University on a part-time basis. After graduation, I decided to accept teaching as a career. My first appointment was at Lakeland College, Sheboygan, as an assistant professor of physics. In 1968 I came to Milwaukee to join the Milwaukee School of Engineering (M.S.O.E.) to teach physics and mathematics. It was indeed a real experience to have had the opportunity of being on the faculty of M.S.O.E. While at M.S.O.E., I had the opportunity to do research using several powerful accelerating machines and nuclear reactors. My research, done purely on a part-time basis, led to the publication of a number of technical articles; one of which caught the attention of a Russian scientist who invited me to take part in an international meeting in Vienna on the use of nuclear techniques in the field of pollution analysis. I am proud to say that I was the only attendee in that meeting representing the United States. This was later followed by another meeting in Paris. I was again requested to participate in a third meeting in Tokyo on the same subject. However, by that time, my interest in Nuclear Physics and "splitting atoms" had turned into "splitting land" thereby creating some of the most beautiful homes in the City of Brookfield.

My company, V. K. Homes, Inc., has been building custom luxury homes and subdivisions from 1980, and has so far created approximately 160 million dollars of real estate. The real estate we have completed so far accounts for approximately 6.2% of the residential tax base in the City of Brookfield. Our future plans call for the creation of another 60 million dollars in completed real estate before we move on to other locations.

As a scientist, I know that there is always a solution to even the most difficult problem. In my capacity as the owner of a business in the City of Brookfield, I had to take leadership in whatever responsibility I undertook and was always able to achieve positive results. I strongly believe in working with adversaries to reach mutually acceptable solutions to problems that seem impossible to resolve.

As you may know, the reason for this letter is to discuss the issue of the vote on Bill 434, "the require to serve bill," which, as I understand, has been delayed for action until September 12, 1995. It is a great disappointment to me and all concerned that the dispute between the MMSD and the suburbs is still not resolved. I realize that the issue is extremely complex and not the most favorite subject of discussion for either the MMSD or the suburbs. However, as intelligent and sophisticated as we are, I find it hard to believe that no one can find a solution to this problem which is costing the hard working tax payers millions of dollars. In my opinion, this is a pure waste! I have always believed, and still believe, that this country is blessed with talented people, in both the government and in the private sector, who can work together to find solutions to problems that are vital to the benefit of the community and the nation. Moreover, I believe that this country has enough resources and the necessary brain power to challenge the oppressed, needy and under-privileged with opportunities rather than with inefficiency and bureaucracy.

My company has approximately 30 acres of prime land in Basin 9 in the City of Brookfield. We purchased this parcel in 1989 and since then have been the victim of the sewer wars between the FLOW communities and the MMSD. Since sewer has not been available to service the property, we have lost, and are still losing, a considerable amount of money in the form of taxes, interest, and lost profits. I do not believe it can be justified to the owners of the properties, the tax payers, or the community to deny sewer service to the affected properties for no good reason other than the arrogance and unreasonable position taken by the MMSD.

In conclusion, I respectfully ask you, Mr. Speaker, to use your leadership position to bring this issue one step closer to a satisfactory resolution by turning the matter over to the DNR so that they may make an informed decision as soon as possible. If you have any questions, feel free to call me.

Sincerely,
V. K. Homes, Inc.

Vincent Kuttemperoor
President

cc:
Representative Hank Urban
Representative Marc Duff
Senator Margaret Farrow
Mayor Kate Bloomberg

What are the Sewer Wars all about?

Since 1921, we've been paying our fair share for improvements to our sewer system. But when we had to spend money to build the Deep Tunnel, our new neighbors to the west decided they wanted a better deal. Sound fair to you? It's not!

Sewers are like roads and parks and schools. They're part of our infrastructure—they improve the value of our property whether we use them a lot or a little. It's only fair to pay for capital improvements according to how much they increase our property value, not how much we use them every day.

Let's be fair about this—that's all we're asking.

- Don't make it partisan.
- Don't get Madison involved.
- Don't chase industry out of our communities by making it too expensive for them to stay.

Instead, let's equitably share the cost of our sewer system. It's just that easy.

Our neighboring communities owe well over ONE HUNDRED FIFTY MILLION DOLLARS because they haven't paid their bills for the last 12 years. If you think they should pay up, contact your state legislators and say so! It's only fair.

And what's at stake for Wauwatosa?

There are several bills before the State Legislature. If they pass, they could...

- Transfer our local control to the State. Do you want someone in Madison making decisions about this local taxation question?
- Cancel the debt our neighboring communities owe to the sewer district — and force Wauwatosa to pay even more!

You and your legislator can keep things fair!

If we stop these legislative bills, we can...

- Make sure our neighbors pay the same fair share we've been paying all these years.
- To avoid paying higher fees, we have to insist that other communities pay their bills like Wauwatosa, Milwaukee, Whitefish Bay, West Allis and others have been doing all along.

This affects you and the value of your property!

We may be knocking on your door in the next few weeks to answer questions on the Sewer Wars, and to let you know how you can tell the legislature what you think. We'll take only a few minutes of your time—thanks in advance for your courtesy.

A message from Mayor Maricolette Walsh

Dear friend and neighbor,

Wauwatosa can't **afford to lose** the Sewer Wars!

Since 1921, we've been paying for capital improvements to our sewer system on the basis of individual property values. It's fair, it's equitable, and it's worked for nearly 75 years.

It worked, that is, until we had to build the Deep Tunnel to protect our water supply and dispose of sewage safely. That's when the **newer**, western suburbs decided they wanted a better **deal**. If they get it, *we lose!*

This is a vital issue of fairness. A safe, affordable and environmentally sound sewer system protects the property value of our homes. It keeps industry here, and that means we keep *jobs* here and can count on a *strong tax base*.

A good sewer system isn't as glamorous as roads and parks, but it's just as important to our property values and our quality of life.

Your pocketbook is at stake here. Please take a moment to read the information on this postcard...so you understand what's *really* going on in the Sewer Wars.

53226-2345 38

LET'S BE FAIR
600 East Mason, #400
Milwaukee, WI 53202

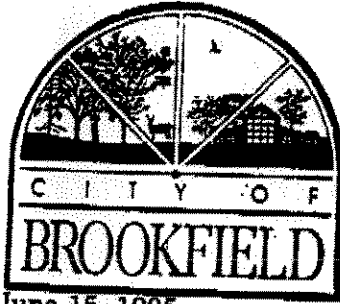
Bulk Rate
U.S. Postage
PAID
Milwaukee, WI
Permit N° 907

Current resident on...

ANCE

2 4





June 15, 1995

DEPARTMENT OF PUBLIC WORKS

William A. Muth, P.E., Director of Public Works

2000 North Calhoun Road

Brookfield, Wisconsin 53005-5095

(414) 782-9650 FAX (414) 796-6671

Marc C. Duff
State Representative
98th Assembly District
State Capitol - Room 306 North
P. O. Box 8952
Madison, WI 53708

Re: AB434/SB248

Dear Mr. Duff:

Although time restraints didn't allow us to present verbal testimony at the joint hearing held on June 13, 1995, we would like to take this opportunity to present our comments on behalf of the City of Brookfield in writing.

The bill would institute an appeal process that would give local communities, served by the Milwaukee Metropolitan Sewerage District, a place to be heard when the District indiscriminately denies sewer extensions within the 208 Planning Area.

From the testimony heard at the joint hearing, it is obvious that this measure of relief is sorely needed.

Regarding the City of Brookfield's specific problem, you heard testimony from Representative Frank Urban, Bill Mielke and Ralph Holman who all referred to Brookfield Basin BR-9. Basin BR-9 is located in the northeast part of the city and consists of residential, commercial and industrial development that has been in existence, for the most part, for over forty years.

When the MMSD conducted their Sewer System Evaluation Survey (SSES) in the early 1980's, they inadvertently forgot to include about two-thirds of a square mile of BR-9 in their study area. Attached and marked #1 is a copy of Figure 1-1 from the SSES clearly showing the mis-map. This particular part of BR-9 consists of single family homes dating to the late 1940's.

We pointed this error out to the District staff and they acknowledged same in their February 22, 1990 letter (#2) and further agreed to refer the error to their consultants. To this date we have heard nothing.

This is not a matter of difficulties in determining the outer boundaries of the service area, as in the case of New Berlin and Mequon. Rather, it is the proverbial "hole in the doughnut" situation where the area is right in the middle of a basin.

Mr. Marc Duff
June 15, 1995
Page Two

As a result of this uncorrected error, BR-9 was severely shorted in total gallons of sewage flow allocation allowed from the basin. Attached and marked #3 is the City's staff analysis of the situation - again, complete silence.

With no additional flow allowed in BR-9, several small residential developments were denied sewer extensions by the District as follows:

1. Turtle Creek Subdivision - You have received correspondence from Mierow regarding this matter. The exhibits marked #4a, #4b, #4c, #4d and #4e are a series of letters between the various parties involved in this denied sewer extension request. Note that #4e ties this matter to the "Sewer War", indicating that the sewers could be approved if the "War" could be settled. So much for physical capacity deficiencies.
2. Mr. Krueger's House Connection - Exhibits #5a, #5b and #5c pertain to this request to connect a single home to a sewer pipe located in the street and paid for by the property owner via a front foot assessment. The property owner finally gave up and installed an expensive-to-operate sewage holding tank.
3. Several other residential properties in BR-9 never developed because we had to inform the owners that sewers were not available, namely, Mollgard, Johnson and Lawein.

In his testimony, Mr. Holman indicated that the interceptor sewer serving this area was undersized and subject to "surcharging". We have checked the design calculations for the Menomonee Interceptor and find that the system was designed and has capacity for every last square foot of land in the basin.

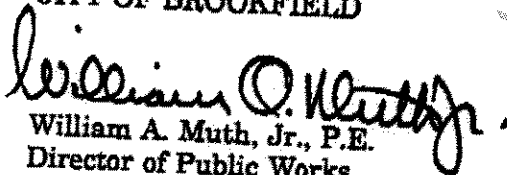
Finally, it seems peculiar that this same two-thirds of a square mile, although omitted on the map, is figured into the District's computations for ad valorem tax values.

The need for appeal relief proposed in the legislation is urgent.

Thank you for the opportunity to present this information.

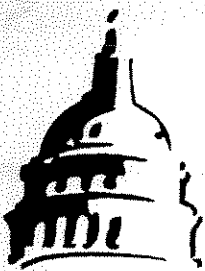
Sincerely,

CITY OF BROOKFIELD


William A. Muth, Jr., P.E.
Director of Public Works

WAM/sj
Enclosures

cc: State Senator Margaret Farrow
Mayor Kathryn C. Bloomberg



**MARC
DUFF**

STATE REPRESENTATIVE

Chair: Environment & Utilities
Vice Chair: Urban Education
Co-Chair: Joint Legislative Council

August 8, 1995

State Rep. David Prosser
Speaker of the Assembly
Room 211 West, State Capitol
Madison, WI INTERDEPARTMENTAL

Dear Speaker Prosser:

As per our discussion, I have been attempting to devise a means for solving the "Sewer Wars" through legislation. One method would be to set up a system similar to binding arbitration where an outside body would decide disputes between MMSD and affected suburban communities. A way to accomplish that goal would be as follows:

- 1) As was considered in the failed 1990 settlement, stipulate that the suburban contract communities would purchase sewer system capacity from MMSD. MMSD would have to sell capacity to those suburbs, and the sale would be based on the cost of constructing the capacity to handle the suburbs' sewerage discharges. Any disagreements over the capacity purchase price could be settled by the PSC. Past payments for sewer capital costs by suburban communities could be considered in determining the amount to purchase capacity. Any sewer related disputes could be resolved by the DNR.
- 2) Each suburb purchasing capacity would operate independent of MMSD as a municipal sewer utility. If more capacity were needed, they would negotiate with MMSD for a purchase. If a dispute arose, the issue could be taken to the PSC or DNR, as appropriate, for resolution. If it were more cost effective to build their own sewerage treatment capacity, they could do so.

It should be realized that the state, through the DNR, forced the suburbs to hook up to MMSD based on a rule that it was more "cost effective" to have regional treatment facilities. It would be reasonable, therefore, to have the state require MMSD to sell capacity to those suburbs based on the cost to construct the sewerage facilities to treat the waste. This type of proposal would also avoid many of the other controversies in the "Sewer Wars". Suburban communities could operate autonomously with the purchased sewer capacity, while MMSD could continue operating the way they have been within Milwaukee County.

OFFICE: State Capitol
PO, Box 8952
Madison, WI 53708-8952
608-266-1190

HOME: 1811 South Elm Grove Road
New Berlin, WI 53151
414-782-0763

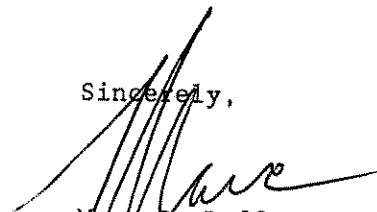
TOLL-FREE HOTLINE: 1-800-362-9472
E-MAIL: USWLSA98@IBMMAIL.COM



This is a very complex issue and more details about the suggestion I have made would need to be ironed out. Perhaps Secretary Klauser could assist in devising a proposal since he was involved in the 1990 negotiation. I am convinced that this type of legislation would solve the "Sewer Wars" and I am committed to solving this long standing dispute.

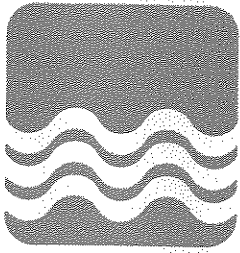
Thank you for your interest and please inform me if I can be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark E. Duff', written over a series of diagonal lines that serve as a background for the signature.

Mark E. Duff
State Representative
98th Assembly District

mcd



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street Milwaukee, Wisconsin 53204-1446

Office of the Executive Director
414-225-2088

July 24, 1995

Honorable Marc C. Duff, Chairperson
Assembly Committee on Environment and Utilities
State Capitol
Madison, Wisconsin 53701

Re: 1995 Assembly Bill 434

Dear Representative Duff:

This letter is my report to you and your committee on the status of two proposed expansions of the District's service area that were brought to your committee's attention during its consideration of the above-referenced bill. Westridge Business Park, in New Berlin, Wisconsin, is a development which has been started. The review of all of the sewer plans submitted by New Berlin, and inclusion into the District's 2005 sanitary sewerage service area of the portions of the Westridge Business Park to be served by those sewers, was considered at the July 20, 1995 meeting of the Metropolitan Sewerage Commission. The Commission approved all the sewer plans for Westridge Business Park previously submitted by New Berlin and the Commission approved an expansion of the District's 2005 sanitary sewerage service area limits to include the areas of Westridge Business Park for which sewer plans have been submitted. A copy of the certified resolution of the Commission is enclosed. As a result of this action, hearings in litigation that arose out of that situation, scheduled for July 24, 1995, have been canceled.

The second project of concern involved provision of sanitary sewerage service to St. Mary's Hospital and Concordia College in Mequon, Wisconsin. The City of Mequon has adopted an amendment to the Southeastern Wisconsin Regional Planning Commission's year 2010 "208 Plan" sanitary sewerage service area. District staff will recommend approval of the SEWRPC amendment at the next regularly scheduled commission meeting. In addition, the District and the Wisconsin Department of Justice have agreed to dismiss the District's lawsuit that challenges the former "208 Plan" sanitary sewerage service area boundary once the Wisconsin Department of Natural Resources approves the amendment. My staff advises me that as of July 21, 1995, SEWRPC had yet to convey the amendment to DNR for approval; however, that should be forthcoming. In the interim, District engineers have contacted the Mequon city engineer to inquire as to when plans for sewers would be presented. My staff has been advised that Mequon is or will be studying the best service option and will advise the District when it is ready.

Honorable Marc C. Duff
July 24, 1995
Page 2

Thank you for your committee's concern about these important developments.

Sincerely,

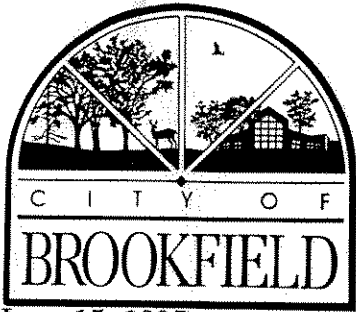


Ralph E. Hollmon
Executive Director

REH/st

cc: Members of the Assembly Committee on Environment and Utilities
Members of the Senate Committee on Environment and Energy

07211507.ajp



June 15, 1995

DEPARTMENT OF PUBLIC WORKS

William A. Muth, P.E., Director of Public Works

2000 North Calhoun Road

Brookfield, Wisconsin 53005-5095

(414) 782-9650 FAX (414) 796-6671

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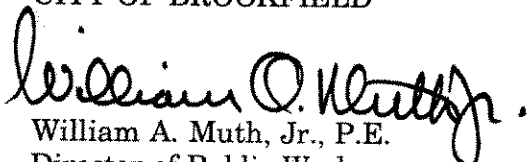
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The need for appeal relief proposed in the legislation is urgent.

Thank you for the opportunity to present this information.

Sincerely,

CITY OF BROOKFIELD


William A. Muth, Jr., P.E.
Director of Public Works

WAM/sj
Enclosures

cc: State Senator Margaret Farrow
Mayor Kathryn C. Bloomberg

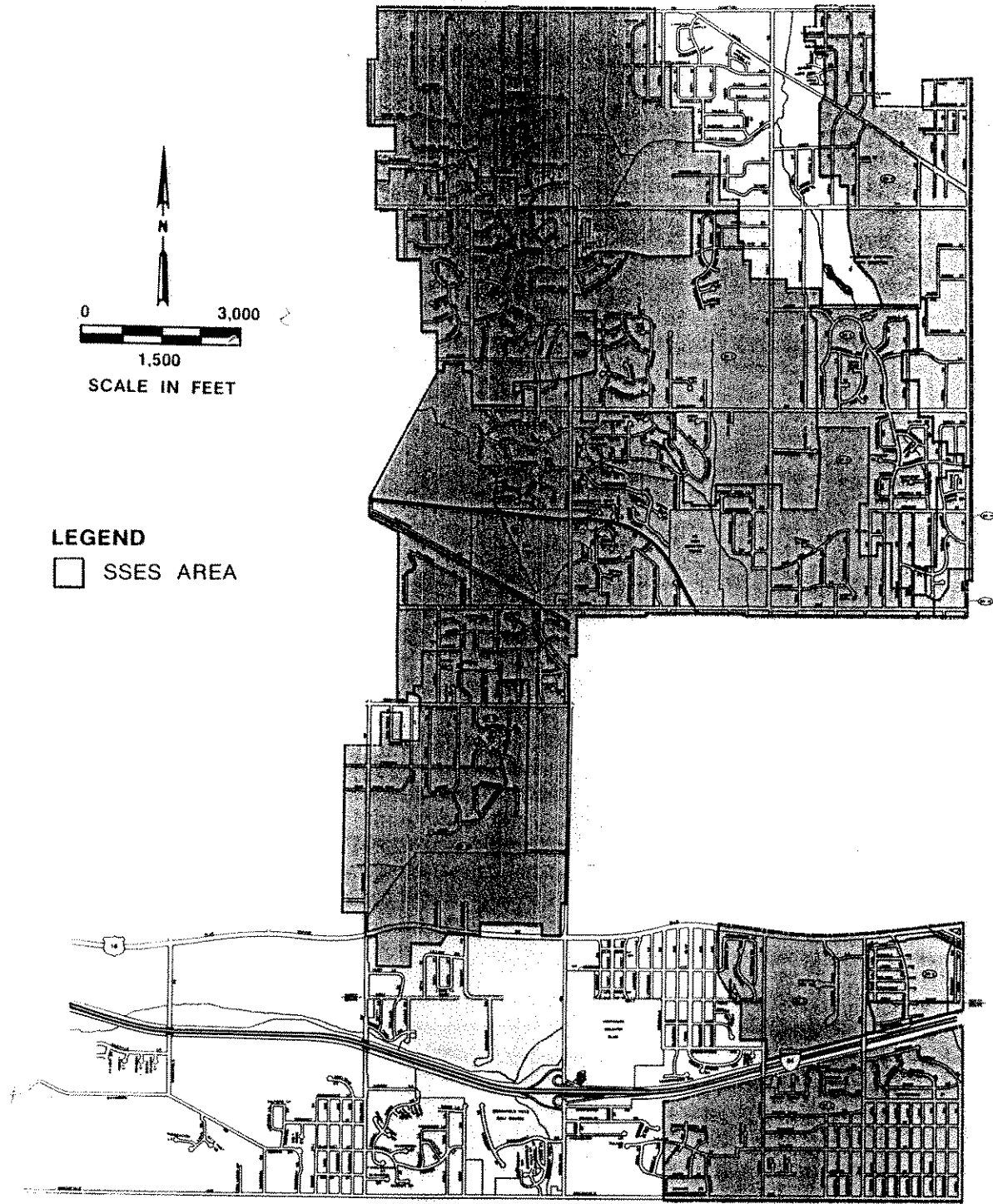
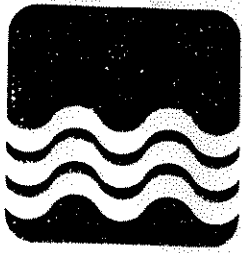


FIGURE 1-1
CITY OF BROOKFIELD
SSES STUDY AREA
SEWER SYSTEM EVALUATION SURVEY
LEORA, 10-2-90



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
P.O. Box 3049
Milwaukee, Wisconsin 53201-3049
(414) 272-5100

February 22, 1990

Mr. Steven D. Loth, P.E., L.S.
Engineering Administrator
City of Brookfield
2000 North Calhoun Road
Brookfield, Wisconsin 53005

Subject: Revised SSES Basins Base Flows

Dear Mr. Loth:

Enclosed are revised balance sheets for Basins 1, 3, 4, 6, 7, 8, 9 and 10, in accordance with your comments and the Basins Base Flow Balance Table.

The population numbers were revised in accordance with your comments using occupancy factor 3.15 instead of proposed 3.01. Residential population was changed to commercial based on your information. Population of 5,449 people in Basin 9 for Menomonee South Interceptor was excluded as a duplication of other sewer extension projects in this basin. The population of Green Ash Creek and Parkway Estates projects was also excluded as not built. However, the City of Brookfield must formally request to rescind the Commission Approval of these projects. The immediate residential population for the Milwaukee Insurance project in Basin 10 was changed to future population according to your comments.

We agree that the areas east and west of Lilly Road and the Fiebrantz area south of Capitol Drive were not included in the Basin 9 boundaries. We addressed this problem to our consultants and designers and their answer is pending at this time.

As to your comments for the revisions by various different reasons (incorrect boundary lines in Basins 6, 7 and 10, incorrect projection of the future development in Basin 10) to the 2005 projected base flows for Basins 6, 7 and 10, they cannot be accepted because it is not consistent with the adopted 1980 District's Master Facility Plan amended by completion of the Sewer System Evaluation Survey (SSES) which was sent to each municipality for review and comments.

Page No. 2
February 22, 1990
Mr. Steven D. Loth, P.E., L.S., City of Brookfield
Revised SSES Basins Base Flows

If you have any questions, please call me at 225-2178.

Very truly yours,

M. Kravets

M. Kravets, P.E.
Senior Civil Engineer

MK:dt
Enclosures

MKBRREV.LTR

cc: W. St. John
L. Paulus
J. Petersen

City of Brookfield



#3

2000 NORTH CALHOUN ROAD
BROOKFIELD, WISCONSIN 53005
(414) 782-9660

WILLIAM A. MUTH, JR. P.E.

Director of Public Works

STEVEN D. LOTH, P.E., R.L.S.

Engineering Administrator

ANALYSIS OF PEAK FLOWS - MMSD BASIN #9

The following data is in support of the City of Brookfield's request for allocation of additional peak hourly and peak daily flow from Basin #9, located in the northeast corner of the City of Brookfield.

Basin #9, which is almost 100% residentially developed, flows northerly and easterly through a joint interceptor with Menomonee Falls, crossing the county line at approximately 124th Street and Custer Avenue at MMSD Meter No. MS-03-11.

The 1980 SSES Report completely omitted some 40% of this basin in predicting both existing and year 2005 base flows. Attached is a letter to the City from MMSD Engineering Department regarding this area which was skipped in the SSES Report.

In the recently negotiated Inter-governmental Cooperation Agreement, we find the peak hourly and peak daily flow assigned for this basin is considerably short of that which will be needed, as a result of the 40% of the basin missing in the SSES Report. The proposed agreement assigns a peak hourly flow of 1.8 mgd and a peak daily flow of 1.22 mgd from this portion of the basin in Brookfield. Assuming that only 60% of the basin was included in the SSES flow data, it would seem logical to increase these two peaks by 40%, representing the 40% of the basin that was excluded. Thus, the peak hourly would be calculated at 3.0 mgd and the peak daily at 2.03 mgd.

The SSES Report assigned a year 2005 base flow of 340,000 gallons per day to this basin. Dividing this 340,000 into the allotted peaks of 1.8 and 1.22, we find the peak hour was calculated using a flow of 5.3:1 and the peak day of flow at 3.6:1. If we assume the 340,000 gallons per day is 40% short of what should have been allowed, we would end up with a base flow of 566,667 gallons per day for 100% of the basin. Taking this flow times the 5.3:1 peak hour and the 3.6:1 peak day, we arrive at the same 3.0 mgd and 2.03 mgd peak flows that we arrived at using a simple per acre ratio. Based on this, our request would be to increase the hourly peak to 3.0 mgd and the daily peak to 2.03 mgd for this particular basin as it leaves Brookfield.

Attached is a computation sheet summarizing these figures.

4/2/90

CITY OF BROOKFIELD MMSD BASIN BR-9
PEAK FLOW CALCULATION

1. Given: Total Area of Basin 9 = 1,466.8 Ac.
Total Area of BR-9 in SSES = 875.5 Ac.
Area of BR-9 Excluded = 591.3 Ac.

Base Flow 2005 in SSES = 340,000 gpd
Peak Daily Flow = 1.22 mgd
Peak Hourly Flow = 1.80 mgd

2. Find: Recomputed Peak Flows

(a) Area Basis: $\frac{\text{Area Excluded}}{\text{Total Area}} = \frac{591.3}{1466.8} = 40.3\%$

Peak Hour = 60% x = 1.8 mgd therefore x = 3.00 mgd
Peak Day = 60% y = 1.22 mgd therefore y = 2.03 mgd

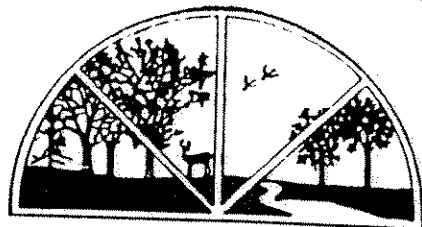
(b) Base Flow Basis:

Peak Hour factor = 1.80 divided by 0.34 = 5.3:1
Peak Day factor = 1.22 divided by 0.34 = 3.6:1

Total Base Flow = z = 340,000 gpd divided by 60%
z = 566,667 gpd

Peak Hour flow = Base x factor = 0.566 x 5.3 = 3.00 mgd
Peak Day flow = Base x factor = 0.566 x 3.6 = 2.03 mgd

CITY OF BROOKFIELD



STEVEN D. LOTH, P.E., R.L.S.
Engineering Administrator

July 15, 1991

2000 NORTH CALHOUN ROAD
BROOKFIELD, WISCONSIN 53005-0983
PHONE (414)782-9650 FAX (414)796-6671

Mr. Jim Simons
Milwaukee Metropolitan Sewerage District
260 Seeboth Street
Milwaukee, WI 53204

Re: Sanitary Sewer and Water Main Extensions to service Turtle Creek II

Dear Mr. Simons:

Enclosed please find the following items relating to Turtle Creek II, a condominium development to be located in the Northwest Quarter of Section 1, Town 7 North, Range 20 East, City of Brookfield:

1. Six (6) sets of plan and profiles for sewer and water construction.
2. SEWRPC Clearance Letter (2 copies).
3. WDNR Form 3400-59 and 3300-66 (2 copies).
4. Owner's approval letter for water main extensions (2 copies) and Brookfield Water System Map (1000 scale) to assist WDNR Water Supply Section in project location.
5. Menomonee Falls approval letter as required by MMSD District Rule 7.05.

These plans and supportive data were prepared by Richard J. Prudlow, P.E., Land Tech Engineering, 530 Hartbrooke Drive, Hartland, WI 53029.

All work and materials will conform with the latest edition of the Standard Specifications for Sewer and Water Construction in Wisconsin and will be inspected full-time by the City of Brookfield. If there are questions, you may call Mr. Prudlow directly at (414) 367-7599.

Sincerely,

CITY OF BROOKFIELD

A handwritten signature in dark ink, appearing to read "Steven D. Loth". The signature is written in a cursive, flowing style.

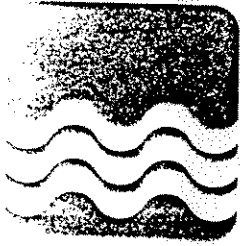
Steven D. Loth, P.E., R.L.S.
Engineering Administrator

SDL/sj
Enclosures

cc: Richard Prudlow, P.E.

RECEIVED JUL 29 1991

#4b



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
P.O. Box 3049
Milwaukee, Wisconsin 53201-3049
(414) 272-5100

July 25, 1991

Mr. William A. Muth, Jr., P.E.
Director of Public Works
City of Brookfield
2000 North Calhoun Road
Brookfield, Wisconsin 53005

Subject: Sanitary Sewer Extension to Service
Turtle Creek II

Dear Mr. Muth:

The above referenced sewer extension project is located in SSES Basin BR-9 which has a negative average daily base flow balance, exceeding the projected District Facility Plan Value by more than 10%. Therefore, this project has to be submitted to the Commission. It has currently been proposed for the September Commission agenda. We will inform you of the Commission's action shortly thereafter.

Very truly yours,

M. Kravets

M. Kravets, P.E.
Senior Civil Engineer

MK:dt

MKTURTLE.LTR

City of Brookfield



#4c

WILLIAM A. MUTH, JR. P.E.
Director of Public Works

2000 NORTH CALHOUN ROAD
BROOKFIELD, WISCONSIN 53005
(414) 782-9650

July 30, 1991

Mr. Wayne St. John
Manager, Engineering
Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
PO BOX 3049
Milwaukee, WI 53201-3049

Dear Wayne:

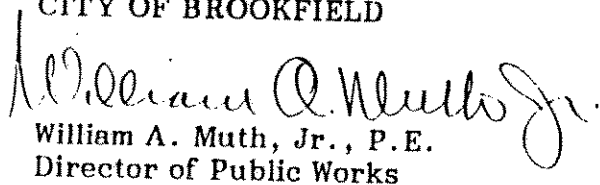
We have received a letter dated July 25, 1991 from the Milwaukee Metropolitan Sewerage District regarding the request for sanitary sewer extensions to service the Turtle Creek II development in the northeast corner of Brookfield. I have attached a copy of that letter which advises us that since Turtle Creek II lies in our Basin BR-9, which has a negative average base flow, the project has to be submitted to the full Commission.

This letter is to remind you that our Basin 9 was the subject of a letter dated February 22, 1990, in which you acknowledge the fact that a large portion of Basin 9, namely 2/3 of a square mile of homes that have existed since the late 1940's, were not included in the Basin 9 boundaries. I have attached a copy of the February 22, 1990 letter. That same letter advised us that you are addressing this apparent mis-map to your consultants and designers and that we would receive an answer shortly. We have never received that answer. The developer's time frame for this project is starting to close down on him and any delays at all will bring him much closer to the end of the construction season.

In presenting this particular matter to the Commission, we would appreciate your pointing out the apparent mistake in the SSES mapping along with the request. We would also appreciate your expediting this approval as quickly as possible.

Sincerely,

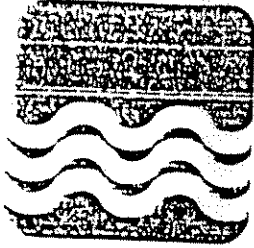
CITY OF BROOKFIELD


William A. Muth, Jr., P.E.
Director of Public Works

WAM/js

cc: Kathryn C. Bloomberg, Mayor
✓ Steven D. Loth, Engineering Administrator
Mierow Brothers

(5)
#4d



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
P.O. Box 3049
Milwaukee, Wisconsin 53201-3049
(414) 272-5100

April 27, 1992

Mr. William Muth, Jr., P.E.
Director of Public Works
City of Brookfield
2000 North Calhoun Road
Brookfield, Wisconsin 53005

SUBJECT: Proposed Sanitary Sewer Extension in Basin BR-9

Dear Mr. Muth:

We have reviewed your letter requesting tentative approval for a sanitary sewer extension in Brookfield Basin BR-9. Section 7.11(1)(b)ii. of the District's Rules and Regulations states that the base flow may not be exceeded unless additional base flow has been purchased. Since Brookfield Basin BR-9 has utilized 112% of its base flow allocation, any subsequent extensions in Basin BR-9 would be inconsistent with the District's facility plan and would be denied approval.

The area known as Basin BR-9 had projected an increase in sewered growth of 2,063 people. This includes both new development and sewerage of houses served by septic tanks/holding tanks. For this reason, subsequent approvals of new development and/or new sewer connections cannot be approved.

If you have further questions, you may contact this office at 225-2219.

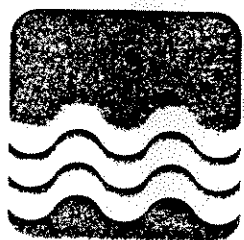
Sincerely

James L. Simons, P.E.
Civil Project Engineer
Sewer and Watercourse Engineering

JLS:4418nk

cc: Wayne St. John
Lee Paulus

#4e



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
P.O. Box 3049
Milwaukee, Wisconsin 53201-3049
(414) 272-5100

February 14, 1995

Mr. Harry Mierow
3055 North Brookfield Road
Brookfield, Wisconsin 53005

Dear Mr. Mierow:

U.S. Senator Russ Feingold has asked us to respond to concerns you raised at his Waukesha County Listening Session on January 3, 1995.

The MMSD's reason for denying sewer extensions is based on the determination not to exceed the sewer capacity designed and built for the various communities we serve. Once a community has exhausted its planned capacity, we cannot risk overflows or give away more capacity until the community agrees to pay for additional capacity.

Brookfield has, for over ten years, refused to pay the full cost for the sewer improvements we have made to serve their community and others. In fact, for the last ten years they have paid less than half of the bill they owe. We cannot in fairness to those who have paid their share of the system's costs allocate more sewer capacity to the FLOW communities until they have paid for the capacity we have already built for them.

As a businessman, Mr. Mierow, I am sure that you can understand our predicament. It is similar to a situation where you build a building for a customer and after ten years the owner refuses to pay more than half of the cost it took to build. What would be your response if those same owners came to you and asked you to build them another building.

I know that a lot of innocent people are being inconvenienced by the FLOW communities' refusal to pay their bills and I sympathize. That is why MMSD has bent over backwards to settle this dispute, but it is clear that FLOW leaders have no intention of settling.

I urge you to once again contact Mayor Bloomberg and urge her to accept the very generous offer we have made. Only with a negotiated final resolution will problems such as the one you're experiencing be resolved.

Sincerely,

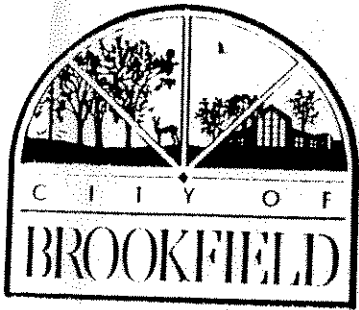
James Elliott
Commission Chairman

02131559.DEG

cc: Senator Russ Feingold

Jones Island Wastewater Treatment Plant
700 East Jones Street, Milwaukee 53207-1091 482-2040

South Shore Wastewater Treatment Plant
8500 South 5th Ave., Oak Creek 53154-3506 764-1045



ENGINEERING DEPARTMENT

Steven D. Loth, P.E., R.L.S.
Engineering Administrator

2000 North Calhoun Road
Brookfield, Wisconsin 53005-0983
(414) 782-9650 FAX (414) 796-6671

July 27, 1992

Milwaukee Metropolitan Sewerage District
260 W. Seaboth Street
Milwaukee, WI 53204

HAND DELIVERED

Attention: Jim Simons, Civil Engineer

Re: Request per Section 7.13 Rule

Dear Mr. Simons:

The City of Brookfield has received a request from Mr. Rodney Krueger to relocate an existing brick bungalow from its present location at 12645 W. Lisbon Avenue to a vacant lot at 13635 W. Hampton Avenue.

A review of the as-built sewer, built in 1980 (MMSD Plan File Nos. 80-302 BR and 36-497) indicates that there is no lateral to the lot in question. A copy of that sewer plan is attached hereto with the subject lot highlighted, along with Mr. Krueger's written request to the Brookfield Developmental Control and Review Board.

Therefore, on behalf of Mr. Krueger, and in compliance with Section 7.13 of the MMSD Regulations, we would request permission for him to install one lateral to the lot at 13635 W. Hampton Avenue to accommodate the moving of an existing house. Your attention to this request would be greatly appreciated.

Sincerely,

CITY OF BROOKFIELD

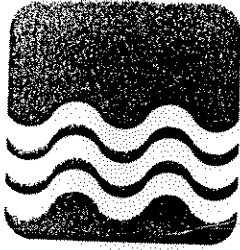
Steven D. Loth, P.E., R.L.S.
Engineering Administrator

SDL/sj
Enclosures

cc: ✓ Michael Thels, Assistant Planner/Economic Development Coordinator

AUG 13 1992

#5b



Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
P.O. Box 3049
Milwaukee, Wisconsin 53201-3049
(414) 272-5100

August 11, 1992

Mr. William Muth, Jr., P.E.
Director of Public Works
City of Brookfield
2000 N. Calhoun Road
Brookfield, WI 53005

Dear Mr. Muth:

In a letter dated July 27, 1992 you requested approval from the District for the installation of a new lateral to service a relocated house. The house is owned by Mr. Rodney Krueger, and is presently located at 12645 W. Lisbon Avenue and is planned to be relocated to a vacant lot at 13635 W. Hampton Avenue. The house is presently located in SSES Basin BR-4, and the new location is in a non-basined area tributary to SSES Basin BR-9.

In accordance with 7.13(2) of the District's Rules and Regulations, a new connection to an existing sewerage system must receive permission from the District prior to the connection.

The proposed increase for this connection would be tributary to Basin BR-9. This basin has utilized 112% of its base flow allocation and therefore is inconsistent with the District's Master Facility Plan. The flow from the City of Brookfield's Basin BR-9 enters a Village of Menomonee Falls' sewer and is conveyed to the District's MIS at N. 124th Street and W. Custer Avenue. The City of Brookfield was informed of this situation in our letter of April 27, 1992 (see attached).

Since the proposed connection is to a basin which has already exceeded its base flow allocation, the District cannot approve the new connection.

The following options are available to the City of Brookfield:

1. The City of Brookfield may withdraw its request for the proposed connection at 13635 W. Hampton Avenue, or
2. The City of Brookfield may petition the Commission for the purchase of additional base flow and peak flow capacity in accordance with Section 7.11(1)(b)ii of the District's Rules and Regulations, and obtain permission

William Muth Jr., P.E.

-2-

August 11, 1992

to convey that additional capacity through the Village of Menomonee Falls' sewers downstream.

If you choose to pursue the second option, approval by the Milwaukee Metropolitan Sewerage Commission is required. Your request should be submitted to Mr. Ralph Hollmon, Executive Director.

If you have any additional questions regarding this matter, please contact Mr. James Simons by calling 225-2219.

Sincerely,



Gary A. Gagnon
Acting Director of Engineering

Attachment

GAG/JS:wrl

GGBRKFLD.LTR

#5C

AUGUST 12, 1992

To whom it may concern,

Regarding the proposed connection of sewer at 13635 w. Hampton I have been denied by MMSD due to reasons beyond myself. I purchased this lot in 1988 with the intent to build or resale at a later date. Well that time has come, only it works out better to move an existing house from a near-by location in Brookfield. With out being able to connect to sewer I would have never even considered buying in first place. Without sewer the value of the lot is reduced to maybe 20% of its previous value.

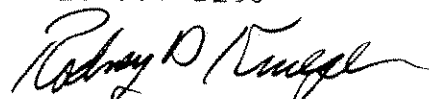
This lot had been plotted many years prior to most any subdivision in the area, sewer run in the street (most likely on the assesment), water was run which I paid for and is totally useless without sewer.

Now I am told that I may petition a commission and get Menomonee Falls to give me the capacity. This would cost me additonal time and dollars and it all goes to the same place DUMB. If the sewer couldn't be used then why is it there? I don't know about you but I'm paid by what I produce and the only thing this flow comunity argument has produced is job security for a bunch of lawyers who are laughing all the way to the bank w ith tax payers money. All I want to do is disconnect at point A and connect at point B 14 blocks away. I can't understand why if the sewer ends up at the same place its OK to get permission from another comunity but not within the same one. It maybe due to a numbers mistake years ago but why should I pay for that now?

Any futher questions of me I'd be happy to talk with you seeing as I verbalize much better than I write.

Rodney D. Krueger

414-778-2100



**MIEROW REALTY**

3055 N. BROOKFIELD RD.

BROOKFIELD, WIS. 53045

PHONE: 786-7430

*Realtors*

June 12, 1995

Representative Marc Duff
Madison WI

FAX: 608-266-7038

Ref: 1995 Assenbly Bill 434

Dear Representative Marc Duff:

Representative Frank Urban was kind enough to notify us of the SAM June 13th hearing on this Act and invited us to speak at the hearing. I contacted Mike Ruzicko, of the Builder's Association, and he said that due to tightness of your schedule on Tuesday, it would probably be better to simply submit our information and remarks via letter.

We own a 30 acre parcel in the City of Brookfield that already had a main sewer interceptor running through the center of the property, plus main lines in roads on 3 sides of the property when we purchased it. We were able to develop a small portion (Phase I) by using only laterals, which did not require MMSD approval. In July of 1991, we submitted plans for Phase II and were turned down by MMSD. They also passed a rule whereby any laterals over 30 feet, that were outside the district, had to be approved by them.

We believe that these denials are discriminatory. Mr. James Elliott, Commission Chairman, has notified us in writing, that the only way we are ever going to be able to use sewers is for F.L.O.W. to settle with MMSD. As it stands right now our property is both unuseable, and unsaleable.

If you feel it is still advisable for us to personally attend the hearing, please notify us at our office 414-786-7430 or by Fax 414-786-0210. Your cooperation is appreciated.

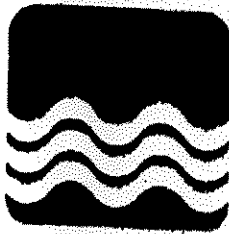
Res. 786-4587

Yours truly,

Harry Mierow

HM:ek

Encl: 2 Elliott letter, and
Policy Committee



Milwaukee Metropolitan Sewerage District
 260 West Seeboth Street
 P.O. Box 3049
 Milwaukee, Wisconsin 53201-3049
 (414) 272-5100

February 14, 1995

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 Brookfield, Wisconsin 53005

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I urge you to once again contact Mayor Bloomberg and urge her to accept the very generous offer we have made. Only with a negotiated final resolution will problems such as the one you're experiencing be resolved.

Sincerely,

James Elliott
 Commission Chairman

02131559.DEO

cc: Senator Russ Feingold

Jones Island Wastewater Treatment Plant
 700 East Jones Street, Milwaukee 53207-1091 482-2040

South Shore Wastewater Treatment Plant
 8500 South 5th Ave., Oak Creek 53154-3506 764-1045