

COMMISSION FILE NO: 25-101-7 **DATE INTRODUCED:** July 14, 2025

INTRODUCED BY: Executive Director (Signature on File in the Office of the Commission)

REFERRED BY COMMISSION CHAIRPERSON TO: Policy, Finance, and Personnel Committee

RELATING TO: Agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa Regarding the Menomonee River Levee System Accreditation

SUMMARY:

The Commission is requested to authorize the Executive Director to execute an intergovernmental cooperation agreement (ICA) between the Milwaukee Metropolitan Sewerage District (District) and the City of Wauwatosa (City) regarding the Menomonee River Levee System Accreditation.

Over the past 20 years, the District has been implementing the Menomonee River Watercourse Management Plan (MRWMP). The plan has identified 372 structures in the floodplain, of which, after District constructed improvements, 168 structures remain. Improvements include the County Grounds floodwater storage facility; concrete channel removal, channel widening, and stream restoration projects on Underwood Creek and the Menomonee River; and a floodwall and levee system adjacent to Hart Park. Most recently, improvement has included work on the Western Milwaukee Project. This project focuses on the Menomonee River between Hart Park and U.S. Highway 175. The project consists of a levee/floodwall system, lowering the floodplain between the river and the Canadian Pacific Railroad tracks, and modifying the interior drainage system. There are three phases to the Western Milwaukee Project: Phases 1, 2A, and 2B.

The Hart Park and Western Milwaukee levee/floodwall systems work together as a system and were constructed as a series of projects starting in 2005. The final levee/floodwall segment (Phase 2B) is under construction and estimated to be substantially complete by early 2026.

ATTACHMENTS: **BACKGROUND** ☐ **KEY ISSUES** ☐ **RESOLUTION** ☒
FISCAL NOTE ☐ **S/W/MBE** ☐ **OTHER** ☐ _____

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SUMMARY (Cont'd)

Agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa Regarding the Menomonee River Levee System Accreditation

The City and the City of Milwaukee, under Federal Emergency Management Agency (FEMA) regulations, are the local agencies responsible for administering and managing local floodplains. For structures to be removed from the regulatory floodplain, the Cities, in conjunction with the District, must develop and submit applications and supporting technical documentation to FEMA that demonstrate the District's flood management efforts meet all regulatory requirements. The documentation package is called a Letter of Map Revision (LOMR) application. As part of the LOMR process, FEMA requires that the levee systems meet specific engineering, maintenance, and emergency preparedness standards outlined in federal regulations. Part of this documentation includes demonstration that the levees meet FEMA and Wisconsin Department of Natural Resources (WDNR) requirements. A levee that meets all these requirements can be accredited by FEMA, meaning that the floodplain map can be updated to recognize the levee flood risk reduction benefits.

FEMA will not review the LOMR application until all construction is complete and all documentation, including the levee accreditation information, is submitted. FEMA will then review the LOMR, and revisions may be necessary before the LOMR ultimately goes into effect. Due to the complexity of MRWMP, staff anticipates that, after submitting the LOMR application, it will take three years before FEMA approves the LOMR application and the floodplain maps are formally updated.

Through a systemic evaluation, the District has identified and finalized improvements and steps necessary to have the levee accredited. Following are the general actions that need to occur:

- Construct embankment protection measures.
- Raise existing levees in four locations.
- Construct several storm sewer closures, including emergency closures.
- Repair multiple sanitary and storm sewer segment defects.
- Abandon approximately 10 sanitary or storm sewer segments.
- Develop a comprehensive levee operation and maintenance plan.
- Develop an emergency preparedness plan.

SUMMARY (Cont'd)

Agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa Regarding the Menomonee River Levee System Accreditation

As the District has continued to implement these actions, staff identified specific municipal and District responsibilities and developed a proposed ICA with the City. This ICA addresses the following elements:

- District access to City property and right-of-way.
- Levee and floodwall freeboard improvements.
- Storm and sanitary sewers.
- Operations and Maintenance Plan and Emergency Preparedness Plan development and collaboration to protect the levee system.
- Cost share responsibilities for the City to improve the District's planned gravel levee maintenance drive to be a paved recreational trail.
- Water main near the levee.
- Restoration of pavement and vegetation surfaces impacted by the project.
- Collaboration on FEMA floodplain map updates and permitting.
- Collaboration on the City's planned improvements to Hart Park East.

The following summarizes the City and District responsibilities for each of these project elements.

Under this ICA, the District agrees to:

- Design and provide draft design documents to the City for review and comment for the construction of levee freeboard improvements.
- Develop a Levee System Operations and Maintenance Plan with City input.
- Develop a Levee System Emergency Preparedness Plan with City input.
- Provide the City with the levee management area location in geographic information system format.
- Annually inspect the levee system in compliance with FEMA and WDNR requirements.
- Conduct future closed circuit television inspection of sewers near the levee and pay for the sewer condition assessment.
- Design future repairs when needed to sewers to meet levee standards, review the design with the City, and share design and construction costs with the City evenly.
- Include a levee maintenance drive at one levee freeboard improvement, incorporating asphalt pavement at the City's cost.
- Design and construct storm sewer improvements to meet FEMA levee standards and provide draft designs to the City for review and comment.
- Obtain easements for storm sewers on Milwaukee County property and transfer to the City.
- Prepare storm sewer ownership transfer documents to the City.

SUMMARY (Cont'd)

Agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa Regarding the Menomonee River Levee System Accreditation

- If standard water main leak testing leads to advanced leak testing, pay for advanced leak testing costs.
- Design and reconstruct roadway and sidewalk pavement impacted by the work at the District's cost.
- Prepare a LOMR application to FEMA, submit the LOMR application on City's behalf, and pay all FEMA application fees.
- Review the Hart Park East improvements proposed by the City consistent with the District's easement.
- Design, construct, and invoice the City for City-requested work:
 - Installation of City storm sewer improvements connecting to the interior drainage outfall the District is improving east of the 68th Street Bridge.
 - Removal of the railroad pedestrian crossing spanning the floodwall improvement along Hart Park Lane.
- Provide record drawings of completed improvements.

Under this ICA, the City agrees to:

- Grant the District access as requested to perform the work and waive all City permit fees.
- Review and comment on District designs.
- Design and construct one of five freeboard improvements, located at a City intersection.
- Review draft Levee System Operations and Maintenance Plan and Emergency Preparedness Plan.
- Collaborate with the District when the City needs to repair or replace infrastructure located within the levee management area.
- Collaborate with the District if levee accreditation standards change before implementing changes.
- Split future sewer repair and construction costs evenly with the District unless otherwise agreed upon.
- Pay for the costs to pave the maintenance drive, maintain the drive, and allow District access.
- Construct additional maintenance drive access points at the City's own cost after receiving the District's approval.
- Ensure modifications City makes to storm sewer system meet FEMA standards.
- Elevate River Parkway and North 63rd Street roadways so storm sewer inlet and manhole rims are above FEMA flood elevations.
- Support the District to make storm sewer improvements on private property needed to meet FEMA standards.

SUMMARY (Cont'd)

Agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa Regarding the Menomonee River Levee System Accreditation

- Reimburse the District for City-requested work:
 - City storm sewer improvements connecting to the interior drainage outfall the District is improving east of the 68th Street Bridge.
 - Removal of the railroad pedestrian crossing spanning the floodwall improvement along Hart Park Lane.
- Own and maintain the storm sewers.
- Rehabilitate the storm sewer outfall at 72nd Street at its sole cost.
- Reimburse the District for City-requested improvements, including for Schoonmaker Creek culvert rehabilitation south of State Street, not required to meet levee standards.
- Conduct and collaborate on water main leak testing, make repairs at its sole cost if required, and construct future water main replacements to minimize the length of pipe crossing the levee.
- Collaborate with the District on a future LOMR application to FEMA.
- Design, construct, operate, and maintain the Hart Park East improvements in accordance with an existing District easement and avoid penetrating the levee system.
- Be responsible for recreational features costs and for required FEMA inspection and rehabilitation costs for unavoidable pipe levee penetrations.

Implementation of actions under this ICA are subject to District Commission budget approval.

RESOLUTION

Agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa Regarding the Menomonee River Levee System Accreditation

RESOLVED, by the Milwaukee Metropolitan Sewerage Commission, that the Executive Director is authorized to execute an intergovernmental cooperation agreement between the Milwaukee Metropolitan Sewerage District and the City of Wauwatosa regarding the Menomonee River Levee System Accreditation.