BEFORE THE COMMISSIONERS OF THE
MADISON METROPOLITAN SEWERAGE DISTRICT

In the Matter of the Notice from the Village of Cottage Grove, Dane County, Wisconsin for the Attachment of Certain Territories in the Village of Cottage Grove to the Madison Metropolitan Sewerage District.

ANNEXATION NO. 2020-01

EXPEDITED ANNEXATION
ANNEXING LANDS IN THE VILLAGE OF COTTAGE GROVE TO MADISON METROPOLITAN SEWERAGE DISTRICT

The Village of Cottage Grove, Dane County, Wisconsin ("Petitioner") submitted notice dated February 24, 2020 ("Notice") to the Madison Metropolitan Sewerage District ("District" or "MMSD") requesting annexation of lands to the District ("Subject Land").

DOCUMENTATION FOR REVIEW BY COMMISSION

District staff has reviewed the request for annexation, including the following items (collectively, the “Exhibits”):


2. Map of proposed annexation, municipal boundaries, and urban service areas, prepared by MMSD.

3. Letter from Mike Rupiper of CARPC to MMSD dated February 25, 2020, with determination of consistency with adopted regional plans.

4. MMSD Policy on Annexation Charges.

5. District Regulations: District Connection Charges – Conveyance Facility Connection Charges (CFCC) and Treatment Plant Connection Charges (TPCC).

RECOMMENDATION FROM DISTRICT STAFF

District staff recommends addition of the territory to the District based on the following:

1. The purpose of the Notice and proposed annexation is to annex the Subject Land in the Village of Cottage Grove to the District in order to provide sewerage service to the Subject Land. See Exhibit 1.

2. The Subject Land is adjacent to territory presently served by the District. See Exhibit 2.

3. The District has sufficient design capacity to serve the land proposed for annexation.

4. The Subject Land is located in the Urban Service Area as designated by the Capital Area Regional Planning Commission (“CARPC”) and annexation is consistent with adopted regional plans. Annexation of the Subject Land is also consistent with the Dane County Water Quality Plan as approved by the Wisconsin Department of Natural Resources (“DNR”). See Exhibit 3.

5. Annexation of the Subject Land to the District will:
   a. Promote sewerage management policies and operations;
   b. Promote the public health and welfare;
   c. Effect efficiency and economy in sewerage management based upon currently accepted engineering standards regarding prevention and abatement of environmental pollution, and federal and state rules and policies in furtherance thereof; and
   d. Be consistent with adopted plans of municipal, regional and state agencies.

6. The Commission has authority under Wis. Stat. § 200.13(3) to establish sewer service charges to cover its construction, maintenance and operating costs, and debt service charges, and also to levy a tax upon the taxable property in the District to enable it to carry out its statutory procedures; and, therefore, it is appropriate that this annexation be conditioned upon the payment of appropriate sewer service charges and tax levies, as determined by District policy.

7. The Commission has authority under Wis. Stat. § 200.15(3) to subject this annexation to reasonable requirements as to participation by newly annexed areas in the costs of existing or proposed District facilities.
8. The proportionate cost of wastewater conveyance facilities and the wastewater treatment plant facilities that serve the area should be recovered by calculating a conveyance facility connection charge (CFCC) and a treatment plant connection charge (TPCC). These charges shall be calculated in accordance with district regulations and imposed on an area basis. See District Regulations, Exhibit 5.

9. Approval of the request should be subject to Petitioner’s compliance with District policy, as applicable, and payment of applicable charges. Charges shall be calculated based on the District policies and the rate in effect at the time that a particular area of the Subject Land is to be connected to the District’s system. Payment of the associated charges shall be made in full at or before the time that the land annexed is to be connected to the District’s system, as set forth in District policy. See MMSD Connection Charge Rates, Exhibit 6.
MMSD ANNEXATION NO. 2020-01

ANNEXING LANDS IN THE VILLAGE OF COTTAGE GROVE TO
MADISON METROPOLITAN SEWERAGE DISTRICT

Notice Dated: MARCH 12, 2020

The Commission of the Madison Metropolitan Sewerage District, Following Consideration of Documentation and Recommendations from District Staff, Which Are Incorporated By Reference, Does Hereby Ordain as Follows:

1. The Commission has no objection to addition of the Subject Land to the territory of the District, all as set forth herein.

2. The Subject Land, as described in Exhibit 1, is hereby annexed to the District, subject to each and all of the following conditions:

   a. The Petitioner shall participate in the cost of the existing conveyance facilities and treatment plant necessary to serve the annexed lands in accordance with District Policies, and

   b. The Petitioner shall be and is subject to the District’s Sewer Use Ordinance and shall comply therewith; and

   c. The Petitioner shall pay such sewer service charges as may, from time to time, be made by the District; and

   d. The Petitioner shall pay such ad valorem taxes as the District may, from time to time, assess and levy against the land annexed.

Approved by the Commission of the Madison Metropolitan Sewerage District at a duly noticed meeting held on the 12 day of March, 2020.

MADISON METROPOLITAN SEWERAGE DISTRICT COMMISSION

Thomas D. Hovel, Commission President

Attested by:

D. Michael Mucha, Chief Engineer & Director

Incorporated by Reference:
Exhibits reviewed by District staff
February 24, 2020

Curt Sauser, PLS
Madison Metropolitan Sewerage District
1610 Moorland Road
Madison, Wisconsin 53713

Re: Monona Grove School District Sewerage Annexation

Dear Mr. Sauser:

The Village of Cottage Grove requests Madison Metropolitan Sewerage District to annex 42.038 acres of land into the service area for future sewer service for the school district. The land is on the west side of the Village of Cottage Grove lying East of Buss Road and northerly from Cottage Grove Road approximately 1,320 feet. The lands are owned by the Monona Grove School District.

The Village of Cottage Grove has approved the annexation request of the 42.038 acres for the Monona Grove School District into the Village Corporate Limits. All the land included in this request has been approved by the WDNR for inclusion to the Village of Cottage Grove Urban Service Area. Our review of the land included verification of the capacity of the Village and MMSD sanitary systems for the inclusions of this land based on the planned school district use.

The Village has an existing 8-inch sanitary sewer extended to the existing West end of Pheasant Run at which the school district is planning to connect for the new school facility.

If you have any questions feel free to contact me.

Sincerely,

Kevin Lord, P.E., PLS
Village Engineer

Cc: Erin Ruth, Director of Planning & Development
Matt Giese, Village Administrator
JJ Larson, Director of Public Works
Larry Konopacki, Village Attorney

221 E. Cottage Grove Road, Cottage Grove, WI 53527
Phone: (608) 839-4704 Fax: (608) 839-4698 Website: www.vi.cottagegrove.wi.gov
Attached is a true and correct copy of Ordinance 05-2019 Annexing Territory from the Township of Cottage Grove to the Village of Cottage Grove, Dane County, Wisconsin known as the Monona Grove School District Annexation.

Debra S. Winter  Treasurer

STATE OF WISCONSIN
COUNTY OF DANE

Personally came before me this 25th day of July, 2019, the above named Debra S. Winter, known to me, who duly acknowledged the same on behalf of the Village of Cottage Grove as its Treasurer.

LISA KELATA
Notary Public, State of Wisconsin
My Commission expires: 10/30/2020

KIRSTI CHLEBOWSKI
DALE COUNTY
REGISTER OF DEEDS

DOCUMENT # 5541594
11/19/2019 09:32 AM
Trans Fees:
Exempt #:
Rec. Fees 30.00
Page 7

Return Address:
Village of Cottage Grove
Attn: Deb Winter
221 E. Cottage Grove Rd.
Cottage Grove, WI  53527

Parcel Numbers:
0711-053-9000-2
May 22, 2019

STATE OF WISCONSIN

Village of Cottage Grove
Dane County, Wisconsin

I, Lisa Kalata, Village Clerk do hereby certify that the attached is a true and correct copy of Ordinance 05-2019 Annexing Territory from the Township of Cottage Grove to the Village of Cottage Grove, Dane County, Wisconsin known as the Monona Grove School District Annexation.

Be it further known that Ordinance 05-2019 approving this annexation was adopted by the Village Board of Trustees at their regular Village Board meeting held on May 20, 2019.

Dated this 22nd day of May, 2019.

[Signature]
Lisa Kalata, Village Clerk

VILLAGE OF COTTAGE GROVE

221 E. Cottage Grove Road, Cottage Grove, WI 53527
Phone: (608) 839-4704 Fax: (608) 839-4698 Website: www.village.cottagegrove.wi.gov
ORDINANCE NO. 05-2019
ANNEXING TERRITORY FROM THE TOWNSHIP OF COTTAGE GROVE
TO THE VILLAGE OF COTTAGE GROVE, DANE COUNTY, WISCONSIN
(MONONA GROVE SCHOOL DISTRICT ANNEXATION)

The Village of Cottage Grove, Wisconsin Board of Trustees does ordain as follows:

Section 1. Territory Annexed. In accordance with Section 66.0217 of the Wisconsin Statutes and the petition for unanimous direct annexation filed with the Village Clerk, signed by the owners of the property in the territory and stating that ZERO electors reside in the territory that is within Dane County Supervisor District 36, Assembly District 46, and Senate District 16, the following described territory in the Town of Cottage Grove, Dane County, Wisconsin, is annexed to the Village of Cottage Grove, Wisconsin. See Exhibit A for the annexation map and for the legal description.

Section 2. Determination of Public Interest. In a letter dated March 18, 2019, the Wisconsin Department of Administration’s Office of Municipal Boundary Review declared the proposed annexation “to be in the public interest.” See Exhibit B for the letter.

Section 3. Effect of Annexation. From and after the date of this ordinance, the territory described in Exhibit A shall be part of the Village of Cottage Grove for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules, and regulations governing the Village of Cottage Grove.

Section 4. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 5. Effective Date. This ordinance shall take effect upon passage as provided by law.

Dated this 20th day of May, 2019

VILLAGE OF COTTAGE GROVE

[Signature]
John Williams, Village President

[Signature]
Lisa Kalata, Village Clerk
March 18, 2019

PETITION FILE NO. 14196

LISA A KALATA, CLERK
VILLAGE OF COTTAGE GROVE
221 E COTTAGE GROVE RD
COTTAGE GROVE, WI 53527-9619

KIM BANIGAN, CLERK
TOWN OF COTTAGE GROVE
4658 COUNTY RD N
COTTAGE GROVE, WI 53527-9503

Subject: MONONA GROVE SCHOOL DISTRICT ANNEXATION

The proposed annexation submitted to our office on February 26, 2019, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the VILLAGE OF COTTAGE GROVE, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district...."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. Please include your MBR number 14196 with your ordinance. Ordinance filing checklist available at http://mds.wi.gov/, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: http://mds.wi.gov/View/Petition?ID=2270 Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

[Signature]

Erich Schmidtke, Municipal Boundary Review

cc: petitioner
Wisconsin Annexation/Attachment/Detachment Ordinance Filing Checklist

☐ Complete Legal Description
☐ The ordinance must include a legal description of the land to be transferred. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
☐ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
☐ The land may NOT be described only by:
  - Aliquot part;
  - Reference to any other document (plat of survey, deed, etc.);
  - Exception or Inclusion;
  - Parcel ID or tax number.

Wisconsin Elections Commission Requirements
☐ Will the annexation territory join an existing ward or necessitate creation of a new ward? For more information, please contact the Wisconsin Elections Commission at (608) 266-8005 or elections@wi.gov or see their annexation checklist here:
WEC Annexation Checklist http://elections.wi.gov/forms/el-100.

Email legible scanned copy of required materials to mds@wi.gov
Scan in color any page or map containing color. Scan large maps at full size.

OR mail one copy of required materials to:
Wisconsin Department of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701-1645

608-264-6102 mds@wi.gov http://mds.wi.gov

G:\MST\Mbr\Mbr\WEB\WI\LandTransferOrdinanceFilingChecklist.docx 5/10/2018
ANNEXATION EXHIBIT

BEING ALL OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5 AND A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, ALL IN TOWNSHIP 7 NORTH, RANGE 11 EAST, TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN.

LEGEND

- 3/4" O.D. IRON BAR FOUND
- MAG NAIL FOUND
- ALUMINUM MONUMENT FOUND
- RECORDED AS
- VILLAGE LIMITS

BASIS OF BEARINGS


TOTAL AREA:
1,831,184 Sq Feet
42.038 Acres

CLIENT/OWNER
MONONA GROVE SCHOOL DISTRICT
C/O JBBRD Rossing
5901 MONONA DRIVE
MONONA, WI 53716

SURVEYOR'S NOTE

THIS SURVEY IS STRICTLY INTENDED FOR THE PURPOSE OF DESCRIBING AN ANNEXATION BOUNDARY AND IS NOT INTENDED TO COMBINE OR DIVIDE ANY EXISTING PARCELS AND MAY NOT BE USED FOR SUCH PURPOSES.

THIS INSTRUMENT WAS DRAFTED BY JORDAN BROST AND DRAWN BY JORDAN BROST

Job # 19705
Sheet 1 of 2 Sheets
ANNEXATION EXHIBIT

BEING ALL OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5 AND A PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, ALL IN TOWNSHIP 7 NORTH, RANGE 11 EAST, TOWN OF COTTAGE GROVE, DANE COUNTY, WISCONSIN.

Surveyor’s Certificate:

Being all of the Southwest 1/4 of the Southwest 1/4 of Section 5 and part of the Southeast 1/4 of the Southeast 1/4 of Section 6, all in Township 5 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin, described as follows:

Commencing at the Southwest corner of Section 5, Township 7 North, Range 11 East, said point also being the Southeast corner of Section 6, Township 7 North, Range 11 East and being the Point of Beginning (POB) of the parcel to be described;

Thence S 85°54'28"W along the South line of the Southeast 1/4 of said Section 6, 33.07 feet to the intersection of said South line and the West right-of-way line of Buss Road;

Thence N 00°23'40" W along the West right-of-way line of Buss Road, 1335.68 feet to the intersection of said West right-of-way line and the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 6;

Thence N 85°42'12"E along the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 6, 33.08 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 5;

Thence N 87°34'30" E along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, 1338.09 feet to the Northeast corner thereof;

Thence S 00°23'18" E along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, 1337.16 feet to the Southeast corner thereof;

Thence S 87°37'58" W along the South line of the Southwest 1/4 of said Section 5, 1337.90 feet to the Point of Beginning.

Containing 1,831,184 Square Feet - 42.038 Acres

I hereby certify that the property shown and described hereon was surveyed and mapped under my direction according to Chapter A-E7 of Wisconsin Administrative Code, minimum standards for property surveys. That such survey is correct representation of the exterior boundaries of the lands surveyed to the best of my knowledge and belief.

Jordan G. Brost, PLS # 3009
Date: 7-10-2019

WISCONSIN
LAND SURVEYOR

Civil Engineering
Land Surveying
Landscape Architecture
JORDAN G. BROST, PLS #3009
4011 Hocking Court
Sheboygan Falls, WI 53085
715.644.9999 (Ph) 715.644.9992 (Fx)
February 25, 2020, *Sent via email*

Mr. Curt Sauser, PLS  
Madison Metropolitan Sewerage District  
1610 Moorland Road  
Madison, WI  53713

Re: Proposed MMSD Annexation — Monona Grove School District Annexation  
Parcel 0711-053-9001-1  
Village of Cottage Grove, Wisconsin

Dear Mr. Sauser:

We have received your notification, dated February 21, 2020, regarding the Village of Cottage Grove’s annexation request to the MMSD service area for the referenced property. We are providing a determination of consistency of the proposed annexation with the adopted plans of the Regional Planning Commission in accordance with the provisions of § 200.05(4)(b), 200.11(1)(b), and 200.15, Wis. Stats.

The lands described in the MMSD annexation petition are part of the Cottage Grove Urban Service Area. This parcel was recommended for addition to the service area by Dane County Regional Planning Commission Resolution No. 1028 on July 29, 2004 ([link to document](#)). The Wisconsin Department of Natural Resources subsequently approved the amendment to the *Dane County Water Quality Management Plan* in their letter dated September 29, 2004 ([link to document](#)).

The adopting resolution and WDNR letter of approval contain conditions to protect sensitive resources prior to development. We will inform you of the fulfillment of these conditions as part of the sewer extension review process. Therefore, annexation to the MMSD service area would be consistent with the adopted regional plans assuming that the conditions of approval will be met as part of the proposed development.

Please contact me if you have any questions or require any additional information.

Sincerely,

Mike Rupiper, PE, ENV SP  
Deputy Agency Director

cc: Mr. JJ Larson, Director of Public Works, Village of Cottage Grove ([via email](#))  
Mr. Kevin Lord, MSA Professional Services ([via email](#))
(b) The formation of the District will promote sewerage management policies and operation and will be consistent with adopted plans of municipal, regional and state agencies; and

(c) The formation of the District will promote the public health and welfare and will effect efficiency and economy in sewerage management, based upon current generally accepted engineering standards regarding prevention and abatement of environmental pollution and federal and state rules and policies in furtherance thereof.

3.3.4. Approval actions by the Commission under this Section shall be subject to review under Wis. Stat. ch. 227.

Section 3.4. Costs.
  3.4.1. Annexation Charge.
Annexations under this Chapter are subject to an “annexation charge” in such amount as the Commission may determine, to cover the cost associated with the proposed annexation. Unless the Commission determines to waive such payments, the payment of the annexation charge shall be made at such time as the Commission determines. The Commission reserves the right to adjust from time to time, the amount of the foregoing annexation charge, by resolution duly adopted by the Commission.

3.4.2. Annexation Fee.
Territory which is annexed to the District in accordance with the provisions of Wis. Stat. § 200.15, may be subject to reasonable requirements as to participation by newly annexed areas toward the cost of existing or proposed District facilities as the Commission may determine. Such annexation fees shall be billed to and paid by the municipality in which the added territory is located, at such time or times as the Commission may determine.

3.4.3. Additional Charges for Delinquent Annexations.
If the District determines that territory outside of the District is receiving service from the District, annexation of such area shall be required and the District may impose additional fees or penalties for such annexations.
DISTRICT REGULATIONS:

District Connection Charges –

Conveyance Facility Connection Charges (CFCC) and

Treatment Plant Connection Charges (TPCC)

1. General Statement of Policy.

It is in the public interest for an area served by the District to bear its proportionate cost of wastewater conveyance facilities and the wastewater treatment plant facilities that serve the area. The Commission finds that this is best accomplished through a coordinated system of Conveyance Facility Connection Charges (CFCC) and Treatment Plant Connection Charges (TPCC). The District Regulations compiled here apply to both CFCC and TPCC except where otherwise indicated.

2. Authority.

These District Regulations were first adopted by the Commission on July 27, 2017, under the authority in District Ordinance Section 4.3.4 and Chapter 200 of the Wisconsin Statutes.

For additional information regarding District Ordinances, District Regulations, District Guidance and Standard Operating Procedures, please see the District Guidance entitled What’s Our Policy? and first approved by Michael Mucha, Chief Engineer and Director, on January 5, 2017.

3. Effective Date.

These District Regulations shall be effective January 1, 2018, as provided by law. Notwithstanding the foregoing, the provisions related to unpaid connection charges shall be enforced on a going-forward basis only.

4. Definitions.¹

\[
\begin{align*}
4.1. \textbf{Capital Area Regional Planning Commission (CARPC)} & \text{ shall mean the regional planning commission having jurisdiction over the District sewerage service area.} \\
4.2. \textbf{Chief Engineer and Director or CED} & \text{ shall mean the Chief Engineer and Director of the District.} \\
4.3. \textbf{Commission} & \text{ shall mean the Commission of the District as defined and with such powers as set forth in Wis. Stat. § 200.09, as amended from time to time.}
\end{align*}
\]

¹ Terms used in Commission Regulations shall be interpreted consistent with the definitions in District Ordinances, except where otherwise indicated by context.
4.4. **Connection Charge or Connection Fee** shall mean the connection charge paid by the Customer Community to the District for areas that are authorized to receive sewerage service from the District.

4.4.1. **Conveyance Facility Connection Charge (CFCC)** shall mean a connection charge associated with the conveyance facilities that convey wastewater from a basin to the District wastewater treatment plant.

4.4.2. **Treatment Plant Connection Charge (TPCC)** shall mean the connection charge associated with the District wastewater treatment plant facilities.

4.5. **Customer Community** shall mean a city, village, town sanitary district, or utility district that is billed directly by the District for sewerage service provided.

4.6. **District** shall mean the Madison Metropolitan Sewerage District, a metropolitan sewerage district formed pursuant to Chapter 200 of the Wisconsin Statutes.

4.7. **District Guidance** shall mean guidance approved by the Chief Engineer and Director (CED) and used to set forth the CFCC and TPCC rate methodology, adjustments, and those procedures necessary and prudent to implement these regulations. All District Guidance regarding connection charges shall be consistent with these District Regulations.

4.8. **District Regulations** shall mean regulations approved by the Commission and used to establish the fundamental principles and parameters for all District connection charges. All District Regulations regarding connection charges shall be interpreted consistent with District Ordinances and applicable law.

4.9. **Conveyance Facilities** shall mean all interceptors and related facilities including, but not limited to, manholes and appurtenances, pumping stations, and forcemains owned by the District.

4.10. **Sewer Service Charge** shall mean the service charges periodically paid by a Customer Community that reflect costs for operation, maintenance, and replacement of the District’s conveyance facilities and wastewater treatment plant.

4.11. **Subject Area** shall mean the area of land that: (a) has been annexed to the District’s service area; and (b) is the subject of an application to the District for a sewer service extension or other form of connection, is connected to the District but has not paid connection charges, or is connected to the District and is subject to adjustment connection charges as set forth in this Regulation.

4.12. **Unpaid Connection Charges** shall mean those connection charges that are due and owing for areas connected to the District, but that are unpaid.

4.13. **Wastewater Treatment Plant** shall mean the wastewater treatment facilities owned and operated by the District.

5. **District Connection Charges.**

District connection charges are subject to the fundamental principles set forth in this section, which the Commission has deemed to be fair and equitable to ratepayers and the
public. Additional details regarding Conveyance Facility Connection Charges (CFCC) and Treatment Plant Connection Charges (TPCC) may be set forth in District Guidance.

5.1. **Connection Charges Are Based on the Area Served.** District connection charges shall be calculated based on the size of the area that receives sewerage service from the District. The Commission finds this approach to be a reasonable and efficient way to recover costs of facilities that provide capacity from those who most directly benefit from the capacity. Both the CFCC and TPCC rates shall be expressed using area terms that are straightforward and understandable to the public, ratepayers and developers, such as a dollar amount per thousand square feet of chargeable area.

5.2. **Connection Charges Are Assessed on That Portion of the Subject Area That Is Chargeable.** All areas within a Subject Area are categorized as either “chargeable” or “not chargeable.” An area is deemed chargeable or not chargeable based on its characteristics and the requirements set forth in Wisconsin Statutes. Chargeable areas pay both the CFCC and TPCC.

5.2.1. **Areas Are Presumed Chargeable.** All areas are chargeable unless an exemption applies. If an exemption applies, the District may not assess, levy or collect a connection charge from the area.

5.2.2. **The Chargeability Determination is Made at the Time of Approval or Invoice.** District staff shall determine which areas are chargeable through application of the standards in statute and this Regulation. The determination is made during the sewer extension application process; or upon preparation of a District invoice for connections not requiring sewer extension, areas that are connected to the District but have not paid a connection charge; or adjustment connection charges as provided in this Regulation. District Guidance may provide examples, illustrations, and other information to assist with interpretation and implementation of these District Regulations related to chargeability.

5.2.3. **Certain Lands Are Exempt.** As set forth in Wis. Stat. § 200.13(12), certain lands designated as permanent open space, agricultural protection areas or other undeveloped areas not to be served by public sanitary sewer service in plans adopted by the Capital Area Regional Planning Commission (CARPC), or a successor regional planning commission, and approved by the Dane County Board, shall not have property taxes, assessments or service charges levied against them by the District. More specifically, the Commission directs that the following areas be exempt from District connection charges:

5.2.3.1. **Environmental Corridor,** provided that: (1) the area is designated by CARPC as Environmental Corridor; (2) District staff determines that there is a sufficient legal description of the Environmental Corridor; and (3) the designated Environmental Corridor area is not to be served by public sewer.

5.2.3.2. **Public Right-of-Way,** provided that: (1) the right-of-way has been legally dedicated to the public; (2) District staff determines that
there is a sufficient legal description of the public right-of-way; and
(3) the designated right-of-way is not to be served by public sewer.

5.2.3.3. Agricultural Protection Area, provided that: (1) the area is
zoned for Exclusive Agricultural Use (i.e., A1-Ex.) or is a state-
designated Agricultural Protection Area, under Wisconsin’s farmland
preservation law; (2) District staff determines that there is a sufficient
legal description of the Agricultural Protection Area; and (3) the
designated Agricultural Protection Area is not to be served by public
sewer.

5.3. Connection Charges Are Adjusted Periodically. To ensure fairness and
consistency over time, the Commission has determined that connection charge
rates shall be adjusted periodically at times deemed reasonable and prudent by
the District. Adjustments shall be made for price changes, based on the
Engineering News Record Construction Cost Index (ENR-CCI), which is a
construction cost index and a common industry standard. If the ENR-CCI is not
available, a substitute index shall be used or a projection of construction costs
shall be determined using available historical data, and set forth in District
Guidance. Adjustments shall also be made for re-estimates of chargeable area
percentage, following the method used by the District in 2016–2017, with
methodological adjustments deemed reasonable and prudent by the District
from time to time. Areas shall pay connection charges at the rate in effect at the
time of payment.

5.4. Connection Charges Are Paid by the Customer Community. The Customer
Community is required to pay the connection charges to the District. The
District will only accept a payment on a Customer Community’s account where
the payment is made by the Customer Community directly or the Customer
Community provides written acknowledgment to the District of the payment
being made. If a private firm or person makes payment directly to the District
for connection charges, the Customer Community must provide the District with
a cover letter acknowledging the payment was made on behalf of the Customer
Community. Additional detail regarding payment methods may be included in
District Guidance. The District shall deposit connection charge payments in the
capital projects fund.

5.5. Connection Charges Are Due Upon Approval or Invoice. Connection
charges are due for an area prior to construction of the public sanitary sewer
mains approved by the Commission as part of a sewer extension request; or
upon issuance of a District invoice for connection charges as provided in this Regulation.
District staff may prepare an estimate of connection charges on request, prior to
approval or invoicing. Late fees of \( \frac{1}{2} \% \) per month of the amount due shall be
imposed for each month or partial month thereafter following connection in
cases requiring Commission approval or beginning the month following
 invoicing in all other cases, charged as simple interest not compounded. For
connection charges associated with a sewer extension request:

5.5.1. IF THE CONNECTION CHARGE IS NOT PAID IN FULL OR
DEFERRED BY THE DISTRICT WITHIN SIX (6) MONTHS of the
date of the Commission’s resolution approving the sewer extension, then the District approval of the extension shall be automatically deemed null and void and the connection charge is no longer owed. Subsequent requests for sewer extension for the area shall be required to include new or updated application materials, required documentation, and a new application fee.

5.5.2. IF THE CONNECTION CHARGE IS PAID IN FULL OR DEFERRED BY THE DISTRICT WITHIN SIX (6) MONTHS of the date of the Commission’s resolution approving the sewer extension, then the District approval of the extension shall be automatically deemed null and void and the connection charge is no longer owed. Subsequent requests for sewer extension for the area shall be required to include new or updated application materials, required documentation, and a new application fee.

5.6. **The District May Defer Payment of Connection Charges.** The District may defer payment of a connection charge to assist Customer Communities in management of phased subdivision plats or similar situations involving large contiguous areas. To provide notice to third parties of the deferred connection charge and better assure payment of the deferred connection charge, the District shall require that a “Notice of Deferred MMSD Connection Charges” or “Deed Restriction” be recorded by the Customer Community against the area as a condition of the deferral. District Guidance may provide specific eligibility criteria for deferrals, examples, and templates of Deed Restrictions to assist with implementation of these District Regulations.

5.7. **Connection Charges Are Paid Once.** Generally, when an area’s applicable CFCC and TPCC have been paid, no additional future connection charges will be charged against that area. Areas developed before approximately 2003 were charged on a different basis than the one set forth in this Regulation. To align charges for those areas with the basis set forth in this Regulation, these areas may be charged one adjustment connection charge in the event of changes in capacity use by the area. District guidance shall indicate as accurately as practicable what areas are subject to an adjustment connection charge; procedures for identifying when an adjustment connection charge is applicable; and, methods for calculating an adjustment connection charge.

6. **Treatment of Areas Discovered to Be Connected to the District but That Have Not Paid Connection Charges.**

6.1. **Applicability.** In keeping with the obligations created by District Ordinance, Customer Communities have a duty to notify the District of sewer connections and to pay connection charges. This section applies to those areas that are discovered to be already connected to the District but that have not paid connection charges, including adjustment connection charges associated with changes in capacity use as provided in this Regulation. It is applicable only to areas first discovered by the District after July 1, 2017. Nothing in this regulation precludes collection of connection charges for areas discovered to be already connected prior to July 1, 2017. Any charges for areas discovered to be already connected prior to July 1, 2017 shall be approved by
Commission resolution. Connected areas for which the District has no record of payment shall be presumed unpaid unless the affected Customer Community provides evidence of payment satisfactory to the District.

6.2. **Date of Connection.** Any such area shall be deemed to have been connected on the date of actual connection, if known. If the date of connection cannot be determined with certainty, the District shall make a reasonable estimate based on available evidence.

6.3. **Payment and Administrative Fee.** All unpaid connection charges shall be paid at the connection charge rate in effect at the time of payment. A one-time administrative fee of Five Hundred Dollars ($500.00) shall be added to all such connection charges. The District may adjust this administrative fee periodically by the consumer price index, or another appropriate indicator of general inflation, as set forth in District Guidance.

6.4. **Late Fees.** Late fees shall be charged for all such unpaid connection charges. Late fees shall be charged at the rate of ½% per month of the amount due for each month or portion thereof, calculated as simple interest not compounded. For the period between the date of connection and discovery by the District, total late fees shall not exceed the connection charge in effect at the time of payment. For the period after discovery by the District, late fees shall continue to be charged until the connection charge is paid. Examples of fee calculations may be included in District Guidance.

7. **Provisions Applicable to Conveyance Facility Connection Charges (CFCC).**

7.1. **Conveyance Facility Connection Charge for Subject Area.** The CFCC due for a particular Subject Area is calculated by multiplying the square footage of the chargeable portion of the Subject Area by the basin CFCC rate.

7.2. **Basin CFCC Rate.** A CFCC rate is calculated for each basin within the District. A basin CFCC rate allocates the cost of conveyance facilities over the estimated chargeable area of the basin to yield a rate per square foot. The current CFCC rates for each basin shall be adopted by resolution of the Commission.

7.2.1. **Basin CFCC Rate Calculations.** The basin CFCC rate calculation includes the following factors: the actual cost of conveyance facilities in each basin, including the downstream conveyance facilities serving each basin and costs of capacity increases; increases in conveyance capacity that have occurred over time; the chargeable area percentage; and the ENR-CCI or comparable index. Details regarding the basin CFCC rate calculations shall be included in District Guidance.

7.2.2. **Chargeable Area Percentage.** The chargeable area percentage for a basin is an estimate of the percentage of the total basin area that is expected to remain chargeable over the development of the basin. Chargeable area percentage shall be estimated based on chargeability standards; land use data; plans and other information specific to the basin; and overall studies of chargeable area, following the method used by the District in 2016–2017, with methodological adjustments.
deemed reasonable and prudent by the District from time to time. The Commission finds the method to be a reasonable basis for estimating chargeable area percentage. District Guidance may include additional detail on the method.

7.2.3. **Charges for Added Capacity.** Project costs associated with conveyance facilities that add capacity shall be included in the basin CFCC rate or charged to a Customer Community, as appropriate for the circumstances. The charges for conveyance facilities that add capacity shall be based on the proportion of capacity added in anticipation of future needs in the area.

8. **Provisions Applicable to Treatment Plant Connection Charges (TPCC).**

8.1. **Treatment Plant Connection Charge for Subject Area.** The TPCC due for a particular Subject Area is calculated by multiplying the square footage of the chargeable portion of the Subject Area by the TPCC rate.

8.2. **TPCC Rate.** The TPCC rate shall be uniform throughout the District. The TPCC rate allocates the cost of the treatment plant to an area basis using estimates of average treatment plant capacity usage per lot. The TPCC rate shall be set by a resolution adopted by the Commission.

8.2.1. **TPCC Rate Calculations.** The TPCC rate calculation includes the following factors: total treatment plant cost, net of grants; treatment plant capacity, expressed as gallons per day; estimates of average sewerage service use per average residential lot size; and the ENR-CCI or comparable index. Details regarding the TPCC rate calculation shall be included in District Guidance.

8.2.2. **Treatment Plant Cost.** Total treatment plant cost is an estimate of the present-day equivalent cost of constructing the treatment plant, considering historical cost information, sources of funds, components no longer in service, costs of new components placed in service, and similar relevant factors. Total treatment plant cost shall be determined following the method used by the District in 2016–2017, with methodological adjustments deemed reasonable and prudent by the District from time to time. The Commission finds the method to be a reasonable basis for estimating treatment plant costs. District Guidance may include additional detail on the method.

9. **District Guidance for Situations Not Addressed in Regulations.**

For those situations not addressed in these regulations, the Chief Engineer and Director (CED) may provide District Guidance or refer the situation to the Commission for further consideration and possible amendment of the Regulations.
### MMSD Connection Charge Rates - 2020

**Approved Resolution 2019-10-31-R3**

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| 8    | NINE SPRINGS VALLEY/ESSER POND EXT |
| 9    | NINE SPRINGS VALLEY/HWY 14 EXT |
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| 14   | LOWER BADGER MILL CREEK RATE |
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| 16   | NINE SPRINGS VALLEY/MORSE POND EXT |
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| 18   | NINE SPRINGS VALLEY/WAUBESA EXT |
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