March 11, 2020

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

RE: NEW WEI/ Welton Family, LP Property, City of Madison; 9313 Mineral Point Road (formerly 7231)

Dear Mr. Sauser,

The City of Madison is requesting that 0.6 acres of land generally located in the southeastern quadrant of South Point Road and Mineral Point Road, City of Madison, be added to the boundaries of the Madison Metropolitan Sewerage District at the earliest opportunity. The lands to be annexed to the district are owned by Welton Family, LP and were attached to the City of Madison from the Town of Middleton on January 7, 2020 by Ordinance 20-00009 (ID 58474). The legal description of the lands to be attached follow this request. The subject land is identified as PIN 251/0708-281-0106-7 and is addressed as 9313 Mineral Point Road (formerly 7231 Mineral Point in the Town).

The property to be annexed to MMSD was added to the Central Urban Service Area by the Dane County Regional Planning Commission (DCRPC) Resolution No. 889, dated October 13, 1999.

Please direct any invoices for annexation fees to Mr. Steve Danner-Rivers in the City Engineering Division; Room 115, City-County Building; 210 Martin Luther King, Jr. Blvd.; Madison, Wisconsin 53701.

If you have questions about the annexation of these lands, please contact me directly at (608) 261-9632.

Sincerely,

Timothy M. Parks
Planner

cc: Mike Rupiper, Director of Environmental Resources Planning, CARPC
Greg Fries, Assistant City Engineer
Mark Moder, City Engineering Division
DESCRIPTION OF LANDS TO BE ADDED TO THE MADISON METROPOLITAN SEWERAGE DISTRICT

A parcel of land in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section 28 Township 7 North, Range 8 East, Town of Middleton, bounded and described as follows:

Commencing at the North one-quarter Corner of said Section 28; thence, along the North line of said Northeast one-quarter, North 89°51'48” East, 468.80 feet to the Northwest Corner of Parcel A of Document No. 5519422; thence, along the West line of said Parcel A, South 00°32'48” West, 49.88 feet to the South right-of-way line of Mineral Point Road per Document No. 1131047 and the Point Of Beginning; thence, along said South right-of-way line, North 89°51'59” East, 130.00 feet to a point on the East line of said Parcel A; thence, along said East line, South 00°32'48” West, 201.30 feet to the Southeast corner of said Parcel A, said corner also being the Northeast corner of Outlot 16 of the plat of Cardinal Glenn; thence, along the South line of said Parcel A and the North line of said Outlot 16, South 89°51'59” West, 130.00 feet to the Southwest corner of said Parcel A; thence, along aforesaid West line, North 00°32'48” East, 201.30 feet to the Point Of Beginning. Said described parcel contains 26,167 square feet, 0.601 acres, and 0.000939 square miles.
ATTACHMENT ORDINANCE

This is to certify that the foregoing ordinance was adopted by the Common Council of the City of Madison, Wisconsin at a meeting held on the 7th day of January, 2020.

NEW WEI Attachment
Ordinance #: ORD-20-00009
ID#: 58474

January 14, 2020
Date

Signature of Clerk
Maribeth Witzel-Behl, City Clerk

*Name printed

This document was drafted by: Eric Christianson
(print or type name below)

*Names of persons signing in any capacity must be typed or printed below their signature.

STATE OF WISCONSIN, County of Dane

Subscribed and sworn to before me on January 14, 2020 by the above named person(s):

Signature of notary or other person authorized to administer an oath
(as per s. 706.06, 706.07)

Print or type name: Eric Christianson
Title: Certified Municipal Clerk
Date commission expires: 3/27/2026

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and $2.00 to the recording fee. Wisconsin Statutes, 59.43(2m). USE BLACK INK. WRDA 5/1999
City of Madison

Certified Copy

Ordinance: ORD-20-00009

File Number: 58474

Creating Section 15.01(615) of the Madison General Ordinances entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards" attaching to the 9th Aldermanic District the NEW WEI, LLC Attachment and creating Section 15.01(150) of the Madison General Ordinances to assign the attached property to Ward 150; and assigning a temporary zoning classification of A Agriculture District.

DRAFTER'S ANALYSIS: This ordinance attaches land in the Town of Middleton.

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An ordinance to create Subsection (150) of Section 15.01 of the General Ordinances of the City of Madison entitled "City Boundaries" and being part of the chapter entitled "Aldermanic Districts and Wards".

WHEREAS, a petition for attachment with scale map attached was filed with the City Clerk of Madison on November 14, 2019, and has been presented to the Madison Common Council requesting attachment of the below-described territory to the City of Madison from the Town of Middleton; said petition having been signed by the owners of all of the land in the territory and notice of the proposed attachment having been given to the Town of Middleton; and

WHEREAS, investigation by the City of Madison discloses that as of this date the above representations are true, the Common Council now accepts the petition as sufficient and determines that the said attachment proceeding meets the requirements of the City of Madison and Town of Middleton Cooperative Plan approved pursuant to Wis. Stat. § 66.0307;

NOW, THEREFORE, the Common Council of the City of Madison do ordain as follows:

1. Subsection (150) of Section 15.01 of the Madison General Ordinances is hereby created to read as follows:

"15.01(150) - There is hereby attached to the 9th Aldermanic District, the City of Madison, Dane County, Wisconsin, the following described property and pursuant to the provisions of Sec. 28.005, MGO, the territory attached by this ordinance is hereby assigned a temporary zoning classification of A Agriculture District:

A parcel of land in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section 28 Township 7N, Range 8E, Town of Middleton, bounded and described as follows:

Commencing at the North one-quarter corner of said Section 28; thence, along the North line of said Northeast one-quarter, N89°51'48"E, 468.80 feet to the Northwest corner of Parcel A of Document No. 5519422; thence, along the West line of said Parcel A, S00°32'48"W, 49.88 feet to the South right-of-way line of Mineral Point Road per Document No. 1131047 and the point of beginning; thence, along said South right-of-way line, N89°51'59"E, 130.00 feet to a point on the East line of said Parcel A; thence, along said East line, S00°32'48"W, 201.30 feet to the Southeast corner of said Parcel A, said corner also being the Northeast corner of Outlot 16 of the plat of Cardinal Glenn;
thence, along the South line of said Parcel A and the North line of said Outlot 16, S89°51’59”W, 130.00 feet to the Southwest corner of said Parcel A; thence, along aforesaid West line, N00°32’48”E, 201.30 feet to the point of beginning. Said described parcel contains 26,167 square feet, 0.601 acres, and 0.000939 square miles."

2. Subsection (150) of Section 15.02 entitled "Wards and Ward Boundaries" of the Madison General Ordinances is amended to read as follows:

(150) Ward 150. A parcel of land in the Northwest Quarter (1/4) of the Northeast Quarter (1/4) of Section 28 Township 7N, Range 8E, Town of Middleton, bounded and described as follows: Commencing at the North one-quarter corner of said Section 28; thence, along the North line of said Northeast one-quarter, N89°51’48”E, 468.80 feet to the Northwest corner of Parcel A of Document No. 5519422; thence, along the West line of said Parcel A, S00°32’48”W, 49.88 feet to the South right-of-way line of Mineral Point Road per Document No. 1131047 and the point of beginning; thence, along said South right-of-way line, N89°51’59”E, 130.00 feet to a point on the East line of said Parcel A; thence, along said East line, S00°32’48”W, 201.30 feet to the Southeast corner of said Parcel A, said corner also being the Northeast corner of Outlot 16 of the plat of Cardinal Glenn; thence, along the South line of said Parcel A and the North line of said Outlot 16, S89°51’59”W, 130.00 feet to the Southwest corner of said Parcel A; thence, along aforesaid West line, N00°32’48”E, 201.30 feet to the point of beginning. Polling place at Coventry Village, 7707 North Brookline Drive."

3. Subsection (150) of Section 15.03 entitled "Aldermanic Districts" of the Madison General Ordinances is amended to read as follows:


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

I, City Clerk Maribeth Witzel-Behl, certify that this is a true copy of Ordinance 20-00009, file no. 58474, adopted by the Madison Common Council on January 7, 2020.

[Signature]

Date Certified

1-14-2020

City of Madison

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Printed on 1/14/2020
March 19, 2020, *Sent via email*

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

Re:  Proposed MMSD Annexation — NEW WEI/ Welton Family, LP Property Annexation  
Parcel 0708-281-0106-7, 9313 Mineral Point Road (formerly 7231)  
City of Madison, Wisconsin

Dear Mr. Sauser:

We have received notification, dated March 12, 2020, regarding the City of Madison’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 Central Urban Service Area. This area was recommended for addition to the service area as part of Dane County Regional Planning Commission Resolution No. 889 on October 14, 1999 ([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 January 31, 2000 ([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. Timothy M. Parks, Planner, City of Madison (*via email*)  
Mr. Greg Fries, Assistant City Engineer, City of Madison (*via email*)
Revised Resolution RPC No. 889

Amending the Dane County Land Use and Transportation Plan and Water Quality Plan by Revising the Central Urban Service Area Boundary and Environmental Corridors in the Westside Neighborhood in the City of Madison and the Town of Middleton

WHEREAS, the Dane County Regional Planning Commission has adopted, amended and/or reaffirmed a Land Use and Transportation Plan and Water Quality Plan; and

WHEREAS, said plans delineate urban service areas as amended through August 1999; and

WHEREAS, the City of Madison has requested an addition to the Central Urban Service Area and has submitted the Westside Neighborhood Plan as a basis for that request; and

WHEREAS, a staff analysis of the proposed amendment has been prepared that indicates the amendment is generally consistent with adopted regional plans and policies, and with criteria for urban service area expansions;

NOW, THEREFORE, BE IT RESOLVED that in accordance with §66.945(9), Wis. Stats., and Sec. 208 of Public Law 92–500, the Dane County Regional Planning Commission amends the Dane County Land Use and Transportation Plan and Water Quality Plan by revising the Central Urban Service Area Boundary and Environmental Corridors in the City of Madison and the Town of Middleton, as shown on the attached map.

Approval of this amendment is based on the land use and urban service plans submitted in support of this amendment, and on the City of Madison meeting the following conditions:

1) Prior to commencing development in any part of the amendment area, detailed stormwater management plans must be submitted which outline the stormwater practices and facilities proposed for the area to be developed, along with design criteria or standards indicating the degree of control or mitigation of off-site water quality and flooding impacts. The detailed stormwater plans should demonstrate that off-site water quality and flooding impacts are mitigated to the maximum extent practicable.

2) Construction of the proposed well in the Westside Neighborhood should be delayed as long as possible, at least until an evaluation is completed that indicates the maximum extent to which this area can be served by existing wells or wells located closer to the Yahara Lakes.

It is recommended that the City pursue, in cooperation with other local units of government in the watershed, Dane County, the RPC and DNR, development of a preliminary stormwater management plan for the Lower Badger Mill Creek watershed to determine the stormwater management facilities and practices needed to mitigate water quality and flooding impacts of urban development in the watershed. A conceptual outline of future land use patterns in the watershed will need to be developed to provide a basis for regional and watershed infrastructure and stormwater planning.

Date Adopted: 10-14-99

Harold B. Krantz, Secretary
January 31, 2000

Mr. Bill Lane
Dane County Regional Planning Commission
217 S Hamilton Street, Suite 403
Madison, WI 53703-3238

Subject: Amendment to the Dane County Water Quality Plan for the Westside Neighborhood in the City of Madison and Town of Middleton

Dear Mr. Lane:

We have completed our review of the City of Madison request for modifications to the Dane County Water Quality Management Plan and approve of the proposed changes (Revised Resolution RPC No. 889). These modifications involve the addition of 537.8 acres to the Central Urban Service Area (CUSA) boundary, including 32 acres of environmental corridors and 171.8 acres of existing development, for a net total of 334 acres of developable area. The WDNR supports the Resolution Condition #1 that requires the City of Madison to develop detailed stormwater management plans prior to any development in the amendment area. However, the WDNR does not endorse Resolution Condition #2 pertaining to groundwater.

The approval of this revision does not constitute approval of any of the following:

- private sewage systems pursuant to Chapter ILHR 83, (WI Admin. Code),
- sewer extension pursuant to Chapter NR 110, (WI Admin. Code),
- authority to alter the bed or banks of any navigable waterway (Chapter 30, WI Stats.),
- certification for any wetland alteration (Section 401, Federal Water Pollution Control Act, and NR 103, 299, WI Admin. Code).

Those approvals must be obtained separately from the respective agencies. In addition, storm water management plan development is required for any construction site activity disturbing five or more acres of land pursuant to Chapter NR 216 (WI Admin. Code).

Any person aggrieved by this approval has the right to appeal the decision. Wisconsin Statutes and Administrative Code establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to s. 227.52 and 227.53, Wisconsin Statutes, a petition for review must be filed within 30 days after service of the decision. The respondent in an action for judicial review is the Department of Natural Resources. This notice is provided pursuant to s. 227.48(20), Wisconsin Statutes.
Sincerely,

Charles R. Ledin, Section Chief
Great Lakes & Watershed Planning Section
Bureau of Watershed Management

c. Steve Fix, SC Region-Fitchburg
   Ruth Johnson, SC Region-Horicon
   Robert Hansis, SC Region-Fitchburg
   Brad Murphy, City of Madison
   James Nemke, MMSD
(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

4.1. Capital Area Regional Planning Commission (CARPC) shall mean the regional planning commission having jurisdiction over the District sewerage service area.

4.2. Chief Engineer and Director or CED shall mean the Chief Engineer and Director of the District.

4.3. Commission 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.

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 remain in full force and effect for a period of four (4) years from the date of the Commission’s resolution approving the sewer extension.

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 \( \frac{1}{2}\% \) 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.
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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**33 CITY OF MADISON CONNECTIONS WITHIN THE BROADWAY SEWER DISTRICT SHALL PAY THE CURRENT NORTHEAST INTERCEPTOR RATE**

**34 CITY OF MADISON CONNECTIONS WITHIN THE LIEN SEWER DISTRICT SHALL PAY THE CURRENT NORTHEAST INTERCEPTOR RATE**

**35 7-27-2017, NEW TREATMENT PLANT CONNECTION CHARGE RATES WILL BE IMPLEMENTED BEGINNING JANUARY 1, 2019 AND WILL BE PHASED IN OVER 8 YEARS, FINAL ADJUSTMENT ON JANUARY 1, 2026**

**36 7-27-2017, NEW TREATMENT PLANT CONNECTION CHARGE RATES WILL BE IMPLEMENTED BEGINNING JANUARY 1, 2019 AND WILL BE PHASED IN OVER 8 YEARS, FINAL ADJUSTMENT ON JANUARY 1, 2026**