



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
-------------	-------	--------

2006-0509 Communication In Committee

Communication from MMSD regarding a Public Hearing being held September 6, 2006, at 260 W. Seeboth St. on Amendments to Chapter 13 of the MMSD Rules regarding Watercourses which MMSD exercises Jurisdiction over for purposes of managing the risks of regional flooding.

Introduced: 8/1/2006 Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION PLACE ON FILE

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8-1-06</u>	✓		Barczak				
			Czaplewski				
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>-</u>		

SIGNATURE OF COMMITTEE MEMBER

Robert Kopplin _____ _____
Chair Vice-Chair Member

COMMON COUNCIL ACTION **PLACE ON FILE**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG 01 2006</u>	✓		Barczak				✓
			Czaplewski	✓			
		✓	Dobrowski	✓			
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>	<u>-</u>		<u>1</u>

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



Preserving The Environment •
Improving Water Quality

RECEIVED

JUL 27 2006

CITY OF WEST ALLIS
CLERK/TREASURER

PUBLIC HEARING AND COMMENT PERIOD

Please take notice that a public hearing will be held on Wednesday, September 6, 2006, in the Commission hearing room 121 at the MMSD headquarters building, 260 West Seeboth Street, Milwaukee, WI, 53204, beginning at 10:00 a.m. and continuing until all interested persons have had an opportunity to comment. All interested persons are invited to attend or participate. Written comments are welcome and will be given equal weight.

Questions about Amendments to Chapter 13 of the MMSD Rules Regarding Watercourses which MMSD Exercises Jurisdiction Over for Purposes of Managing the Risk of Regional Flooding may be address to Ms. Debra Jensen, Planning Services Supervisor, MMSD, 260 West Seeboth Street, Milwaukee, WI 53204-1446, at (414) 225-2143, or djensen@mmsd.com.

The current rules of the MMSD are available and may be downloaded at: www.mmsd.com, under the Rules & Regulations tab, see Chapter 13 proposed rule amendment. A copy of these materials is also available at the Clerk's office of each municipality receiving sewerage service from the MMSD.

Written comments may be submitted anytime prior to Friday, September 8, 2006, at 4:30 p.m., and should be addressed "Comment on Ch. 13 Jurisdictional Appendix Amendments" to the attention of Planning Services Supervisor Debra Jensen, MMSD, 260 West Seeboth Street, Milwaukee, WI, 53201-3049; phone at (414)-225-2143 or E-mail at djensen@mmsd.com. The Comments may be likewise submitted by Fax, (414) 277-0318 or E-mail. Comments are public records.

All written and oral comments will be included in the rulemaking record and considered by the Commission when taking action on the revised rules. MMSD staff will prepare a response to all material comments received on or before October 13, 2006, and as appropriate recommend changes, for consideration by the Commission.

Changes may be made in the proposed rules which are germane to the subject matter and a logical outgrowth of the proposed rule, when the Commission considers adoption of the rules after public hearing and comment.

milwaukee metropolitan sewerage district
260 W. Seeboth Street, Milwaukee, WI 53204-1446
414-272-5100 • www.mmsd.com

cc: Mike Portner
Mike Lewis



Preserving The Environment •
Improving Water Quality

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aids. For additional information or to request these services, contact the Commission Secretary at (414) 225-2108, (FAX) (414) 272-5227 or write to the Commission Secretary, Office of the Commission, MMSD, 260 W. Seeboth Street, Milwaukee, Wisconsin, 53204-1446.

Judicial Review & Exhaustion

Please Take Notice that comments, data, argument or other information to rulemaking choices should be presented to the District or judicial review based on information the agency did not have an opportunity to consider may be precluded.^{1/} Proposed rules are not final agency decisions ripe for judicial review until adopted with the force and effect of law. The exclusive procedure for judicial review of the validity of an MMSD rule is provided by §200.45(1)(d), Wis. Stats., except if the rule, policy or practice relates to sewerage service charges or rates, then Public Service Commission has primary jurisdiction under §200.59(5) and *Brookfield v. MMSD*, 171 Wis.2d 400, 491 N.W.2d 484 (1992).

^{1/} See e.g., *Am. Forest & Paper Asso. v. EPA*, 137 F.3d 291, 294-5 (5th Cir. 1998)(but one does not have to be “faithful reader” of notices of rulemaking or “a psychic able to predict” changes to ensure the agency has an opportunity to consider an issue or comment before contesting the rule).

Chapter 13
Appendix
Table 1
Kinnickinnic River and Tributaries

Watercourse	Municipalities in Watershed	Streams Under District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Lyons Creek	Greenfield Milwaukee	W. Forest Home Avenue and W. Morgan Avenue	S. 58 th Street and Kinnickinnic River Parkway	1.2
Wilson Park Creek	Cudahy Greenfield Milwaukee Saint Francis	S. Whitnall Avenue, south of S. Nicholson Road	Kinnickinnic River, near S. 30 th Street and W. Manitoba Avenue	3.4
Villa Mann Creek Mainstem	Greenfield Milwaukee	Interstate I-894, east of S. 27 th Street	Wilson Park Creek, near S. 20 th Street and W. Plainfield Avenue	0.8
		W. Colony Drive, east of S. 35 th Street	Villa Mann Creek, east of S. 27 th Street	0.7
Tributary 43 rd Street Ditch	Milwaukee West Milwaukee	W. Burnham Street and W. Electric Avenue	Kinnickinnic River, near S. 43rd Street and railroad bridge	1.0
Kinnickinnic River, Main Stem	Cudahy Greenfield Milwaukee Saint Francis West Allis West Milwaukee	S. 58 th Street and Kinnickinnic River Parkway	Estuary, S. 6 th Street and S. Chase Avenue	5.7

Chapter 13
Appendix
Table 2
Lake Michigan Drainage Area

Watercourse	Municipalities in Watershed	Streams Under District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) <small>-approximate-</small>
Fish Creek, Main Stem	Bayside Mequon River Hills	W. County Line Road, east of Interstate 43	Lake Michigan, north of the Milwaukee County/Ozaukee County border	3.4
Tributary		W. County Line Road near Columbia Court	Fish Creek at Interstate 43	0.5

Chapter 13
Appendix
Table 3
Menomonee River and Tributaries

Watercourse	Municipalities in Watershed	Streams in District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Grantosa Creek, Lower Reach	Milwaukee Wauwatosa	W. Grantosa Drive at N. 100 th Street	Menomonee River, east of N. Mayfair Road, south of N. Menomonee River Parkway	0.8
		W. Hampton Avenue, east of N. 100 th Street	N. 100 th Street, north of W. Glendale Avenue	0.3
Upper reach				
Honey Creek	Greenfield Milwaukee Wauwatosa West Allis	S. 43 rd Street near W. Edgerton Avenue	Menomonee River, near W. Honey Creek Parkway and N. 72 nd Street	8.8
Little Menomonee River	Germantown Mequon, Milwaukee	Border of Milwaukee and Ozaukee Counties at W. County Line Road, east of N. 107 th Street	Menomonee River, near W. Hampton Avenue and N. Mayfair Road	6.9
Menomonee River, Main Stem	Brookfield Butler Elm Grove Germantown Greendale Greenfield Menomonee Falls Mequon, Milwaukee New Berlin Wauwatosa West Milwaukee	Border of Milwaukee and Waukesha Counties, south of USH-45	Estuary at S. 29 th Street extended	16.0
Underwood Creek, Main Stem	Brookfield Elm Grove Milwaukee New Berlin Wauwatosa West Allis	Border of Milwaukee and Waukesha Counties, N. 124 th Street extended north of W. Blue Mound Road	Menomonee River, near W. North Avenue and N. Menomonee River Parkway	2.6
		W. Underwood Creek Parkway and W. Schlinger Avenue	Underwood Creek, Main Stem, north of W. Blue Mound Road, west of W. Underwood Parkway	1.0
South Branch				
Woods Creek	Milwaukee West Allis West Milwaukee	S. 56 th Street and W. Walker Avenue	Menomonee River, near S. 44 th Street	1.1

Chapter 13
Appendix
Table 4
Milwaukee River Tributaries

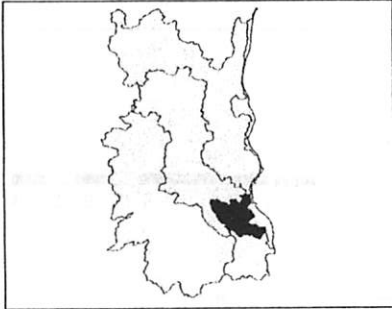
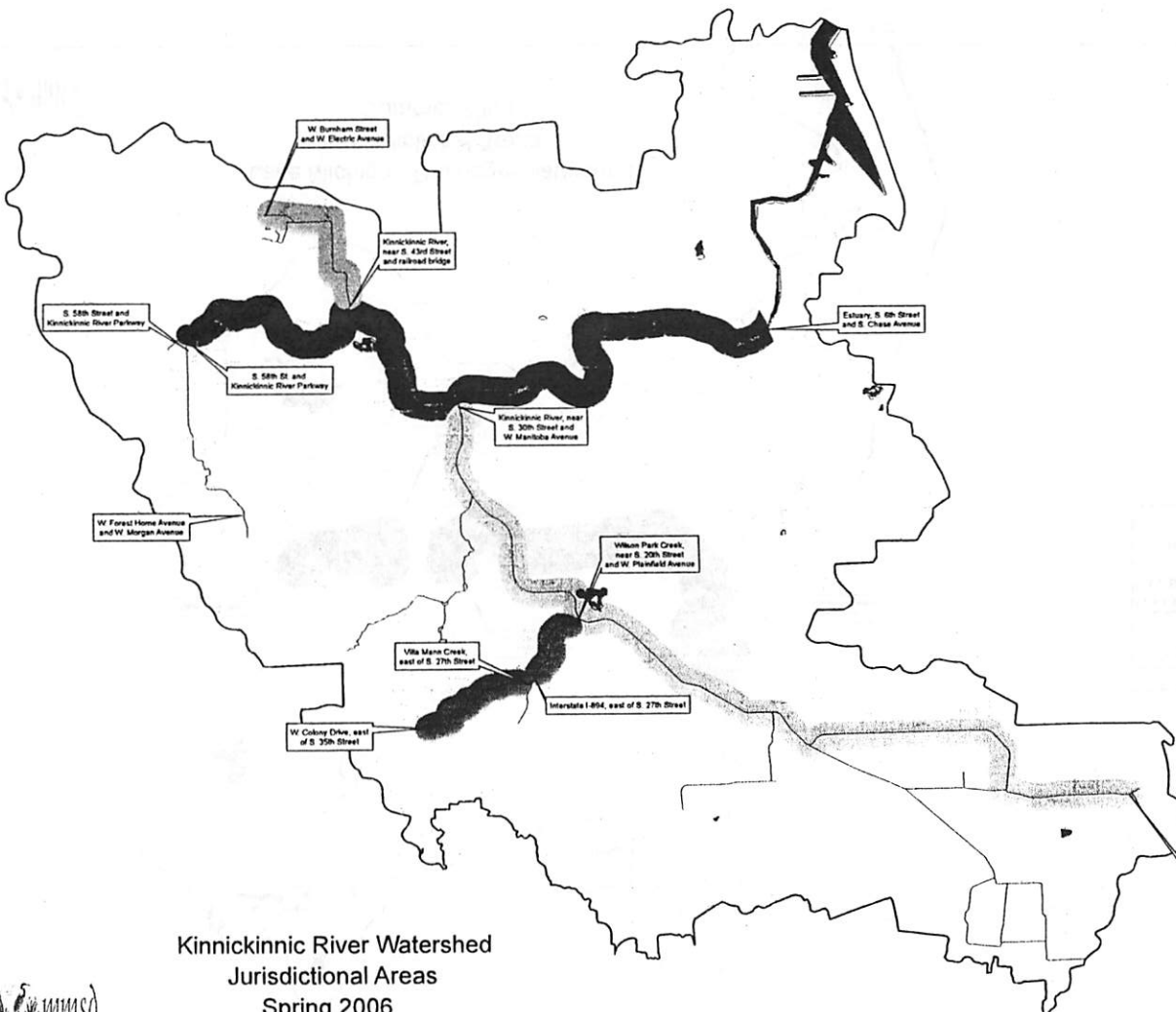
Watercourse	Municipalities in Watershed	Streams in District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Beaver Creek	Brown Deer Mequon Milwaukee	N. 64 th Street, south of W. Brown Deer Road	Milwaukee River, east of W. Brown Deer Road and N. Kildeer Court	1.9
Brown Deer Park Creek	Brown Deer Glendale Milwaukee River Hills	W. Good Hope Road, ½ mile west of N. Range Line Road	Milwaukee River, east of N. Range Line Road	1.9
Indian Creek	Bayside Fox Point Glendale River Hills	E. Dean Road and N. Indian Creek Parkway	Milwaukee River, south of W. Bradley Road	1.9
Lincoln Creek	Brown Deer Glendale Milwaukee	Railroad culvert east of N. 60 th Street, north of W. Hemlock Street	Milwaukee River, near N. Green Bay Road and W. Lawn Avenue	8.1
Milwaukee River Main Stem	Bayside Brown Deer Glendale Mequon Milwaukee River Hills Shorewood Thiensville Whitefish Bay	Border of Milwaukee and Ozaukee Counties at W. County Line Road, east of N. Green Bay Road	Estuary, at North Avenue Dam	12.9
South Branch Creek	Brown Deer Milwaukee River Hills	W. Bradley Road and N. 59 th Street	Milwaukee River, east of N. Green Bay Road and N. Teutonia Avenue	1.5

Chapter 13
Appendix
Table 5
Oak Creek and Tributaries

Watercourse	Municipalities in Watershed	Streams in District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Mitchell Field Ditch	Cudahy Milwaukee Oak Creek	S. Howell Avenue and E. Citation Way	Oak Creek, Main Stem, in Clement Avenue Park, east of the railroad tracks	2.4
Oak Creek, Main Stem	Cudahy Franklin Greenfield Milwaukee Oak Creek South Milwaukee	W. Southland Drive	S. Pennsylvania Avenue, north of Manitowoc Avenue	8.9
Oak Creek, North Branch	Greenfield Milwaukee Oak Creek	Culvert under the most southerly crossing of the Airport Spur Freeway	Oak Creek, Main Stem, near W. Ryan Road, west of S. Howell Avenue	5.7

Chapter 13
Appendix
Table 6
Root River and Tributaries

Watercourse	Municipalities in Watershed	Streams in District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Lower Crayfish Creek, Main Stem	Oak Creek	S. 14 th Street extended north of County Line Road	County Line Road, ½ mile east S. of Nicholson Road	0.4
Crayfish Creek , Main Stem	Oak Creek	E. Elm Road, ½ mile east of S. Nicholson Road	County Line Road, ½ mile east of S. Nicholson Road	0.5
Hale Creek	West Allis	W. Montana Avenue, at the confluence with the Root River North Branch	W. Lincoln Avenue, west of State Highway 100	1.3
Root River, 104 th Street Branch	Greenfield Milwaukee	West of S. 99 th Street, north of W. Cold Spring Road	Root River, North Branch, south of W. Cold Spring Road	0.5
Root River, East Branch	Franklin Greendale Greenfield Milwaukee Oak Creek	S. Madeline Avenue just south of N. Parnell Avenue	Root River, North Branch, west of S. 60 th Street and W. Cascade Drive	5.2
Root River, North Branch	Franklin Greendale Greenfield Hales Corners Muskego New Berlin Oak Creek West Allis	S. Root River Parkway and W. Lincoln Avenue (crosses under S. 124 th Street)	S. 60 th Street, south of W. Oakwood Road	13.2
Tess Corners Creek	Franklin Greendale Muskego New Berlin	½ mile southwest of W. Rawson Avenue and S. Lovers Lane	Root River, North Branch, near W. College Avenue and S. Root River Parkway	2.2
Whitnall Park Creek	Franklin Greenfield Hales Corners Muskego New Berlin	W. Edgerton Avenue and S. 113 th Street	Tess Corners Creek, near S. 92 nd Street and W. College Avenue	0.8



Watercourse	Municipalities in Watershed	Streams Under District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) ~approximate
Lyons Creek	Greenfield Milwaukee	W. Forest Home Avenue and W. Morgan Avenue	S. 58 th Street and Kinnickinnic River Parkway	1.2
Wilson Park Creek	Cudahy Greenfield Milwaukee Saint Francis	S. Whitnall Avenue, south of S. Nicholson Road	Kinnickinnic River, near S. 30 th Street and W. Manitoba Avenue	3.4
Villa Mann Creek, Mainstem	Greenfield Milwaukee	Interstate I-894, east of S. 27 th Street	Wilson Park Creek, near S. 20 th Street and W. Plainfield Avenue	0.8
Tributary		W. Colony Drive, east of S. 35 th Street	Villa Mann Creek, east of S. 27 th Street	0.7
43rd Street Ditch	Milwaukee West Milwaukee	W. Burnham Street and W. Electric Avenue	Kinnickinnic River, near S. 43 rd Street and railroad bridge	1.0
Kinnickinnic River, Main Stem	Cudahy Greenfield Milwaukee Saint Francis West Allis West Milwaukee	S. 58 th Street and Kinnickinnic River Parkway	Estuary, S. 6 th Street and S. Chase Avenue	5.7

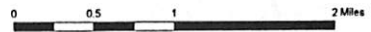
LEGEND

Jurisdictional Areas

- Lyons Creek
- Wilson Park Creek
- Villa Mann Creek Mainstem & Tributary
- 43rd Street Ditch
- Kinnickinnic River, Main Stem

Streams

- Kinnickinnic River Watershed
- Streams



Kinnickinnic River Watershed
Jurisdictional Areas
Spring 2006



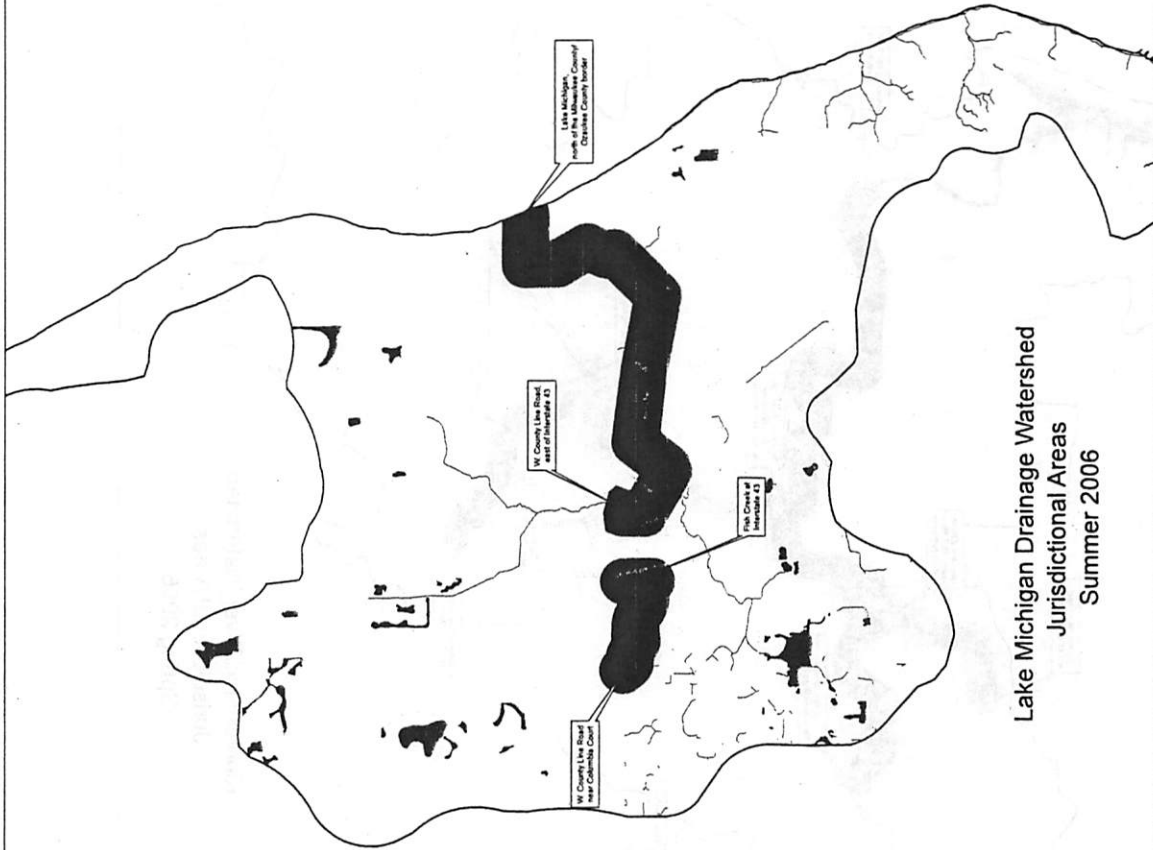


Watercourse	Municipalities in Watershed	Streams Under District Jurisdiction		Length (miles) - approximate
		Upstream Terminus	Downstream Terminus	
Fish Creek, Main Stem	BaySide Mequon River Hills	W. County Line Road, east of Interstate 43	Lake Michigan, north of the Milwaukee County/Ozaukee County border	3.4
Tributary		W. County Line Road near Columbia Court	Fish Creek at Interstate 43	0.5

LEGEND

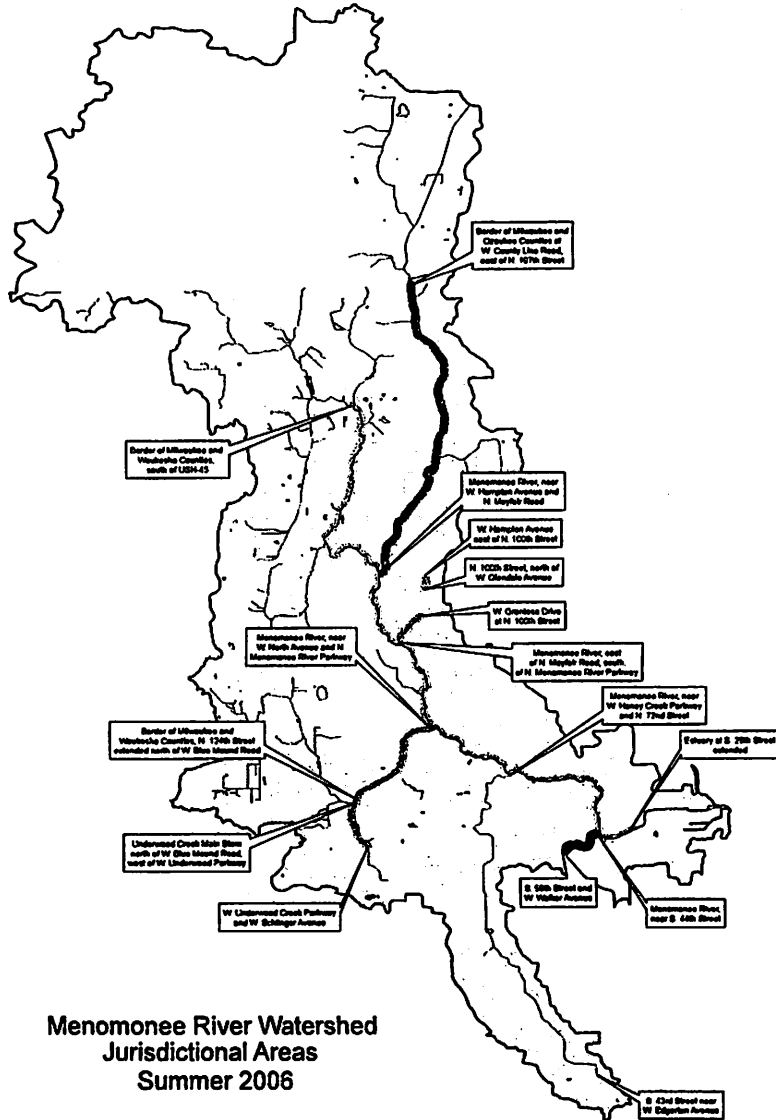
Jurisdictional Areas

- Fish Creek, Main Stem & Tributary
- Lake Michigan Drainage Watershed
- Streams
- Streets

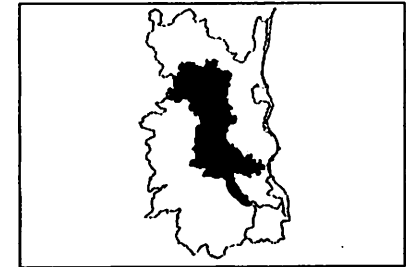


Lake Michigan Drainage Watershed
Jurisdictional Areas
Summer 2006





**Menomonee River Watershed
Jurisdictional Areas
Summer 2006**

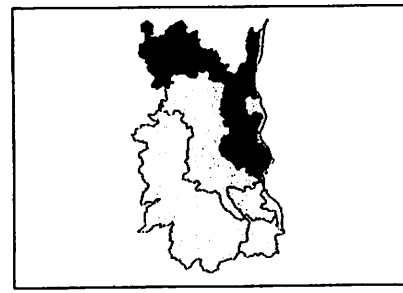
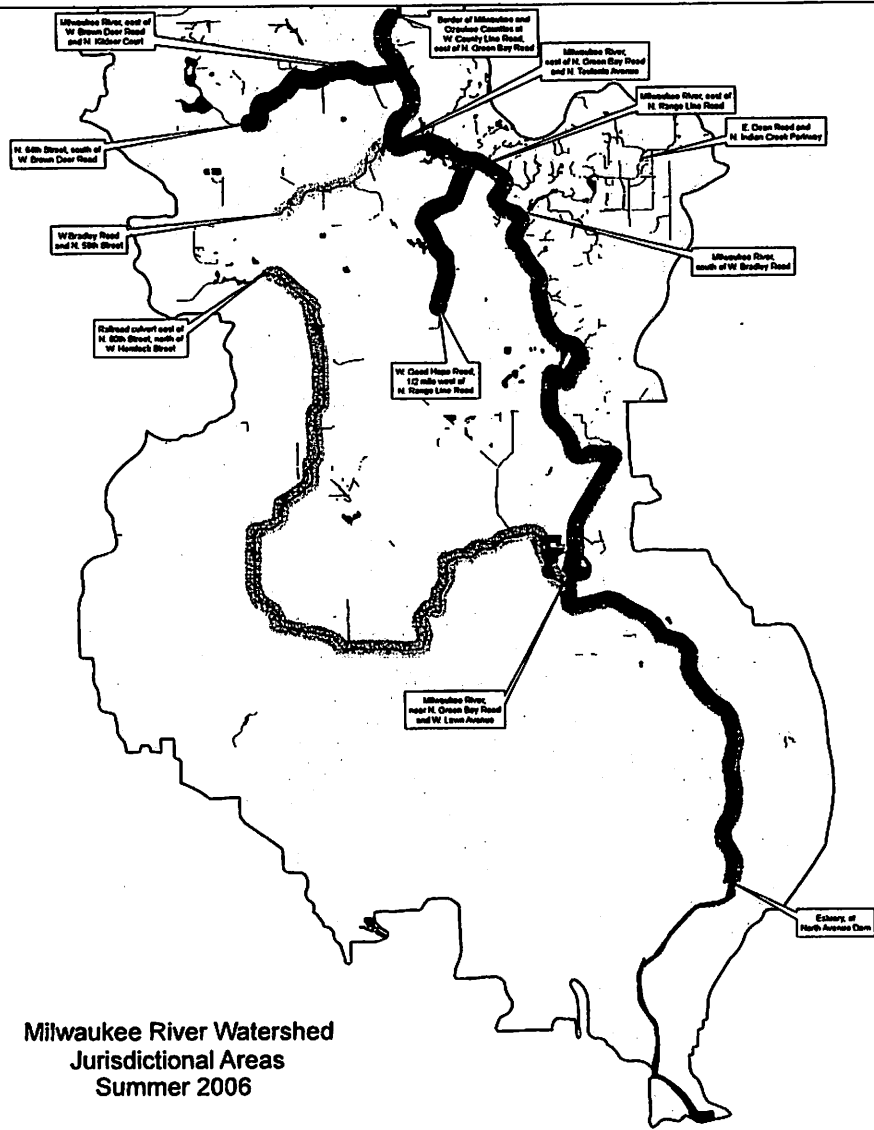


Watercourse	Municipalities in Watershed	Streams in District Jurisdiction		Length (miles) -approximate-
		Upstream Terminus	Downstream Terminus	
Grantosa Creek, Lower Reach	Milwaukee Wauwatosa	W. Granton Drive at N. 100 th Street	Menomonee River, east of N. Mayfair Road, south of N. Menomonee River Parkway	0.8
		W. Hampton Avenue, east of N. 100 th Street	N. 100 th Street, north of W. Glendale Avenue	0.3
Honey Creek	Greenfield Milwaukee Wauwatosa West Allis	S. 4 th Street east of W. Edgerlin Avenue	Menomonee River, near W. Honey Creek Parkway and N. 72 nd Street	8.8
Little Menomonee River	Germantown Mequon Milwaukee	Border of Milwaukee and Ozaukee Counties at W. County Line Road, east of N. 107 th Street	Menomonee River, near W. Hampton Avenue and N. Mayfair Road	6.9
Menomonee River, Main Stem	Brookfield Butler Elm Grove Germantown Greendale Menomonee Falls Mequon Milwaukee New Berlin Wauwatosa West Milwaukee	Border of Milwaukee and Waukesha Counties, south of USH-45	Estuary at S. 29 th Street extended	16.0
Underwood Creek, Main Stem	Brookfield Elm Grove Milwaukee New Berlin Wauwatosa West Allis	Border of Milwaukee and Waukesha Counties, N. 124 th Street extended north of W. Blue Mound Road	Menomonee River, near W. North Avenue and N. Menomonee River Parkway	2.6
		W. Underwood Creek Parkway and W. Schlinger Avenue	Underwood Creek, Main Stem, north of W. Blue Mound Road, west of W. Underwood Parkway	1.0
Woods Creek	Milwaukee West Milwaukee West Allis	S. 56 th Street and W. Walker Avenue	Menomonee River, near S. 44 th Street	1.1

LEGEND

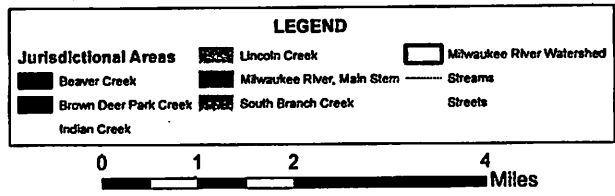
Jurisdictional Areas	Menomonee River, Main Stem	Menomonee River Watershed
Grantosa Creek, Lower & Upper Reach	Underwood Creek, Main Stem & South Branch	Streams
Honey Creek	Woods Creek	Streets
Little Menomonee River		

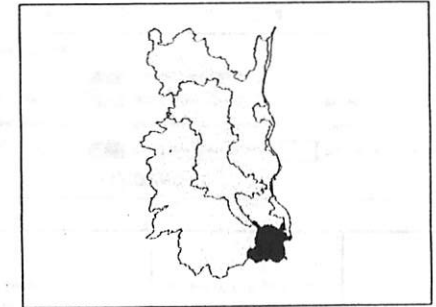
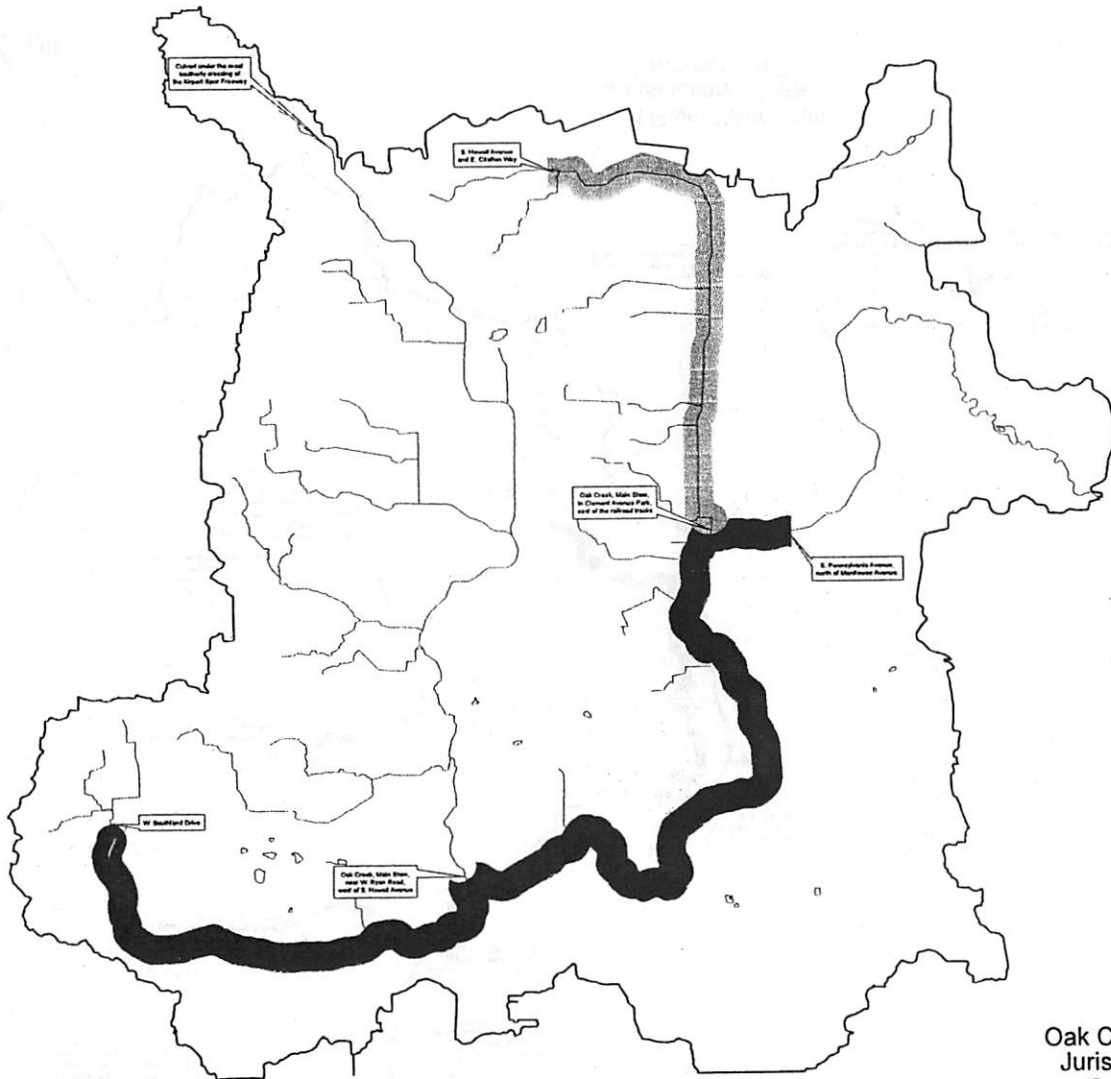




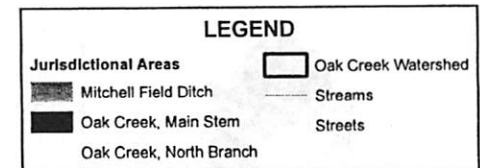
Streams in District Jurisdiction				
Watercourse	Municipalities in Watershed	Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Beaver Creek	Brown Deer Mequon Milwaukee	N. 64 th Street, south of W. Brown Deer Road	Milwaukee River, east of W. Brown Deer Road and N. Kildeer Court	1.9
Brown Deer Park Creek	Brown Deer Glendale Milwaukee River Hills	W. Good Hope Road, 1/4 mile west of N. Range Line Road	Milwaukee River, east of N. Range Line Road	1.9
Indian Creek	Bayside Fox Point Glendale River Hills	E. Dean Road and N. Indian Creek Parkway	Milwaukee River, south of W. Bradley Road	1.9
Lincoln Creek	Brown Deer Glendale Milwaukee	Railroad culvert east of N. 60 th Street, north of W. Hemlock Street	Milwaukee River, near N. Green Bay Road and W. Lawn Avenue	8.1
Milwaukee River, Main Stem	Bayside Brown Deer Glendale Mequon Milwaukee River Hills Shorewood Thiensville Whitefish Bay	Border of Milwaukee and Ozaukee Counties at W. County Line Road, east of N. Green Bay Road	Estuary, at North Avenue Dam	12.9
South Branch Creek	Brown Deer Milwaukee River Hills	W. Bradley Road and N. 59 th Street	Milwaukee River, east of N. Green Bay Road and N. Teutonia Avenue	1.5

Milwaukee River Watershed
Jurisdictional Areas
Summer 2006

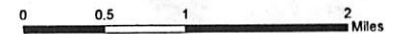


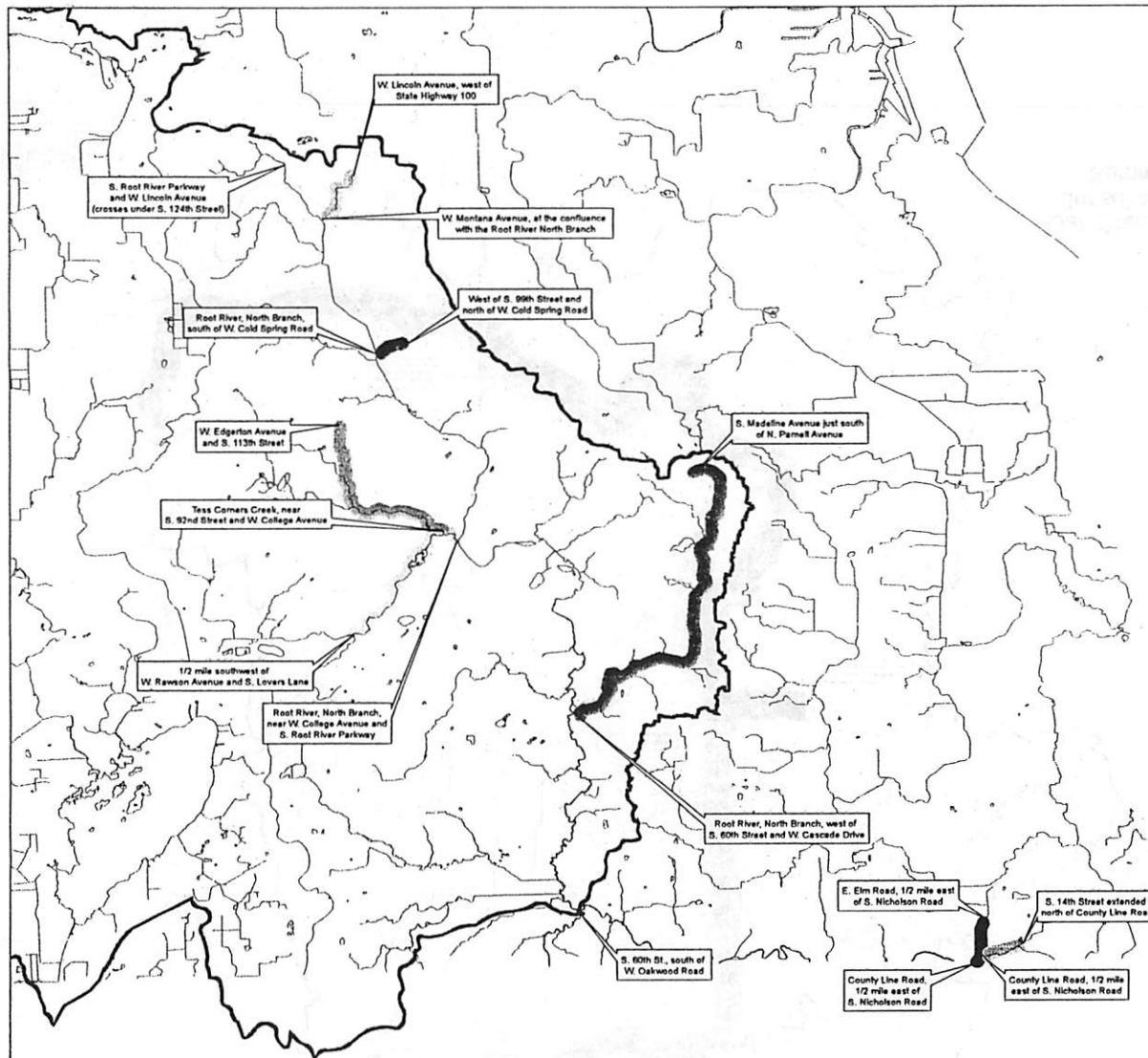


Watercourse	Municipalities in Watershed	Streams in District Jurisdiction		
		Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Mitchell Field Ditch	Cudahy Milwaukee Oak Creek	S. Howell Avenue and E. Citation Way	Oak Creek, Main Stem, in Clement Avenue Park, east of the railroad tracks	2.4
Oak Creek, Main Stem	Cudahy Franklin Greenfield Milwaukee Oak Creek South Milwaukee	W. Southland Drive	S. Pennsylvania Avenue, north of Manitowoc Avenue	8.9
Oak Creek, North Branch	Greenfield Milwaukee Oak Creek	Culvert under the most southerly crossing of the Airport Spur Freeway	Oak Creek, Main Stem, near W. Ryan Road, west of S. Howell Avenue	5.7

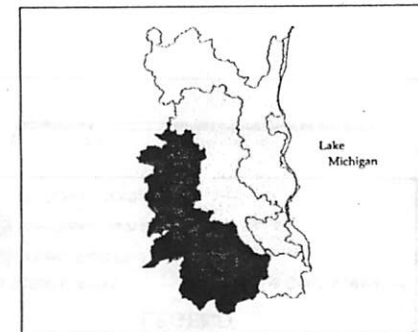


Oak Creek Watershed
Jurisdictional Areas
Summer 2006





Root River Watershed
Jurisdictional Areas
Summer 2006



Streams in District Jurisdiction				
Watercourse	Municipalities in Watershed	Upstream Terminus	Downstream Terminus	Length (miles) -approximate-
Lower Crayfish Creek, Main Stem	Oak Creek	S. 14 th Street extended north of County Line Road	County Line Road, 1/2 mile east of S. Nicholson Road	0.4
Crayfish Creek, Main Stem	Oak Creek	E. Elm Road, 1/2 mile east of S. Nicholson Road	County Line Road, 1/2 mile east of S. Nicholson Road	0.5
Hale Creek	West Allis	W. Montana Avenue, at the confluence with the Root River North Branch	W. Lincoln Avenue, west of State Highway 100	1.3
Root River, 104 th Street Branch	Greenfield Milwaukee	West of S. 99 th Street, north of W. Cold Spring Road	Root River, North Branch, south of W. Cold Spring Road	0.5
Root River, East Branch	Franklin Greendale Greenfield Milwaukee Oak Creek	S. Madeline Avenue just south of N. Parnell Avenue	Root River, North Branch, west of S. 60 th Street and W. Cascade Drive	5.2
Root River, North Branch	Franklin Greendale Greenfield Hales Corners Muskego New Berlin Oak Creek West Allis	S. Root River Parkway and W. Lincoln Avenue (crosses under S. 124 th Street)	S. 60 th Street, south of W. Oakwood Road	13.2
Tess Corners Creek	Franklin Greendale Muskego New Berlin	1/2 mile southwest of W. Rawson Avenue and S. Lovers Lane	Root River, North Branch, near W. College Avenue and S. Root River Parkway	2.2
Whitnall Park Creek	Franklin Greenfield Hales Corners Muskego New Berlin	W. Edgerton Avenue and S. 113 th Street	Tess Corners Creek, near S. 92 nd Street and W. College Avenue	0.8

