

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF MILWAUKEE AND  
THE MILWAUKEE METROPOLITAN SEWERAGE DISTRICT  
CONCERNING ACCEPTANCE OF FILL MATERIAL FROM  
THE LINCOLN CREEK CONSTRUCTION PROJECT AT  
LAYTON AND PENNSYLVANIA LANDFILL

The City of Milwaukee, a general purpose municipal corporation, organized and operating pursuant to special charter, hereafter "City" and the Milwaukee Metropolitan Sewerage District, a municipal body corporate, organized and operating pursuant to secs. 66.88 through 66.918, Stats., hereafter "District", enter into this Memorandum of Understanding, pursuant to Sec. 66.30 Stats., effective the last date appearing below, for the purpose of establishing the procedures, practices, duties and responsibilities applicable to each with relation to the acceptance of fill material from the Lincoln Creek construction project at the Layton and Pennsylvania Landfill and the construction of an approved cap:

WHEREAS, The District has contracted for the improvement of Lincoln Creek so as to ameliorate or eliminate flooding damage; and

WHEREAS, The District has excess excavated material from the Lincoln Creek project and desires to locate potential sites to deposit this excess material; and

WHEREAS, The City owns the former Layton and Pennsylvania Landfill, hereafter "Landfill", which needs to be properly capped before it can be closed; and

WHEREAS, The District is proposing to provide the proper materials for the construction of an approved cap for the Landfill; and

NOW, THEREFORE, in light of the above and foregoing declarations, the City and the District enter into this Memorandum of Understanding setting forth their respective roles in the acceptance of fill material from the Lincoln Creek construction project at the Landfill and the construction of an approved cap at the Landfill:

1. **Design Services.** The City shall provide to the District an existing topographic survey of the Landfill and the final grading plan. The City shall prepare any required Erosion Control Plans and Storm Water Management Plans; and will obtain Erosion Control, Storm Water and WPDES permits as required.
2. **Material Approval.** The District shall transport to the Landfill only materials that have been approved by the Wisconsin Department of Natural Resources, hereafter "WDNR". Any materials transported to the Landfill that are found to be unacceptable shall be removed by the District. The District shall provide for all testing required to determine the quality and acceptability of the materials.
3. **Site Preparation.** The District shall provide any preparatory work required at the Landfill. This includes clearing and grubbing. The District shall also provide for removal of cleared and grubbed materials from the Landfill as required by the WDNR. The District shall also provide for all grading required at the site prior to start of cap construction.
4. **Cap Construction.** The District will provide for the transport, grading and compacting of all materials transported to the Landfill. All work at the Landfill shall be controlled by the Special Provisions (Attachment A) and per the final grading plan (Attachment B).

5. **Project Coordination.** The District shall obtain approval from the City and the City of Cudahy for trucking routes to and from the Landfill. The District shall provide all erosion and dust control measures required by the WDNR.
6. **Landfill Closure.** The City shall provide for all documentation to the WDNR to properly close the Landfill.
7. **Inspection.** The City shall provide for surveying and staking required on the project. The City shall also have an inspector on site.

WHEREFORE, the authorized representatives of the parties to this Memorandum of Understanding affix their signatures, being duly authorized to do so.

City of Milwaukee

Milwaukee Metropolitan Sewerage District

By: \_\_\_\_\_  
Mariano A. Schifalacqua  
Commissioner of Public Works

By: \_\_\_\_\_  
Anne Spray Kinney, Executive Director

Date: \_\_\_\_\_

Date: \_\_\_\_\_